

Occupy Durham – Committee to End Corporate Personhood
(c/o ERUUF) 4907 Garrett Rd
Durham, NC 27707

TO: Members of the Durham City Council and Mayor Bill Bell
DATE: April 30, 2012
CC: Tom Bonfield, Durham City Manager; Members of the Durham County Commissioners; Representatives Paul Luebke, Larry Hall, W.A. Wilkins, Mickey Michaux; and Senators Floyd McKissick and Bob Atwater

We appreciate the opportunity to bring our concerns to our City Council. As your constituents, we ask that you address an issue of central importance to our democratic institutions.

Our concern is that in 2010, the U.S. Supreme Court issued a decision, Citizens United v. Federal Election Commission, which essentially held that corporations are people and that corporate campaign contributions are entitled to protection under the First Amendment as free speech. The decision has unleashed an unprecedented flood of corporate donations to candidates, which threatens the fairness of our elections and the integrity of our electoral system. The decision amplifies the voices of powerful interests at the expense of ordinary citizens, whose voices are being drowned out. The impacts are felt at national, state and local levels.

While the concept of a Constitutional remedy may seem drastic, it is what is required to re-establish a truly representative democracy. Members of both houses of Congress have introduced bills calling for a Constitutional amendment to reverse the Citizens United decision. We need to send a clear message to Washington that it is time to return our democracy and our elections to people, real people who live and work in our communities.

In North Carolina, the Asheville, Chapel Hill, Sylva, Carrboro and Franklin City governments, and the Orange County government, have already passed similar resolutions. Nationwide resolutions have been passed by over 140 municipal governments, the Vermont state Legislature, and the Alaska State Senate.

The undersigned represent a broad range of your constituents who agreed on the need to amend the U.S. Constitution to abolish corporate personhood and to give our elected officials the right to regulate corporate campaign contributions.

Specifically, we ask that you pass a resolution in favor of a Constitutional Amendment that would reverse the Citizens United decision. Further, we ask that you join us in urging our leaders at the federal level, including 4th District U.S. Representative David Price, Senator Kay Hagan, Senator Richard Burr, and President Barack Obama, to support or introduce legislation that will end corporate personhood and return our elections to the American people.

Enclosed is a draft resolution for your consideration. We welcome your immediate response.

Respectfully,

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| -- Occupy Durham-Committee to End Corporate Personhood | -- N.C. Peace Action |
| -- Occupy Durham General Assembly | -- NC WARN |
| -- Durham People's Alliance | -- Social Justice Council of the Eno River UU Fellowship |
| -- Democracy NC | -- NAACP – Durham Chapter |
| -- League of Women Voters – Orange/Durham/Chatham | -- Forest Foundation |
| -- Common Cause – NC | -- Clean Water of NC |
| -- Durham Democratic Women | -- Greenways Transit |
| | -- Triangle Labor Council |

Resolution of the Durham City Council to Support an Amendment to the U.S. Constitution to End Corporate Personhood, to Reverse the “Citizens United” Supreme Court Decision, and to Restore Fair Elections to the People.

- (1) WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not of corporations;
- (2) WHEREAS, Corporations are not human, are not people, and are not mentioned in the constitution, but instead are human-made legal fictional entities created by the laws of states and nations, with non-human powers and attributes: they can exist in perpetuity, can exist simultaneously in many nations at once, have limited liability, have special rules for the accumulation of assets, and they need only profit for survival.
- (3) WHEREAS, for the past three decades, a divided United States Supreme Court, by including corporations in the term “persons”, has erroneously transformed the First Amendment into a powerful tool used by corporations seeking to evade and invalidate the people’s laws.
- (4) WHEREAS, the Supreme Court’s 5-4 decision in *Citizens United v. FEC* broke with long-settled legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections;
- (5) WHEREAS, *Citizens United v. Federal Election Commission* unleashes a torrent of corporate money into our political process, amounts unmatched by any campaign expenditure totals in United States history, threatening to dilute and outweigh the free speech rights of ordinary citizens,
- (6) WHEREAS, *Citizens United v. Federal Election Commission* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;
- (7) WHEREAS, the current campaign finance system creates an unequal playing field and allows unlimited corporate spending to unduly influence elections, candidate selection, and policy decisions and also forces elected officials to divert their attention from The Peoples’ concerns, and even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election;
- (8) WHEREAS, corporations invoking the concept of corporate personhood to use the 1st, 4th, 5th and 14th Amendments has resulted in inordinate corporate power surpassing the rights of individuals and their elected representatives, and may in the future result in the further erosion of those individual rights.
- (9) WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court, a process that goes to the heart of our democracy and republican self-government; and
- (10) WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th century, and including the reversal of seven erroneous Supreme Court decisions.

Therefore, be it resolved, that the City Council of Durham, NC encourages federal and state legislative action to defend democracy from the corrupting effects of undue corporate power by increasing disclosure of political money, providing candidates with an option for voter-authorized public funding, and amending the United States Constitution to establish that:

- 1. Only human beings, not corporations, are endowed with constitutional rights, and**
- 2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.**

DATE: _____