

A Resolution on Corporate Personhood  
Draft Resolution No. 72/2011-12

Resolution supporting an amendment to the Constitution to provide that corporations are not entitled to the protections or “rights” of natural persons and to provide that campaign spending does not fall under the free speech protection of the First Amendment and can therefore be regulated.

Whereas, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

Whereas, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

Whereas, in reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

Whereas, in his eloquent dissent, Justice John Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires.... [and] are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

Whereas Montana Supreme Court Justice James C. Nelson recently echoed Stevens’ sentiments, writing that “Corporations are not persons. Human beings are persons, and it is an affront to the inviolable dignity of our species that courts have created a legal fiction which forces people — human beings — to share fundamental, natural rights with soulless creatures of government.”, and

Whereas, The Court’s decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

Whereas, Corporations should not be afforded the protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections;

Now, therefore, be it resolved, that the Carrboro Board of Aldermen opposes the Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, and supports amending the Constitution as advocated nationally by the “Move to Amend” movement, specifically that:

**Section 1** [*A corporation is not a person and can be regulated*]

The rights protected by the Constitution of the United States are the rights of natural persons only. Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

**Section 2** [*Money is not speech and can be regulated*]

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

**Section 3**

Nothing contained in this amendment shall be construed to abridge the freedom of the press.

Be it further resolved that this resolution be forwarded to Carrboro's representatives in the United States Congress.