

RESOLUTION NO. 20220728-097

WHEREAS, government of, by, and for the people has long been a cherished American value, and the rights to self-governance and life, liberty, property, and the pursuit of happiness are guaranteed in the U.S. Constitution and the Declaration of Independence; and

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, and safe and secure food; and

WHEREAS, corporations are human-made legal entities authorized by our government to be created to do business as one entity, and it is a legal fiction to give them the status of personhood; and

WHEREAS, state statutes originally authorized creation of corporations as vehicles to accumulate capital for projects deemed beneficial to the public; and

WHEREAS, it is illogical for an artificial creation that exists only under statutory law to be given constitutional rights that supersede those of humans; and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of the people; and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force to overpower human beings and communities, thus denying the people's exercise of our Constitutional rights; and

WHEREAS, the Constitution does not mention corporations, and the people have never granted constitutional rights to corporations or decreed that

corporations have authority which exceeds the authority of the people of the United States; and

WHEREAS, state law already protects the legitimate functions of corporations to act as one entity, to transact business, to own property, to sue and be sued in a court of law, and to enter into contracts – none of which functions require constitutional rights; and

WHEREAS, the Supreme Court justices' illegitimate bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons and also empowers corporations to sue municipal and state governments for passing laws that violate "corporate rights" even when those laws serve to protect and defend the rights of human persons and communities; and

WHEREAS, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings; and

WHEREAS, the 2010 Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on spending in the electoral process creates an unequal playing field and allows unlimited spending by wealthy individuals, corporations, and other entities to influence elections, candidate selection, and policy decisions; and

WHEREAS, the judicial interpretation to construe spending money in political campaigns as speech is contrary of the notion of one person, one vote and allows those with the most money to have an unfair advantage in a political system that should ensure all citizens have equal access to the political process and to influencing election outcomes; and

WHEREAS, money is property, not speech; and

WHEREAS, harms resulting from corporate constitutional rights extend beyond simply First Amendment political “free speech” rights to spend money in politics and elections to include the First Amendment corporate right “not to speak,” which has prevented local and state governments from passing laws protecting the health, safety, and welfare of residents; and

WHEREAS, this interpretation has in some cases granted corporations Fourth Amendment corporate “search and seizure” rights, which have limited public workplace and environmental safety inspections; Fifth Amendment corporate “takings” rights, which have defined environmental regulations as a “taking” of property; and Fourteenth Amendment due process and equal protection rights, which have given corporate entities the legal defense of “discrimination” if governments provide preferential treatment to local businesses over “chain stores”; and

WHEREAS, corporations have also gained greater economic and political power by using the U.S. Constitution’s Contract and Commerce Clauses to invalidate local and state laws, defying the public’s right to decide locally how best to protect and expand the health, safety, and welfare of their communities; and

WHEREAS, in 2014 the Austin City Council added language to the City’s legislative agenda calling for “a Constitutional Amendment and/or other legislative actions ensuring that money is not considered speech, and therefore the expenditure of money to influence the electoral or legislative process as a form of constitutionally protected speech, and shall be regulated”; and

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the “Move to Amend” campaign to call for an amendment to the U.S. Constitution to abolish corporate personhood and the doctrine of money as speech; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

The Austin City Council reaffirms its support of such a constitutional amendment and hereby calls on our state and federal representatives to join the tens of thousands of citizens, grassroots organizations, and local governments across the country in the “Move to Amend” campaign to call for a constitutional amendment to abolish corporate personhood and the doctrine of money as speech in a step toward empowering America’s human persons and claiming our sovereign right to self-governance.

BE IT FURTHER RESOLVED:

That the Austin City Council calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.

BE IT FURTHER RESOLVED:

That the Austin City Council supports education to increase public awareness of the threats to our democracy posed by corporate personhood and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to respond democratically to these threats.

ADOPTED: July 28, 2022

ATTEST:



Myrna Rios
City Clerk