



**Roll Call Number**

**Agenda Item Number**

38

**Date** December 22, 2014

Request to speak from Carolyn Uhlenhake Walker, 4111 Ingersoll Avenue, regarding amending the Constitution that abolishes corporate personhood and "money is not free speech".

Moved by \_\_\_\_\_ to \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Friday, December 12, 2014 4:03 PM  
**To:** CouncilSpeak  
**Cc:** CityClerk  
**Subject:** Request to Speak Before the City Council - form submission

First Name: Carolyn

Last Name: Uhlenhake Walker

Address: 4111 Ingersoll Ave.

City: Des Moines

State: IA

Zip: 50312

Phone: 515-779-1680

Email: carolynruw@gmail.com

Speaker(s): Carolyn Uhlenhake Walker, Michael Hansen, Adam Mason, Sandra Easter

Meeting Date: Monday, December 22, 2014

Regarding: The organizations-Women's International League for Peace and Freedom and the umbrella organization, Move To Amend, Des Moines- are proposing that the city council adopt a resolution encouraging our state legislature to adopt a resolution calling for an amendment to the Constitution that abolishes corporate personhood and "money is not free speech". Everyone on the council has been presented with the resolution at previous meetings.

Submitted: 12/12/2014 4:03:02 PM

## Des Moines, IA City Council Resolution

**Whereas**, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US 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, safe and secure food, and;

**Whereas**, corporations, unions, and non-profit organizations are artificial entities, and are entirely human-made legal fictions created by express permission of We The People and our government, and;

**Whereas**, these artificial entities can exist in perpetuity, can exist simultaneously in many nations at once, need only profit or donations for survival, and exist solely through the legal charter imposed by the government of We The People, and;

**Whereas**, in addition to these advantages, the great wealth of these artificial entities allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and;

**Whereas**, corporations, unions, non-profit organizations, and other artificial entities are not mentioned in the Constitution, and The People have never granted constitutional rights to these entities, nor have We decreed that these entities have authority that exceeds the authority of We The People of the United States, and;

**Whereas**, interpretation of the US Constitution by appointed Supreme Court justices to include artificial entities in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing these entities with Constitutional protections intended for We The People, and;

**Whereas**, the illegitimate judicial bestowal of civil and political rights upon artificial entities usurps basic human and Constitutional rights guaranteed to human persons, and also empowers these entities to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and;

**Whereas**, artificial entities are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

**Whereas**, some artificial entities' interests are in direct conflict with the essential needs and rights of human beings, and;

**Whereas**, the recent 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, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, 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 be about ensuring that all citizens have equal access to the political process and to influencing the outcome of elections, and;

**Whereas**, money is property, not speech, and;

**Whereas**, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, 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 US Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech;

**Therefore be it resolved** that the City of Des Moines, Iowa hereby calls on our mayor and city council members 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 an Amendment to the Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech and return our democracy, our elections, our communities to America's human persons and to thus claim our sovereign right to self-governance.

**Be it further resolved** that the City of Des Moines calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions. Be it further resolved that the City of Des Moines 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 democratically respond to these threats.

DATE: \_\_\_\_\_

## Why a City Council Resolution?

Why should the Des Moines City Council vote to support a constitutional amendment declaring that only human beings are entitled to constitutional rights and that money is not protected free speech?

1. This is not just a federal issue. The American Legislative Exchange Council (ALEC) has written two bills that limit cities' power to manage broadband in their communities. One would create a single state cable franchising authority; the other makes it harder for local communities to regulate cable providers that use publicly owned rights of way.
2. Over 500 municipalities nationwide have already acted to protect local elections from undue outside influence. A recent Reuters poll found that 75 percent of Americans support limits on campaign spending and 76 percent believe that wealthy donors have more influence than other voters. (For a list, see <https://movetoamend.org/resolutions-map>)
3. In Iowa, the Senate voted to support a resolution opposing Citizens United in March, 2012. Two cities, Buffalo and Dubuque, have also passed resolutions. Citizen groups opposing corporate personhood are active in Ames, Davenport, Decorah, Fairfield, Grinnell, Iowa City, and Waterloo.



Resolutions passed in Iowa: Buffalo (1/20/12); Dubuque (2/3/14)

4. The United States Conference of Mayors has passed a resolution "that corporations should not receive the same legal rights as natural persons do, that money is not speech, and that independent expenditures should be regulated."

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## A Call for a Constitutional Amendment to Overturn *Citizens United v. Federal Election Commission*

On January 21, 2010, the U.S. Supreme Court unleashed a flood of corporate money into our political system by ruling that, contrary to longstanding precedent, corporations have a First Amendment right to spend unlimited amounts of money to promote or defeat candidates. The decision in this historic case – *Citizens United v. Federal Election Commission* – overturned a century of campaign finance law and stands to deal a devastating blow to our democracy unless we act.

### Americans Are Outraged by the Court’s Decision

- Nearly nine in ten Americans (88%) say that big companies have too much power in Washington D.C.<sup>i</sup>
- Eight in 10 respondents oppose the court’s decision in *Citizens United*.<sup>ii</sup>
- Republicans, Democrats and Independents who have heard about *Citizens United* believe by an almost 4-to-1 margin that the ruling is having a negative effect.<sup>iii</sup>
- 83% of Americans (85% of Democrats, 81% of Republicans and 78% of Independents) think there should be limits on how much money corporations can give in elections. And 90% of those with incomes over \$100,000 support such limits.<sup>iv</sup>
- By a 5-1 margin, Americans agree that “there would be less corruption if there were limits on how much could be given to super PACs.” Only 14% disagree with this proposition. 75% of Republicans and 78% of Democrats agree.<sup>v</sup>
- 66% of small business owners view the *Citizens United* ruling as bad for the ability of small businesses to compete. Only 9% say it is good for small business.<sup>vi</sup>

### Since the Court’s Decision, Election Expenditures Have Soared

- Spending by outside groups rose 243% in 2012 over the previous presidential election cycle.<sup>vii</sup>
- Super PACs, which became funnels for outside spending after an appeals court applied *Citizens United*, collectively spent more than \$609 million during the 2012 election cycle. Overall outside spending topped \$1.29 billion.<sup>viii</sup>
- In the 2012 election, the largest super PAC spent an astounding \$142 million.<sup>ix</sup>
- The 2012 election was the most expensive in history, costing more than \$7 billion.<sup>x</sup>

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## Why a Constitutional Amendment

- A constitutional amendment is the long-term solution to fully reverse the court's ruling, restore our rights and assert that democracy is for people, not corporations.
- A corporation is not a person. It does not vote and should not have such tremendous influence over elections; nor should the ultra-wealthy.
- Our elected officials cannot support the well-being of society when they fear that millions of dollars of corporate money will go to defeating them in the next election if they defy corporate interests.
- A constitutional amendment ultimately is the only way to finally overcome the profound challenges to our democracy posed by the *Citizens United* decision.

## Support is growing quickly for an amendment

- So far, **more than 2 million people** have signed petitions in support of an amendment. At least **135 members of Congress** have declared their support.
- More than 120 national organizations – groups concerned about civil rights, the environment, climate change, open government and workers' rights – have endorsed the call for a constitutional amendment ([www.United4ThePeople.org](http://www.United4ThePeople.org)).
- Sixteen states – California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, West Virginia – and the District of Columbia have called for an amendment.
- Nearly 500 local municipalities have called for a constitutional amendment to overturn *Citizens United* and rein in corporate influence.

<sup>i</sup> Harris Interactive (1 Jun 2011) "Big Companies, PACs, Banks, Financial Institutions and Lobbyists Seen by Strong Majorities as Having Too Much Power and Influence in DC." Retrieved 1 April 2013 from: <http://www.harrisinteractive.com/NewsRoom/HarrisPolls/tabid/447/mid/1508/articleId/790/ctl/ReadCustom%20Default/Default.aspx>.

<sup>ii</sup> Eggen, D. (17 Feb 2010, 15 Sept 2011). "Poll: Large majority opposes Supreme Court's decision on campaign financing." *Washington Post*. Retrieved 15 Sept, 2011, from <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/17/AR2010021701151.html>.

<sup>iii</sup> Pew Research Center (17 Jan 2012). "Super PACs Having Negative Impact, Say Voters Aware of 'Citizens United' Ruling, Retrieved 18 Jan 2012 from: <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/>.

<sup>iv</sup> Associated Press. (Aug 2012). "The AP-National Constitution Center Poll." [http://ap-gfkpoll.com/main/wp-content/uploads/2012/09/AP-NCC-Poll-August-GfK-2012-Topline-FINAL\\_1st-release.pdf](http://ap-gfkpoll.com/main/wp-content/uploads/2012/09/AP-NCC-Poll-August-GfK-2012-Topline-FINAL_1st-release.pdf).

<sup>v</sup> Brennan Center for Justice (24 April 2012). "National Survey: Super PACs, Corruption, and Democracy." Retrieved 19 June 2012 from [http://www.brennancenter.org/content/resource/national\\_survey\\_super\\_pacs\\_corruption\\_and\\_democracy](http://www.brennancenter.org/content/resource/national_survey_super_pacs_corruption_and_democracy).

<sup>vi</sup> American Sustainable Business Council (17 Jan 2012). "Poll Results: Money and Politics" Retrieved 18 January 2012 from [http://www.asbcouncil.org/poll\\_money\\_in\\_politics.html](http://www.asbcouncil.org/poll_money_in_politics.html).

<sup>vii</sup> Center for Responsive Politics, "Total Outside Spending by Election Cycle, Excluding Party Committees | OpenSecrets." Retrieved 22 April 2013 from: [http://www.opensecrets.org/outsidespending/cycle\\_tots.php](http://www.opensecrets.org/outsidespending/cycle_tots.php)

<sup>viii</sup> Center for Responsive Politics. "Outside Spending." Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/index.php>.

<sup>ix</sup> Center for Responsive Politics, "Restore Our Future" Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/detail.php?cmte=C00490045&cycle=2012>

<sup>x</sup> Harper, J. (31 Jan 2013) "Total Election Spending: \$7 Billion" *Sunlight Foundation* Retrieved March 1, 2013 from <http://reporting.sunlightfoundation.com/2013/total-2012-election-spending-7-billion/>



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