

RESOLUTION # 001-2013

A RESOLUTION OF THE TOWN OF CRESTONE, COLORADO, ON THE ISSUE OF CORPORATE PERSONHOOD

WHEREAS, government of, by and for the People has long been a fundamental American value, and the inalienable right to self-govern and thereby secure certain fundamental rights is guaranteed in the United States Constitution; and

WHEREAS, Corporate Personhood is defined as the status conferred upon corporations, under either State or Federal laws, permitting corporations to enjoy certain legal rights and responsibilities similar to those of a natural person; and

WHEREAS, the Recent 2002 Bipartisan Campaign Reform Act of 2002 ("BCRA" also known as the "McCain-Feingold" law) prohibited corporations and unions from using general treasury funds to make direct contributions to candidates or independent expenditures that expressly advocate the election or defeat of a candidate through any form of media, in connection with certain qualified federal elections; and

WHEREAS, in a recent legal challenge to the provisions of the McCain-Feingold law that culminated with a United States Supreme opinion known as *Citizens United v. F.E.C.*, 130 S. Ct. 876 (2010), the United States Supreme Court recognized that "First Amendment protection extends to corporations" and that the above-mentioned provisions of McCain-Feingold law prohibiting corporate independent expenditures is viewed as an absolute "ban on speech", which ban violates the First Amendment to the United States Constitution; and

WHEREAS, the U.S. Supreme Court ruling in *Citizens United v. FEC* extends free speech rights to corporations which will allow corporations to overwhelm our democratic process in opposition to the best interests of the American people; and

WHEREAS, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment in the accumulation and distribution of assets that allow them to spend extraordinary sums of money on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, corporations are legally required to prioritize profit production for shareholders over concerns for the greatest good of society while natural persons balance their narrow self-interest and broader public interest when making political decisions; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-governance.

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Town of Crestone Board of Trustees that:

- Only human beings, not corporations or other legal entities of any form or creation, are entitled to constitutional rights and protections; and
- Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

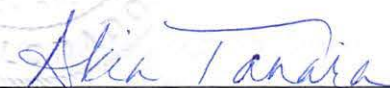
BE IT FURTHER RESOLVED THAT The Town of Crestone supports an Amendment to the United States Constitution consistent with the above-stated positions in the Resolution regarding Corporate Personhood.

PASSED AND ADOPTED this 14th day of January, 2013.



Kairina Danforth, Mayor

Attest:



Akia Tanara, Town Clerk