

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer

When making inquiries relative to
this matter, please refer to the
Council File No.

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
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SHANNON HOPPES
Council and Public Services
Division


www.cityclerk.lacity.org

December 21, 2011

To All Interested Parties:

Chief Legislative Analyst

I HEREBY CERTIFY that the City Council adopted the action(s), as attached, under Council File No. 11-0002-S123, at its meeting held December 6, 2011. The Mayor failed to act by December 19, 2011, DEEMED APPROVED and EFFECTIVE December 20, 2011.


City Clerk
VCW

cc: 8 Certified copies sent to Sacramento Representatives
cc: 8 Certified copies sent to Washington Representatives



OFFICE OF THE MAYOR
ANTONIO R. VILLARAIGOSA

MEMORANDUM

To: City Clerk

From: Gaye Williams, Chief of Staff

Gaye Williams

Date: December 20, 2011

RE: CF 11-0002-S123

Revolve to include in the City's 2011-12 Federal and State Legislative programs, Support for a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

MEMO TO FILE

Council File 11-0002-S123 relative to Council action of December 7, 2011 regarding the above-entitled matter, is herewith returned without Mayor's signature, with the understanding that this item will be considered deemed approved.

RECEIVED
CITY CLERK'S OFFICE
2011 DEC 20 PM 4:22
BY _____
CITY CLERK
DEPUTY

OFFICE TIME STAMP
Mayor's Time Stamp
RECEIVED
2011 DEC -7 AM 8:48
CITY OF LOS ANGELES

CITY CLERK'S OFFICE
City Clerk's Time Stamp
2011 DEC -7 AM 8:39
CITY CLERK
BY _____ DEPUTY

FORTHWITH

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 11-0002-S123

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE DECEMBER 6, 2011

RE: THE CITY'S POSITION ON LEGISLATIVE ACTIONS ENSURING CORPORATIONS ARE NOT ENTITLED TO THE PROTECTIONS OR "RIGHTS" OF HUMAN BEINGS

LAST DAY FOR MAYOR TO ACT DEC 19 2011
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

*DISAPPROVED

DATE OF MAYOR APPROVAL OR DISAPPROVAL _____

MAYOR

vcw

*Transmit objections in writing pursuant to Charter Section 231 (h)

BY _____ DEPUTY

CITY CLERK

2011 DEC 20 PM 4: 22

CITY CLERK'S OFFICE

COMMUNICATION

12-6-11

17

TO: LOS ANGELES CITY COUNCIL

FILE NO. 11-0002-S123

FROM: COUNCILMEMBER RICHARD ALARCÓN, CHAIR
INTERGOVERNMENTAL RELATIONS COMMITTEE

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on Legislative actions ensuring corporations are not entitled to the protections or "rights" of human beings.

Recommendation for Council action, as initiated by Resolution (Garcetti - Rosendahl - Krekorian), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

RESOLVE to include in the City's 2011-12 Federal and State Legislative Programs, SUPPORT for a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst (CLA). The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On November 2, 2011, the Intergovernmental Relations Committee Chair considered a CLA report and Resolution (Garcetti - Rosendahl - Krekorian) relative to the City's position on Legislative actions ensuring corporations are not entitled to the entirety of protections or "rights" of human beings, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

During the discussion of this matter, CLA staff provided an overview of this matter. After providing an opportunity for public comment, the Committee Chair recommended that Council approve the amendments that were recommended by the public and read into the record to include support for a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech. This matter is now forwarded to Council for its consideration.

Respectfully submitted,

COUNCILMEMBER RICHARD ALARCÓN, CHAIR
INTERGOVERNMENTAL RELATIONS COMMITTEE

MEMBER VOTE
ALARCÓN: YES
WESSON: ABSENT

ME
11-0002-S123_rpt_igr_11-30-11

ADOPTED
AS Amended
DEC 06 2011

LOS ANGELES CITY COUNCIL
see attached motion

TO THE MAYOR FORTHWITH

MAYOR WITH FILE

Not Official Until Council Acts

MOTION

WHEREAS, any official position of the City of Los Angeles with respect to Legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the U.S. Supreme Court's 5-4 ruling in Citizens United v. the Federal Election Commission rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the voices of "We the People" and the very foundation of our democracy; and

WHEREAS, U.S. Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the Citizens decision supersedes state and Local efforts to regulate corporate activity in their elections;

NOW THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Motion, the City of Los Angeles hereby includes in its 2011-2012 Federal and State Legislative Programs SUPPORT for Legislative actions ensuring corporations are not entitled to the entirety of protections or "rights" of human beings, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, including a constitutional amendment based on the attached language.

PRESENTED BY: Eric Garcetti
ERIC GARCETTI
Councilmember, 13th District

Bill Rosendahl
BILL ROSENDAHL
Councilmember, 11th District

SECONDED BY: Paul Krekorian
PAUL KREKORIAN
Councilmember, 2nd District

Richard Alarcon

ORIGINAL

[Signature]

ADOPTED

DEC 06 2011

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

DEC - 6 2011

Proposed Constitutional Amendment**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.

DEC - 6 2011