

**COMMITTEE OF THE WHOLE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
AUGUST 17, 2011 9:00 AM**

Members present: Ed Childers, President; Stacy Rye, Vice President; Lyn Hellegaard; Bob Jaffe; Marilyn Marler; Renee Mitchell; Dave Strohmaier; Pam Walzer; Jason Wiener; Jon Wilkins and Cynthia Wolken

Members absent: Dick Haines

Others present: Keila Szpaller, Dthung Stike, Carolyn Squires, Jim Nugent

I. Administrative Business

Minutes dated [August 10, 2011](#) were approved as submitted

II. Public Comment on items not listed on the agenda--None

III. Regular Agenda

- A. Resolution to place a referendum on the November 8, 2011, City of Missoula ballot urging our state and federal elected officials to amend the United States Constitution to abolish corporate personhood. ([memo](#))—Regular Agenda (Cynthia Wolken) (Referred to committee: 08/15/2011)

MOTION: The committee recommends the City Council adopt a resolution to place a referendum on the November 8, 2011 ballot for approval or disapproval by the voters of the City of Missoula. This referendum is a non-binding statement of policy by the citizens of Missoula on the United States Supreme Court decision Citizens United vs. the Federal Election Commission finding that corporations are human beings under the first amendment. The intent of the referendum is to influence the Montana state legislature and United States Congress to amend the United States Constitution to explicitly state that corporations are not human beings.

Cynthia Wolken stated she brought this referral forward after talking with some of her constituents. Many of them expressed they felt their voices were not being heard by the government especially at the state and federal level. If they were being heard then corporations would come in and spend some money to drown them out. After the latest Supreme Court case, regarding Citizens United, she tends to agree with them. Citizen's United declared corporations are people under the law and have the same the First Amendment right to spending as much money as they want to, defeating various candidates and various issue campaigns. Several constituents in her ward think it is wrong and violates their fundamental sense of fairness. Even the most educated voters can become fooled by slick ad campaigns and become confused in various issues. The voters of Missoula should have a say in the issue. She also cleared up her motivation is not an anti-corporate motivation. Corporate structures are important to drive economic growth and drive job growth but not to drive elections and campaigns.

Ed Childers asked for some clarification on if a corporation as a person is allowed to spend unlimited amounts on a campaign whereas a human being as a person is still bound by campaign finance laws. Ms. Wolken stated they are still bound by limits but they have an unlimited number of independent expenditures in getting someone elected.

Dave Strohmaier stated he affirmed his support for this resolution.

Bob Jaffe thanked Ms. Wolken for bringing this forward. He is very supportive of this resolution and it will be a good thing to put on the ballot. He suggested some changes to the resolution:

- Inserting the word “Explicitly” in the “Now, therefore” clause under the Ballot statement.
- In the fourth whereas, “legal fictions”

Jason Wiener suggested the following:

- Whereas, corporations exist only by the express permission of We The People and our government, and;

Mr. Jaffe moved to adopt the resolution as amended.

- The ballot statement should read “FOR urging our state and federal elected officials to amend the United States Constitution to explicitly state that corporations are not human beings;”
- In the 4th whereas; as Mr. Wiener has stated, “Whereas, corporations exist only by the express permission of We The People and our government, and;”
- In the 9th whereas to state: “**WHEREAS**, the judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to only human persons, and;
- Change the 13th whereas: **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;

Stacy Rye stated the point of the 13th whereas is valid but does need some revisions.

Pam Walzer suggested the following for the 13th whereas:

WHEREAS, large corporations own most of America’s mass media and use that media to express their political agenda which forces citizens to toil to discern the truth behind headlines and election campaigning, and

Mr. Wiener suggested the 13th whereas be removed as the resolution stands fine without the clause.

Ms. Wolken stated it is important to have in the resolution but it isn’t a strong feeling one way or the other.

Ms. Rye stated the paragraph has some merit but does agree it needs to be re-worked before Monday’s council meeting. She volunteered to help Ms. Walzer re-write the paragraph.

Marilyn Marler suggested the following:

WHEREAS, large corporations own most of America’s mass media and use that media to exert disproportionate influence and transparency.

Mr. Wiener motioned to strike the mass media clause until there is revised wording. Motioned passed.

Jon Wilkins stated he had some concerns about using the mass media constituting about free speech.

Mr. Jaffe stated by saying the corporation is a person under the constitution grants them the right to free speech. This initiative is saying this

Ms. Rye stated she is happy to support this resolution. She also thanked Ms. Wolken for taking on such a big topic being the new person on the council.

Jim Nugent stated the substance of the title should be in the text of the resolution.

Public Comment

Carolyn Squires, House District 96 representative, stated she supports this resolution. She has dealt with this topic at the state legislature. The area she represents is a low to moderate income area so people in her ward would not have the opportunity to be on an equal footing with corporations. She also noted the race between Republicans and Democrats in Wisconsin who spent more than 40 million dollar in one race. This race was the most high cost legislative race in the history of the state of Wisconsin. It is very significant to have a disclaimer on the particular pieces of legislation and TV ads so they could figure out who was part of it. One issue is the state of Montana does not have a Commissioner of Political practice who can act fast enough. She supports the Commissioner because she would like to see things go the correct way. Ms. Squires has a concern if this resolution supports opening up the constitution then what would be happen to things already in the constitution.

Ms. Wolken clarified this would go in support of amending the constitution and not opening the constitution.

Ms. Squires stated in 1907 the Tillman Act prohibited corporations and national banks from financing campaigns.

On the motion to adopt the resolution passed with 9 Ayes, 1 Nay (Haines), and 2 abstain (Hellegaard and Mitchell).

IV. Held in committee

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
5. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)

V. Adjournment

The meeting was adjourned at 9:50 a.m.

Respectfully submitted,

Nikki Rogers

Deputy City Clerk