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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 3/1/12

SUBJECT: LAW SUIT 7 LAWYER

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: PAUL, ADOLPH, PHILLIPS

ADDRESS: 1212 S.W CLAY apt #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: _____

DAYS: 503-224-9954

EVENINGS: _____

EMAIL: _____

FAX: _____

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

1. Please complete this form and submit to the Board Clerk.
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 2. Written testimony will be entered into the official record.
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GREGORY KAFOURY
MARK McDOUGAL
NATALIE McDOUGAL
JASON KAFOURY

KAFOURY & McDOUGAL

LAWYERS
202 Oregon Pioneer Building
320 S.W. Stark Street
Portland, Oregon 97204

Of Counsel:
LINDA K. WILLIAMS
CHARLES J. MERTEN
Telephone: 503-224-2647
Facsimile: 503-224-2673
www.kafourymcdougal.com

February 27, 2012

Paul Phillips
1212 SW Clay Street, #217
Portland, OR 97201

Dear Mr. Phillips:

I understand you've been telling the Multnomah County Commissioners that I do not respond to you in a timely fashion.

I do not know what you are talking about. It appears to me that you are the one who does not respond to me. I am ridiculously easy to reach, as I am sitting in the same chair in the same office virtually every day, and I take all phone calls, even when I am in a meeting.

Sincerely,



Gregory Kafoury

GK:dch

9:30am
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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
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MEETING DATE: Thurs. 1 March 2012

SUBJECT: County resolution re Constitutional amendment: corporations are not people; money is not speech.

AGENDA NUMBER OR TOPIC: NON-AGENDA

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Jeff Stookey

ADDRESS: 3656 NE Wasco St

CITY/STATE/ZIP: Portland, OR 97232

PHONE: _____ DAYS: 503-232-6867

EVES: _____

EMAIL: jstookey108@gmail.com

FAX: _____

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My name is Jeff Stookey, speaking for Portland Move To Amend.

I am here today to urge the Multnomah County Commission to pass a resolution supporting a Constitutional amendment declaring that corporations are not people and that money is not speech.

It is essential to clarify that Portland Move To Amend is not hostile to business or to the corporate form *per se*. Small businesses create the most jobs in this country. Small businesses do not spend huge amounts of money on elections and lobbying, rather they are busy with day to day operations.

What we **are** opposed to is giant corporations and multinationals usurping control of our government by making huge contributions for electioneering, by financing armies of lobbyists to influence legislation that further advantages these huge corporations, and by encouraging the revolving door between corporate board rooms and government regulatory agencies which in turn favor these same corporations with lax oversight and exemptions from regulation. These and other actions constitute a multi-faceted assault on representative democracy, a struggle in which "We the People," ordinary citizens of the 99%, have lost our sovereignty.

Opponents have claimed that ending corporate personhood will deprive corporations of the ability to do business. This is false. Oregon law states, "Unless its articles of incorporation provide otherwise, every corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation, power to: sue and be sued and complain and defend its corporate name..." (ORS 60.077(2)(a))

Corporations, which are legal fictions, receive **privileges** in state charters. Only flesh and blood human beings have inalienable **rights** such as those enumerated in the U. S. Bill of Rights.

Citizens must respond to our loss of sovereignty at all levels of government because every level is affected. One example: the shrinking budgets at the local, state, and federal levels. Corporate influence of the tax code has resulted in corporations providing "only about 7.9% of government receipts in FY2011, down from 11% in the prosperous 1990s," according to a recent Huffington Post article. Yet still, some of our largest corporations pay no income taxes at all.

http://www.huffingtonpost.com/robert-l-borosage/the-presidents-corporate_b_1296091.html

So I ask the Multnomah County Commission to play its part in the process of regaining sovereign rights for the people by passing a resolution supporting an amendment to the US Constitution that clearly states

1) only human beings, not corporations, are entitled to constitutional rights, and

2) money is not speech, and therefore regulating political contributions and spending (by for-profit or non-profit corporations or by wealthy individuals) is not equivalent to limiting political speech.

Further, I urge the County to instruct our federal delegation to initiate and/or support efforts to so amend the U. S. Constitution.

Thank you.

Proposed language for a resolution:

RESOLVED, the People of the County of Multnomah, Oregon State, call for amending the United States Constitution to establish that:

1. Only human beings, not corporations, are entitled to constitutional rights, and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

Portland City Council resolution language:

<http://www.portlandonline.com/shared/cfm/image.cfm?id=380652>

from the Oregon State Constitution:

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

<http://www.movetoamendpdx.org/>

RESOLUTION No.

Establish as a position of the Portland City Council that corporations should not have the constitutional rights that natural persons possess, that money is not speech and that independent campaign expenditures and campaign contributions should be regulated.

WHEREAS, each year, the City of Portland updates its Federal Legislative Agenda; and,

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings also known as “natural persons”; and,

WHEREAS, corporations can and do make important contributions to our society, but the City Council does not consider them natural persons; and,

WHEREAS, while state and federal governments may provide certain privileges to corporations, these privileges do not equate to the rights of natural persons protected by the U.S. Constitution; and,

WHEREAS, the right to free speech is a fundamental freedom and unalienable right and free and fair elections are essential to democracy and effective self-governance; and,

WHEREAS, United States 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 United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contributions to candidates, but rejected other fundamental interests that the City Council finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and,

WHEREAS, the United States Supreme Court in *Buckley* overturned limits on independent campaign expenditures by individuals, associations, and political action committees because it found that the government’s interest in preventing corruption or perception of corruption of elections was sufficient only to allow limits on direct contributions to candidates; and,

WHEREAS, United States Supreme Court Justice John Paul Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that “money is property, it is not speech,”; and,

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporation’s political ideas” and upheld limits on independent expenditures by corporations; and

WHEREAS, the United States Supreme Court in *Citizens United v. The Federal Election Commission* (2010) overruled the decision in *Austin* and the portion of *McConnell v. Federal Election Commission* (2003) that had upheld restrictions on independent corporate expenditures, holding that the First Amendment protects unlimited direct corporate spending to influence

elections, candidate selection, and policy decisions and to sway votes; and,

WHEREAS, prior to *Citizens United* decision unlimited independent campaign expenditures could be made by individuals and associations, though such committees operated under federal contribution limits; and,

WHEREAS, given that the *Citizens United* decision “rejected the argument that political speech of corporations or other associations should be treated differently” because the First Amendment “generally prohibits the suppression of political speech based on the speaker’s identity,” there is a need to consider other reasons in addition to corruption or the perception of corruption regulating independent expenditures for or against a candidate; and,

WHEREAS, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling that allowed use of corporate treasury dollars for independent expenditures; 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 of the accumulation and distribution of assets; and,

WHEREAS, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self-interest and broader public interest when making political decisions; and,

WHEREAS, Oregon Senator Jeff Merkley and Oregon Representatives Peter DeFazio, Earl Blumenauer, and Kurt Schrader are pursuing campaign finance reform legislation with a focus on addressing *Citizens United* through amendments to the United States Constitution; and,

WHEREAS, addressing both the *Citizens United* decision, and corporate personhood is necessary; and,

WHEREAS, the City Councils of Missoula, Montana; Boulder, Colorado; and Madison, Wisconsin have referred the issue of corporate personhood to their communities for an advisory vote;

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Portland City Council that corporations should not have what is known as, “corporate personhood,” or the constitutional rights that natural persons possess; and,

BE IT FURTHER RESOLVED given its impact on free and fair elections and effective self-governance that Portland City Council determines that the most urgent action needed to address the negative impacts of United States Supreme Court *Citizens United (2010)* decision is to stop unlimited independent campaign expenditures by corporations; and,

BE IT FURTHER RESOLVED that the City of Portland hereby includes in its 2012 Federal Legislative Agenda support for an Amendment to the United States Constitution, which consistent with this Resolution, reverses the impacts of *Citizens United*, including, but not limited to the provisions of the current drafts of S. J. Res. 29 introduced by Senator Tom Udall of

New Mexico and Senator Jeff Merkley of Oregon and H.J. Res. 72 introduced by Representative Kurt Schrader of Oregon and co-sponsored by Representatives Earl Blumenauer and Peter DeFazio of Oregon; and, respectfully urges Oregon's Congressional delegation to prioritize congressional proposal of an amendment to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it; and,

BE IT FURTHER RESOLVED that Portland City Council requests that the City Attorney's Office determine the legality and process of referring an advisory vote to the citizens of Portland on the issue of corporate personhood, and present their findings within 30 days to the Council for further consideration; and

BE IT FURTHER RESOLVED that the City of Portland calls on other communities and jurisdictions and organizations like the U.S. Conference of Mayors and National League of Cities to join with us in this action by passing similar Resolutions.

Adopted by the Council:

Mayor Sam Adams

Prepared by: Clay Neal & Jennifer Yocom

Date Prepared: January 5, 2012

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Deputy

<http://movetoamend.org/amendment>

Amendment

Section 1 [*Corporations are not people 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.



The US "Corporate" Supreme Court

US Supreme Court Attacks **DEMOCRACY**

On January 21, 2010, the conservatives on the US Supreme Court struck down most of the limits which prevented corporations for the past 100+ years from spending their vast wealth directly on political campaigns.

The Court decided - in the Citizens United v. FEC decision - that corporations have free speech rights which cannot be abridged. While the Bill of Rights says nothing about corporations having human rights, these activist judges have trampled democracy again by giving our human rights to these non-human legal entities.

Human beings are born and die, they know right from wrong, they care about many things. Corporations exist mainly to produce profit. This simple truth seems to be lost on the corporatist members of this Supreme Court.

It's time to amend!

www.MoveToAmend.org

Allowing unlimited corporate money in our political process increases the power of corporations to drown out, to overwhelm, the needs and voice of the people.

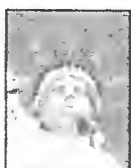
Corporations become our masters, instead of our servants. Since 1866, courts have handed our human rights to corporations. Armed with our human rights and legal privileges, large corporations have amassed fantastic wealth and power, undermined our sovereign self-governance and created a democracy crisis.

Amending the US Constitution to make clear that corporations are not people and should not have our rights is the only way to end this corporate domination.

Let's change the rules!

Join with the Alliance for Democracy in calling for
Constitutional Amendments to **END CORPORATE PERSONHOOD.**

We call for Constitutional Amendment(s) that will abolish corporate personhood; establish that money is not speech; guarantee the right to vote and to participate and to have our votes and participation count; protect local communities, their economies, and democracies against control and domination by large corporations or other entities like the World Trade Organization (WTO) and World Bank.



ALLIANCE
for
DEMOCRACY
portland chapter

| 112 NE 45th Ave. Portland OR 97213 |

| davidafd@ymail.com | www.afd-pdx.org |

National: www.theAllianceForDemocracy.org

Sign the petition at www.MoveToAmend.org

**Join the effort in Portland at
www.MoveToAmendPDX.org**



END CORPORATE RULE. LEGALIZE DEMOCRACY.

MOVE TO AMEND

What Could Change if Corporate Personhood Were Abolished?

If *We the People* are sovereign, we must control the government. Corporations are created and chartered by the government which, acting on behalf of *We the People*, gives corporations privileges, not rights. Neither the government, without the consent of the governed, nor corporations have the right to rule over the people. Since corporations have gained the legal status of persons, corporations have accumulated rights and become rulers — in other words, they can tell the government what to do.

Corporate legal personhood was wrongly given — not by *We the People*, but by nine Supreme Court judges in 1886. Corporate Personhood is bad for democracy, people, and the planet because it has allowed an artificial entity to legally relegate people to subhuman status. *We the People* have the sovereign right — indeed, duty — to abolish Corporate Personhood.

When Corporate Personhood is abolished, here are some actions *We the People* can take that are currently “beyond our authority”:

1. Prohibit all political activity by corporations — stop all corporate political donations and all corporate lobbying. These activities are currently legal because “corporate persons” are protected under the First Amendment.
2. Prevent corporate mergers and prohibit corporations from owning stock in other corporations. Regulation of these activities was overturned because “corporate persons” are protected under the due process clause of the Fourteenth Amendment.
3. Inspect for environmental or health violations without a warrant or prior notice. The Fourth Amendment protects “corporate persons” from search without a warrant, protecting corporate polluters from concerned citizens and regulatory agencies.
4. Revoke corporate charters by popular referendum. This is now illegal because “corporate persons” are entitled to equal protection and due process under the Fourteenth Amendment.
5. Prohibit the erection of cell phone towers and chain stores from doing business in your town, county, and state. Civil rights legislation and the Fourteenth Amendment are used to ensure that “corporate persons” have an equal opportunity to be part of our communities.
6. Stop advertising for tobacco, guns, and other dangerous products. “Corporate persons” are entitled to free speech under the First Amendment, with “commercial speech” increasingly protected by the federal courts.
7. Levy differential taxes for corporations and restrict their size. The Fourteenth Amendment protects “corporate persons” from unfair discrimination (although they don’t complain when they get big tax breaks).
8. Require labelling of genetically modified foods. This is currently prevented because the First Amendment protects the right of “corporate persons” NOT to speak.

If Corporate Personhood were abolished, none of these things would change automatically. New laws could be written and old laws could be challenged in court to eliminate the kinds of protections that have enabled “corporate persons” to amass so much wealth and power.

Remember: judge-made law is not democracy! *We the People* have the power to change this.

This list was compiled by the Women’s International League for Peace and Freedom, a coalition partner with MoveToAmend.org.

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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
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MEETING DATE: 1 Mar 12

SUBJECT: MTA Resolution

AGENDA NUMBER OR TOPIC: Non-Agenda, MTA Resolution

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Steven Reynolds

ADDRESS: 12715 SE Reedway st

CITY/STATE/ZIP: Portland, OR 97236

PHONE: DAYS: 503-975-2677

EVES: ☒

EMAIL: cady@orneeds.it

FAX: ☒

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MEETING DATE: 3/1/12

SUBJECT: Resolution Supporting Constitutional Amendment

AGENDA NUMBER OR TOPIC: Corporate Personhood & Money
as Political Speech

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Erin Madden

ERIN

ADDRESS: 3756 SE Lafayette Ct

CITY/STATE/ZIP: Portland OR 97202

PHONE: DAYS: 503 - 753 - 1310

EVES: same

EMAIL: erin.madden@gmail.com

FAX: _____

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MEETING DATE: 3-1-12

SUBJECT: County Fees

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mike O'Callaghan

ADDRESS: Homeless

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

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We All Have
The Right 2 Rest,
The Right 2 Sleep, and
The Right 2 Dream Too!

Visit our model community encampment at the corner of NW 4th Ave. and W Burnside.





Help Keep Our Mission and Dream Alive.

Right 2 Dream Too is committed to waking people up to the importance of sound sleep and breaking the cycle of homelessness. Right 2 Dream Too provides members a refuge, a community structure, and a safe place to sleep in order to get the kind of rest we all require to be our best every day.

Our staff of volunteers is trained in non-violent communication by the Sisters of the Road and contribute to an educational and nurturing environment for up to 70 people at our downtown Portland facility.

Visit www.right2dreamtoo.wordpress.com for more information on our mission or to learn how you can help. You can also visit us at the corner of **Northwest 4th Avenue and West Burnside.**

