

Cleveland Heights Initiative Calling on Congress to Amend the U.S. Constitution to Establish That Corporations Are Not People and Money Is Not Speech

[passed with 77% support of voters in November, 2013]

WHEREAS, free and fair elections are essential to American democracy and effective self-governance; and

WHEREAS, in a 2010 decision by the U.S. Supreme Court, *Citizens United v. Federal Elections Commission*, the Supreme Court ruled that corporate entities have the same rights as individual human beings to free speech protections and unrestricted spending on political speech; and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic Constitutional rights guaranteed to human beings, and also empowers corporations 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, money is property, not speech, and therefore the judicial interpretation of money as equivalent to political speech in effect contradicts the principle of one person, one vote by allowing unlimited spending by wealthy individuals and corporations to influence campaigns, elections, lawmaking and public policy decisions; and

WHEREAS, local governments play an important role in protecting the integrity of our political process,

THEREFORE, BE IT ORDAINED by Initiative by the people of Cleveland Heights, Ohio, that the Administrative Code of the Cleveland Heights Codified Ordinance be amended to enact a new Title XV, “Political Influence,” which shall read as follows:

Chapter 183: Political Influence by Corporate Entities

Section 183.01: Beginning in 2014, City Council shall hold a public hearing during the third week of January each year to examine the impact on our City, our state and our nation of political influence by corporate entities and big money in connection with the most recent election. Corporate entities include business corporations, Political Action Committees, Super PACs, 501 c4 groups and unions. Members of the general public in attendance shall be afforded the opportunity to speak on these matters for up to five minutes per person. The public hearing shall be held during an evening or weekend time. The City will publicize the public hearing on its website and in area media at least two weeks in advance. The City shall record the minutes of the hearing and make them available to the public no later than March 1 of each year by posting them on the City’s website.

Section 183.02: Within one (1) week following the annual Public Hearing, the Clerk of City Council shall send a letter to the leaders of the Ohio House and Senate, to our U.S. Congressional Representative, and to both Ohio Senators. The letter shall include a brief summary of the Public Hearing and will state that the citizens of Cleveland Heights in November 2013 voted in support of a Citizens’ Initiative calling for an amendment to the U.S. Constitution declaring:

1. Only human beings, not corporations, are legal persons with Constitutional rights, and
2. Money is not equivalent to speech, and therefore, regulating political contributions and spending does not equate to limiting political speech.

Section 183.03: The annual Public Hearings will no longer be required if and when a Constitutional Amendment reflecting the principles set forth in Section 183.02 is ratified by three-quarters (3/4) of the state legislatures.