



February 4, 2021

Via First-Class Mail

Senator Sherrod Brown
713 Hart Senate Office Building
Washington, D.C. 20510

Senator Rob Portman
448 Russell Senate Office Building
Washington, D.C. 20510

Congresswoman Marcia L. Fudge
2344 Rayburn House Office Building
Washington, D.C. 20515

Senate President Matt Huffman
Statehouse
1 Capitol Square, 2nd Floor
Columbus, OH 43215

Speaker of the House Robert R. Cupp
77 S. High St, 14th Floor
Columbus, OH 43215

Dear Government Officials:

In November 2013, the citizens of the City of Cleveland Heights, Ohio voted in support of a Citizens' Initiative which enacted Chapter 183 of the Codified Ordinances of the City of Cleveland Heights, Ohio and calls 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 do not equate to limiting political speech.

Chapter 183 requires an annual hearing before the City Council. Accordingly, on January 28, 2021, the City Council of Cleveland Heights held a public hearing to examine the impact on its 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 were afforded the opportunity to speak on these matters for up to five (5) minutes per person.

The public hearing started at 7:09 p.m. and finished at 8:58 p.m. on January 28, 2021. Twenty (20) members of the public spoke. Vice President of Council Kahlil Seren and Council Members Melody Joy Hart, Davida Russell, Michael N. Ungar, and Mary Dunbar were in attendance. Minutes of the meeting will be available no later than March 1, 2021, on the Cleveland Heights' official website at <http://www.clevelandheights.com>.

This was Cleveland Heights' 8th Annual Democracy Day. The entire 2021 hearing may be viewed by going to YouTube, and typing in "Cleveland Heights January 28 2021."

Very truly yours,

A handwritten signature in blue ink that reads "Amy Himmlein". The signature is fluid and cursive, with "Amy" on the top line and "Himmlein" on the bottom line.

Amy Himmlein
Clerk of Council
City of Cleveland Heights

cc: Susanna Niermann O'Neil, City Manager
William R. Hanna, Director of Law

Summary of Testimony from Cleveland Heights' 8th Annual Democracy Day

(Public Hearing hosted by Cleveland Heights City Council and held virtually on January 28, 2021)

Almost 100 people virtually attended Cleveland Heights' 8th Annual Democracy Day, with 20 people testifying before City Council members Khalil Seren, Michael Ungar, Mary Dunbar, Davida Russell and Melody Hart. Council Vice President Seren presided.

Public testimony began with the announcement that in November 2020, Painesville became the latest Ohio city to vote for a citizens' initiative calling for a 28th amendment to the U.S. Constitution. The amendment they stipulate clearly states that corporate entities do not have the constitutional rights of human beings, and money, not being speech, can be regulated in political campaigns. In addition, the Painesville initiative establishes regular Democracy Day public hearings like the one here and in many other cities, for citizens to testify before their local officials about the need for the amendment.

The strenuous protection of illegitimate corporate "rights" by the Ohio General Assembly and/or the courts was a particular focus of the testimony presented this year. Speakers showed again and again how each "right" granted to a corporate entity was matched by the pre-emption or violation of one or more rights guaranteed to The People under the Ohio Constitution. Here are some examples from the litany of shame speakers recounted:

- Ohio SB33, unexpectedly passed by the General Assembly in December 2020 and subsequently signed by the governor, is similar to vague and sweeping "criminal infrastructure" bills that have been introduced in 15 states since 2016. Since Ohio already has laws against trespass and vandalism, the editorial board of the Plain Dealer wrote when SB33 was introduced that "the intent is obvious: to suppress protests, curtailing Ohioans' free speech rights to peaceful assembly guaranteed by the state Constitution" (5/12/2019). It is an egregious law, authored specifically by Oil & Gas Industry interests to undermine and chill political action by citizens exercising their constitutional rights.
- The Ohio General Assembly's failure to repeal HB6 seems incomprehensible after the bill's exposure as "likely the largest bribery money laundering scheme ever perpetrated against the people of the state of Ohio," according to U.S. Attorney David DeVillers. But it is easier to understand in the light of Ohio's energy industry having bought off political officials across the state with campaign contributions totaling \$36 million from 2012 through 2018. The legislature's refusal to repeal the utterly corrupt HB6 means higher utility rates will continue to be paid by Ohio consumers to bail out antiquated nuclear and coal plants while state renewable energy and energy efficiency standards remain gutted. Ohioans overwhelming support repealing HB6. But as the speaker pointed out: "None of this will ever change unless we abolish money as political speech and corporate constitutional rights."
- On behalf of the League of Women Voters, a Cleveland Heights resident addressed Ohio redistricting reform, pointing out "With gerrymandering, Dems and the GOP regularly switch between being the perp and being the victim, but the voter is always the victim." She outlined the work of the LWV and Ohio voters to launch and pass two ballot referendums to reform the redistricting process: "one for statehouse districts in 2015 and one for congressional districts in 2018." She alerted city council, speakers, and attendees that we all have a role to play in monitoring state lawmakers to ensure that they create fair redistricting maps for Ohio. Search on "lww greater cleveland" for more information.
- Another speaker addressed the way Ohio funds public education, which repeatedly has been found unconstitutional by the Ohio Supreme Court. HB305, the bi-partisan Fair School Funding Plan, would rectify public school budget shortfalls with these measures: property values would no longer be the prime determinant of how much state funding local districts receive; and vouchers for students attending charter or religious schools would be paid for by the state, but not be deducted from local districts' state funding allotment. Despite the effective plan put forward, Republicans who control the Ohio Senate have refused to bring HB305 to the floor for a vote. AGAIN, Ohio's legislators are failing the state's schoolchildren.

- While appointed federal judges may not be the direct targets of corporate lobbying, corporations routinely defend their “civil rights” by filing amicus (friend of the court) briefs in cases that affect their interests. A speaker testified how, with an April 30, 2020 decision strongly supported by amicus briefs from business and industry, a federal district court judge contravened a fundamental right of Ohioans granted by the Ohio Constitution, Article II of which states: “The first power reserved by the people is designated the initiative.” The speaker further noted, “The people, who understand that our right to self-govern and to use the initiative as a peaceful check and balance on government is worth a fight... filed an appeal.”

Additional testimony addressing topics subject to undue corporate influence and the corrupting power of unregulated money in politics included:

- Water Woes (Akron City Council may allow fracking to threaten the city’s water supply)
- Money in U.S. Elections Blew Past All Projections
- Since We Really Need the U.S. Postal Service – What to Do?
- Gun Laws Matter
- Wall Street Commodification of Police Brutality
- The Falsehoods of Citizens United
- Who Funds Members of Congress to Subvert Democracy?
- Local Democracy – Improving Political Discourse in Cleveland Heights
- The Abyss Between What Americans Want & What Our Elected Officials Will Consider
- Race & Democracy
- The History Behind HJR-48

In the recently concluded 116th U.S. Congress, HJR-48 “Proposing an amendment to the Constitution of the United States providing that the rights extended by the Constitution are the rights of natural persons only” (and also stipulating that money spent to influence elections can be regulated) attained a total of 75 co-sponsors, the highest number ever. Members of the Ohio congressional delegation Marcia Fudge, Tim Ryan and Marcy Kaptur were all co-sponsors. HJR-48 will be re-introduced by primary sponsor Pramila Jayapal (D-WA) in the 117th Congress in 2021.

After hearing the public’s testimony, the member of Cleveland Heights City Council in attendance added their personal perspectives. Councilor Hart’s remarks included: “From my career as an executive, I can definitively say that corporations are not people...corporations should not be able to buy votes on issues. They have a role in this country, but corporations are about profit, not about the good of the country.” Council members Dunbar, Russell and Ungar lauded the speakers for their enlightening and heartfelt testimony on democracy issues of local, state and national significance. Council Vice President Seren concluded: “In my view, the purpose of government is to achieve those goals collectively that we cannot achieve individually...Corporate influence has corrupted this basic principle in every facet of government. Move to Amend has my absolute support. Thank you to all the presenters.”

The entire hearing may be viewed by going to YouTube and typing in “Cleveland Heights January 28, 2021.”

Respectfully submitted,

Carla Rautenberg and Greg Coleridge, for Cleveland East Move to Amend, 2/02/2021