

**PRESENTED BY: MAURER, SOYARS, DEBEVEC
ENDRES, LYSENKO, WAGNER, MEGYES, AVANT & FREY**

**RESOLUTION NO. 134-2012
SPONSORED BY: MR. LYSENKO**

TITLE: LIMITING RIGHTS OF CORPORATIONS

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT, WITH OTHER COMMUNITIES ACROSS THE COUNTRY, THE EFFORT TO DEFEND DEMOCRACY FROM THE CORRUPTING EFFECTS OF UNDUE CORPORATE POWER BY AMENDING THE UNITED STATES CONSTITUTION, AND DECLARING AN EMERGENCY.

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of individual human beings (“natural persons”), not corporations; and

WHEREAS, Corporations are not people but instead are artificial entities created by the law of states and nations; and

WHEREAS, the Court’s ruling in *Citizens United v. FEC* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, Justice John Paul Stevens’ opinion for the four dissenting justices in *Citizens United v. FEC* 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, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, *Citizens United v. FEC* has in fact unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, the United States Supreme Court’s ruling in *Citizens United v. FEC* represents a serious and direct threat to our democracy; and

WHEREAS, the general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and

WHEREAS, in 1816, former President Thomas Jefferson wrote, “I hope we shall crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country”; and

WHEREAS, in his 1910 “New Nationalism” speech, former President Theodore Roosevelt stated that, “It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes...have supplied one of the principal sources of corruption in our political affairs.”

WHEREAS, in his dissenting opinion in *Citizens United v FEC*, Justice John Paul Stevens observed that “At bottom, the Court’s opinion is...a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt....While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.”

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, notwithstanding the decision in *Citizens United v. FEC*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Council of the City of Barberton stands with communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

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

SECTION 2. That the Council of the City of Barberton hereby instructs our state and federal representatives to enact resolutions and legislation to advance this effort.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, and in order to go into effect immediately to confirm support, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed July 23 2012
Susan Mateuck Clerk of Council
Fredrick S. Mause President of Council

Approved July 24, 2012
William B. Judge Mayor