

**PASSED ON 4/25/19**  
Resolution 5--2019

Presented by:  
Councilman Michael Carano

A RESOLUTION RECOMMENDING AN AMENDMENT TO THE UNITED STATES CONSTITUTION ABOLISHING THE RIGHTS OF CORPORATIONS TO BE PROTECTED AS PERSONS UNDER THE UNITED STATES CONSTITUTION AND DECLARING AN EMERGENCY

WHEREAS, more than 600 communities across the country have passed resolutions or ballot initiatives declaring only human beings, not corporate entities (I.e. business corporations, non-profit corporations and unions) have constitutional rights and that political money in elections is not a form of First Amendment-protected “free speech,” including communities with political leanings across the political spectrum — such as in Ohio the communities of Barberton, Brecksville, Athens, Chagrin Falls, Cleveland Heights, Defiance, Lakewood, Oakwood Village, Toledo, Mentor, Dayton, Cleveland and others, and

WHEREAS, several major independent business coalitions, the American Independent Business Alliance (AMIBA) and the Committee for Economic Development opposed the *Citizens United vs FEC* 2010 Supreme Court decision, arguing that expanding corporate political power only further increases their economic power via political favors, which harms small businesses; and

WHEREAS, a survey by Public Policy Polling in Sept 2018, underwritten by the Open Markets Institute, showed that 76 percent of respondents were either somewhat or very concerned that “big corporations have too much power over your family and your community,” while a stunning 88 percent were either somewhat or very concerned that big corporations have too much power over politicians; and

Whereas, a person is a private entity with rights and sovereignty, while a corporation is a public entity subject to specific obligations and responsibilities as designated by the state; and

WHEREAS, the word corporation does not occur in the Constitution, the Founders setting up a new government based upon “We the people...,” in short, upon the desires of living human beings; and

WHEREAS, corporations are publicly created, artificial entities subordinate and subject to special regulations as chartered by the state; and

WHEREAS, although corporations make important contributions to our society many, but not all, are required by law to put profit ahead of any other concern, and can exist simultaneously in across borders to many nations; and

WHEREAS, former U.S. Senate Judiciary Committee, Chair Patrick Leahy, stated that the Citizens United ruling “will allow major corporations – who should have law written to control their effect on America-to instead control America;” and former Republican Senator Warren Rudman wrote, “Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the rich are heard”; and

WHEREAS, the U.S. Supreme Court increasingly has extended to corporations some of the provisions which the Bill of Rights and the 14th Amendment established exclusively for natural human beings;

WHEREAS, the U.S. Supreme Court’s 2010 ruling in *Citizens United vs. the Federal Election Commission*, threatens our democracy and the preeminent position of living persons by rolling back limits on corporate spending in electoral campaigns, allowing torrents of corporate money to drown out the voices of “We the People”; and

WHEREAS, pertaining to its special character and goals, the Tallmadge City Council asserts that corporations are not natural persons with the same rights as individual citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1: That the City Council of Tallmadge join hundreds of other communities across the country in calling for freeing democracy from corporate control by amending the U.S. Constitution to establish that:

a. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

b. Only human beings, not corporations, are entitled to constitutional rights.

SECTION 2. That the Tallmadge City Council requests that our elected representatives support a constitutional amendment containing the above principles.

SECTION 3. That the Tallmadge City Council calls on other communities to join the movement to amend the U.S. Constitution in actions that defend our right to self-governance.

SECTION 4. That the City of Tallmadge designate one of its annual Tallmadge Circle music events as “Democracy Day” each July and invite all interested political parties/formations and issue groups to set up informational booths, to generate public involvement in our democracy, and in the words of President Abraham Lincoln so that “government of the people, by the people, for the people, shall not perish from the earth” (event to begin two hours before musical presentation).

SECTION 4. That the Tallmadge City Council directs that this Resolution be posted on its website

and sent to U.S. President Donald Trump, the leaders of the U.S. House and Senate majority and minority, the Judiciary Committee Chair, U.S. Senators Sherrod Brown and Rob Portman, U.S. Representative Tim Ryan, Governor Michael DeWine, State Senator Vernon Sykes, State Representative Anthony Devitis, and local media outlets the *Tallmadge Express* and the *Akron Beacon Journal*.

SECTION 5. It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Tallmadge, or to provide for the usual daily operation of a municipal department, to wit:  
“to ensure that this Resolution on an important subject is communicated to our national leaders in a timely manner” and shall take effect immediately upon passage.

Passed:

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Susan E. Burton, Clerk of Council  
MER/jt  
2/7/19  
Filed with the Mayor \_\_\_\_\_

\_\_\_\_\_  
Carol A. Kilway, President of Council  
  
Approved:

\_\_\_\_\_  
David G. Kline, Mayor

This \_\_\_25\_\_\_ day of \_\_\_April\_\_\_, 2019

Committee Assignment: \_\_\_\_\_

Readings: 1st \_\_\_\_\_ 2d \_\_\_\_\_ 3d \_\_\_\_\_

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David G. Kline Mayor

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Mollie Gilbride, Director of Finance

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Megan E. Raber, Director of Law

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Craig B. Sisak, Member of Council

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Rebecca S. Allman, Member of Council

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James M. Donovan, Member of Council

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Carol A. Kilway, Member of Council

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Michael J. Carano, Member of Council

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Dennis K. Loughry, Member of Council

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Mary E. Tricaso, Member of Council