



January 22, 2019

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 Larry Obhof
Statehouse
1 Capitol Square, 2nd Floor
Columbus, OH 43215

Speaker of the House Ryan Smith
77 S. High St, 11th 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 does not equate to limiting political speech.

Chapter 183 requires an annual hearing before the City Council. Accordingly, on January 17, 2019, 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 7:00 p.m. and finished at 9:00 p.m. on January 17, 2019, in the City Hall Council Chambers at 40 Severance Circle, Cleveland Heights, Ohio. Twenty (20) members of the public spoke. Vice Mayor Melissa Yasinow and Council Members Mary Dunbar, Kahlil Seren, and Michael N. Ungar were in attendance. Minutes of the meeting will be available no later than March 1, 2019, on the Cleveland Heights' official website at <http://www.clevelandheights.com>.

Very truly yours,



Susanna Niermann O'Neil
Acting Clerk of Council
City of Cleveland Heights

cc: Tanisha R. Briley, City Manager
L. James Juliano, Jr., Director of Law

Summary of Testimony from the Cleveland Heights Democracy Day Public Hearing held on January 17, 2019

About 40 people attended the hearing, with 20 testifying before Cleveland Heights Vice Mayor Melissa Yasinow and Council members Kahlil Seren, Mary Dunbar and Michael Ungar.

Public testimony began with an update about the progress of Move to Amend and the proposed 28th Amendment to the U.S. Constitution (House Joint Resolution 48) to end corporate constitutional rights and the doctrine that money equals political speech. At the end of 2018, HJR-48 had 66 co-sponsors; it will be re-introduced in the 116th Congress by a new lead sponsor, Rep. Pramila Jayapal (WA-07).

Resolutions supporting the 28th Amendment will also be re-introduced in the Ohio House and the Ohio Senate early in the 133rd General Assembly of Ohio.

Citizen activists have collected sufficient signatures to place an initiative on Painesville's November 2019 ballot – it will support the 28th Amendment (HJR-48) and create regular Democracy Day hearings in that city.

In 2019, Democracy Day public hearings created by citizens' initiatives that have already won passage at the ballot will be held in these Ohio communities, in addition to Cleveland Heights: Toledo, Cleveland, Shaker Heights, South Euclid, Kent, Newburgh Heights, Brecksville, Defiance, Mentor and Chagrin Falls.

The hearing proceeded with testimony covering a wide range of issues, many of which affect the lives of Cleveland Heights residents every day. Here is just a sample of what was said:

- A resident addressed the fossil fuel industry's hold on the Ohio legislature, pointing out that our state senator, Democrat Sandra Williams, has First Energy as her largest named contributor, and also receives donations from AEP, Dominion, and BP America, among others. Senator Williams voted against reinstating Ohio's Renewable Energy Standards and for Senate Bill 250.
- Another citizen testified about Ohio Senate Bill 250, which criminalizes peaceful protest against power plants and gas lines on private property by making such protests felonies. SB 250 also intimidates Ohio organizations with \$100,000 fines if they object to or impede certain private infrastructure or even work with citizens exercising their free speech and association rights. The speaker noted that SB 250 is based on model legislation drafted by the American Legislative Exchange Council (ALEC) and that similar bills were introduced and passed in several states around the country shortly after the protests of the Dakota Access Pipeline near Standing Rock Indian Reservation.
- The chair of the local chapter of the League of Women Voters spoke about the threat to direct democracy recently posed by Ohio House Joint Resolution 19, which significantly weakens and obstructs citizens' access to the initiative process guaranteed by the Ohio Constitution. She pointed out that just the prospect of a citizen-initiated ballot issue recently "inspired" Ohio legislators to put a negotiated reform of Congressional gerrymandering on the ballot, where it easily passed. In contrast, voters in states that lack the citizens' initiative have virtually no hope of reforming gerrymandering. Although the anti-democratic Ohio HJR-19 died in the last legislative session, the LWV fully expects to see these ideas emerge again in the current session of the Ohio General Assembly.

- A resident presented a “Constitution in a Box,” and cleverly illustrated only 10 cases (out of dozens) in which U.S. Supreme Court decisions have, over 200 years, enabled corporate perversions of the 1st, 4th, 5th and 14th Amendments, as well as the Contract Clause and the Commerce Clause of the U.S. Constitution. Examples included: the 1906 *Hale v. Henkel* decision giving corporations “search and seizure” protections shielding them from government inspections and accountability to the public; and *Buckley v. Valeo* in 1976, which declared that political money spent on elections is a form of constitutionally protected “free speech.”

The following topics were also addressed as being subject to undue corporate influence and the corrupt power of unrestricted money in politics:

- “My Life As a Corporation” – a poem
- “Is the Corporation a Real Person?” – a short play
- The importance of shopping local to save Main Street in the age of Amazon
- How testing corporations drain funding from public education and harm students
- The difficulty of passing common sense gun laws due to corporate influence and the NRA
- How a major corporation has harmed generations of children by blocking lead remediation
- Instead of a bulwark against corporate excesses, government has become a corporate servant
- The fight for better public transit -- against corporate interests every step of the way
- Whose pockets are lined when private prison contractors make millions by detaining immigrants
- The Ohio legislature, the handmaiden of corporate interests, pre-empts local home rule
- Why Lake Erie Needs a Bill of Rights

This was Cleveland Heights’ 6th Annual Democracy Day. The entire 2019 hearing may be viewed by going to Youtube, and typing in “Cleveland Heights January 17 2019.”

Respectfully submitted by

Carla Rautenberg and Greg Coleridge
for Cleveland East Move to Amend

1/23/2019