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 Matuck
Clerk of Council

President of Council

Approved ______________ July 24, 2012
William B. Judge
Mayor