

RESOLUTION NO. 2012- 1875

A RESOLUTION AUTHORIZING CITY COUNCIL OF FREMONT TO ESTABLISH A POSITION THAT CORPORATIONS SHOULD NOT RECEIVE THE SAME LEGAL RIGHTS AS NATURAL PERSONS, THAT MONEY IS NOT SPEECH, AND THAT INDEPENDENT EXPENDITURES SHOULD BE REGULATED, AND DECLARING AN EMERGENCY.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings, also known as “natural persons”; and

WHEREAS, corporations can and do make important contributions to our society, but the City Council of Fremont does not consider them natural persons; and

WHEREAS, the right to free speech is a fundamental freedom and inalienable right, and free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, United States Supreme Court Justice Hugo Black, in a 1938 opinion stated, “I do not believe the word ‘person’ in the Fourteenth Amendment includes corporations”; and

WHEREAS, the United States Supreme Court held in Buckley v. Valeo (1976) that the appearance of corruption justified limits on contributions to candidates, but rejected other fundamental interests that the City Council of Fremont finds compelling, such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, the United States Supreme Court in Buckley overturned limits on independent expenditures because it found that the corruption, or perception of corruption, was only applicable to direct contributions to candidates; and

WHEREAS, United States Supreme Court Justice John Paul Stevens observed in Nixon v. Shrink Missouri Government PAC (2000) that “money is property, it is not speech”; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporation’s political ideas” and upheld limits on independent expenditures by corporations; and

WHEREAS, the United States Supreme Court in *Citizens United v. The Federal Election Commission* (2010) reversed the decision in *Austin*, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, prior to *Citizens United* decision, unlimited independent campaign expenditures could be made by individuals and associations, though such committees operated under federal contribution limits; and,

WHEREAS, given that the *Citizens United* decision “rejected the argument that political speech of corporations or other associations should be treated differently” because the First Amendment “generally prohibits the suppression of political speech based on the speaker’s identity,” there is a need to broaden the corruption rationale for campaign finance reform to facilitate regulation of independent expenditures regardless of the source of the money for this spending, for or against a candidate; and

WHEREAS, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and,

WHEREAS, the opinion of the four dissenting justices in *Citizens United* 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; and

WHEREAS, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self-interest and broader public interest when making political decisions; and

WHEREAS, addressing both the *Citizens United* decision and corporate personhood is necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. That it is the position of the City Council of Fremont that corporations should not receive the same legal rights as individual human beings (also known as “natural persons”).

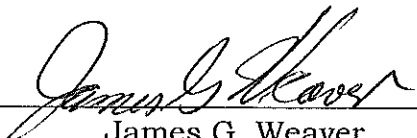
SECTION 2. That the City Council of Fremont also determines that the most urgent action is needed to reverse the impacts of United States Supreme Court *Citizens United* (2010) decision and the door it opens for unlimited independent campaign expenditures by corporations that contributes to the undermining impacts that "corporate personhood" has on free and fair elections and effective self-governance.

SECTION 3. That the City Council of Fremont urges the members of the General Assembly and the Governor to support and pass legislation calling for a U.S. Constitutional Amendment which would negate the ability of a corporation to donate money, without limits, thereby influencing elections.

SECTION 4. That the Clerk of Council is hereby directed to forward a copy of this Resolution to Governor Kasich and all members of the Ohio General Assembly.

SECTION 5. The immediate operation of the provisions of this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to act quickly and prevent injustice in the future.

This resolution, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this resolution shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

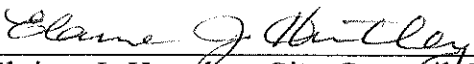


James G. Weaver
President of Council

PASSED: 12-20-12

Effective date: 12-20-12

YEAS: 4 NAYS: 3



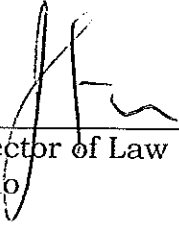
Elaine J. Huntley, City Council Clerk



James H. Ellis III, Mayor

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Approved as to form:

A handwritten signature in black ink, appearing to read 'J. Melle', written over a horizontal line.

James F. Melle, Director of Law
City of Fremont, Ohio