

Are constitutional rights a local issue?

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Places and Views from Cleveland Heights and University Heights

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Is amending the U.S. Constitution a local issue, and, if so, how?

Ever since an initiative by Cleveland Heights citizens placed Issue 32 on the November 2013 ballot, some residents have asked that question. Two city council members expressed opposing views on it at a Jan. 21 public hearing, where residents testified about abuses of corporate power and the corrupting effect of money in politics.

Issue 32 stated: “Shall the proposed ordinance entitled ‘Political Influence by Corporate Entities,’ establishing annual public hearings before City Council on this subject, and sending a summary of the public hearing to Congressional and State representatives, and calling for an amendment to the U.S. Constitution declaring that only human beings, not corporations, are legal persons with Constitutional rights and that money is not the equivalent of speech, be adopted?” (Emphasis added.)

With a resounding 78 percent “yes” vote, Issue 32 became Title XV, Chapter 183 of the Cleveland Heights Codified Ordinances. Similar laws have been approved by voters in six other Ohio cities, and in hundreds of municipalities across the United States. Another will be on the Toledo ballot on March 15, and citizens are collecting signatures for ballot initiatives in Shaker Heights, South Euclid and Cleveland.

So, how is the proposed amendment to the U.S. Constitution a concern of local city councils and mayors?

Corporate agenda-setting has led to much less effective regulation and to the slashing of funds for safe water, clean air, public education, roads and bridges, public health and decent jobs. Budget cuts at the state and federal levels return less of our tax money to municipalities, thereby impoverishing our cities and school districts.

With the passage of Issue 32, Cleveland Heights joined a grassroots nonpartisan national movement of citizens, Move to Amend, which arose in response to the U.S. Supreme Court’s 2010 Citizens United decision. That decision built upon long-standing (though obscure) precedents of treating corporations as legal “persons” and money as constitutionally protected free speech. After the 2008 presidential race, up to then the most expensive in history, Citizens United made an already terrible situation dramatically worse.

It makes sense to build support for a federal constitutional amendment from the local level up. Once approved by Congress, an amendment must be ratified by three-fourths of the states. Local

initiative campaigns educate citizens and prepare them to pressure state governments when the time comes for ratification.

The annual public hearing affords any citizen the opportunity to place into the public record evidence of how, in the guise of legal personhood, corporations usurp the sovereign rights of We the People.

On Jan. 21, 17 area residents cited dozens of ways that corporate lobbying and secret campaign contributions have degraded the ability of government to address our most pressing problems, including:

- damaging effects on public education of for-profit charter schools and the corporate-funded Common Core State Standards;
- Ohio's failure to regulate energy costs;
- lack of access to health care despite the Affordable Care Act;
- the squeeze on local government budgets when corporations and wealthy individuals win sweeping tax breaks as a result of their "investments" in the campaigns of state legislators and governors—the loss to Cleveland Heights, \$2.5 million per year;
- loss of jobs, tax revenue and national sovereignty to past and future international trade agreements.

They connected the dots: policies serving the needs of unaccountable, unelected corporate interests too often negatively affect our daily lives.

After listening to the public testimony, Mayor Cheryl Stephens thanked citizens for their contributions and asked council members if they had any remarks.

Council Member Mary Dunbar suggested that council's time would be better spent working on specific local problems. She cited as examples the lack of suitable housing for senior citizens who wish to remain in Cleveland Heights, and the priority set by the Ohio Department of Transportation on funding new roads rather than repairing existing ones. "I just don't feel this is the best use of my time, and I know that's not a popular message to this group," Dunbar stated.

Council Member Melissa Yasinow disagreed, and said, "[W]e are the most basic and important intersection between the people and their government. . . . If we can't have one night a year on this issue for people to come and say what matters to them and what matters to their democracy, then I think we've failed as a local government."

You can watch the third annual hearing on video, posted on the city's website.

Jan. 21 was the sixth anniversary of the Citizens United decision.

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