

**South Euclid Democracy Day Webex Virtual Public Hearing
May 11, 2021**

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Gun Laws Matter II

Testimony by Cynthia Lehman

Thank you for this important forum. I'm Cynthia Lehman, a Board Member for God Before Guns, a multifaith organization devoted to reducing gun violence. Recently, I met a middle schooler who spoke about how difficult it is to endure the regular lockdown drills meant to prepare children for an active shooter in the school. Our children and youth are now regularly forced to sit behind barricades and contemplate what it would be like if someone came gunning for them. My heart aches for her because she and her fellow students deserve the votes of those in power to enact legislation to keep them safe.

School shootings and mass shootings draw most of our attention, but every single day, over 100 people are shot in homes and on the street. Some shootings are intentional, some are accidents, and many are suicides. Gun deaths have steadily risen from over 33,000 in 2014 to over 43,000 last year. Another 39,000 people were injured by gunfire. Many more guns than usual were purchased in the past year continuing a trend that is reflected in the gun death and injury statistics.

Gun rights advocates claim that having a gun keeps one safe, but the numbers show that the opposite is true. Children who find unsecured guns in their homes shoot themselves, playmates and family members. Domestic violence arguments turn deadly when there is a gun present. People who contemplate suicide are at greater risk. We should be the safest country in the world if guns protected us, but we are not.

The aftereffects of gun violence ripple far beyond the people directly involved. "Gun violence costs America \$229 billion annually—more than \$700 per person every year to pay . . . for first responders, legal proceedings, medical treatment, lost wages, and long-term care for victims. . . six times what the US spends annually on foreign aid." But as someone once said, statistics are numbers with the tears washed away.

The emotional and traumatic cost to families, loved ones and friends is incalculable and unforgivable. Parents and loved ones suffer from these losses for years. The everyday cost to all of our psyches is unacceptable. Imagine living in a neighborhood where you hear gunfire regularly? It isn't the way that people live in other countries unless those countries are at war. Why are we willing to accept this?

One kindergarten girl's best friend died next to her in a school shooting. Since then, she is home-schooled because she cannot return to the building. She carries post-it notes to cover upsetting words. She carries noise-blocking earphones to avoid loud noises. She carries her friend's stuffed toy for comfort. She suffers from depression and severe rages triggered by everyday events. Her brother wishes he could have his sister back.

Unless they are totally oblivious, our lawmakers know all of this and know what could be done to make us safer. It's not a matter of repealing the 2nd Amendment and taking all the guns away. It is a matter of making certain that everyone passes a background check and a waiting period before getting a gun. It is a matter of understanding that guns, like every other product on the market, should meet safety standards. The people who own them should meet criteria for safe

handling and storage of guns. Locking guns and bullets separately and securely along with adding safety.

features to ensure that only the gun owner can fire the weapon would eliminate access by the wrong person. Thieves would not be able to use those weapons. Preventing civilians from purchasing guns manufactured for the military would lessen the danger of mass shootings.

However, groups like the NRA and Buckeye Firearms Association work tirelessly and spend millions to ensure that their "rights" are protected. Their effectiveness means that many politicians are willing to hide behind the Bill of Rights, refusing to explore this issue thoughtfully and act. The right of all of us to be safe from gunfire is as important as maintaining the 2nd Amendment. Getting money out of the decision- making would benefit everyone.

The History Behind HJR 48 - the *We the People* Amendment

Testimony by Madelon Watts

We all have probably heard the term *corporate personhood*—that corporations legally have the same Constitutional rights as citizens, but did you know, the word “corporation” does not appear anywhere in our Constitution? So how did this destructive development of corporate Constitutional rights happen? It may surprise you that only through a quirk of fate, did the Supreme Court accidentally create the idea of corporate constitutional rights. And here history can be instructive.

In his recent book, *First Principles*, Pulitzer Prize winning author Tom Ricks, observed our founding fathers would be appalled by how money has come to dominate American politics, particularly in the last forty years. They did not design the United States to be an oligarchy, governed by the rich few. Most would have seen such a government as inconsistent with being a republic. While money may have always influenced politics, today it wields more power than in most of our history. This unhealthy state undermines the very representative democracy our founders worked to create.

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To get back to their vision, we must stop the bizarre, legal, fiction that corporations are people, enjoying all the rights of free speech. As one legal historian states our “founders would have considered campaign spending the essence of political corruption”. Originally, the framers of the Constitution reserved constitutional protections only for individual citizens and never intended such protections to be inherent for artificial entities such as businesses. But campaign finance reform is only a small part of the 28th Amendment we seek.

The *We the People* Amendment is about more than the Supreme Court ruling that corporations can spend money on campaigns. In the 2010 *Citizens United* decision, Justice Kennedy’s majority opinion, focused his attention on *free speech* and gave only *slight consideration to the concern that such spending could corrupt* candidates or our democracy. While *Citizens United* is the case most cited by advocates for campaign finance reform, the underlying precedent for extending constitutional rights to corporations is rooted in Supreme Court decisions in the 19th century.

To understand how corporate personhood and speech rights became the law of the land we need look back to the Supreme Court in 1886. And here is where it gets complicated. In his opening oral argument, Chief Justice Waite, stated the Supreme Court viewed the 14th amendment applied to corporations. But, and here’s the rub, this was not considered a

precedent setting statement. In fact, only because his words were inserted by a clerk in the *headnotes*—which are *not part of the Court's official opinion*--they falsely and only accidentally became accepted as a precedent and began to be used to defend constitutional rights for corporations.

Since 1886 the Supreme Court has repeatedly and erroneously affirmed this flawed application of the Fourteenth Amendment. There have been 307 Fourteenth Amendment cases since 1886, of these, 288 cases involved corporations but only 19 cases involved African Americans, the intended beneficiaries of the Fourteenth Amendment.

Furthermore, in the 19th and early 20th century the First Amendment was rarely an issue in political cases. But between the 1930s and 1970s, the Supreme Court interpreted the First Amendment more broadly than ever before. So that, as the status of free speech in the First Amendment increased, it gradually replaced anti-corruption interests as the standard for the rulings that govern political participation.

The roots of corporate constitutional rights also go back to two trends between 1930 and 1970. First, was an increasing tendency of courts and academics to see the heart of the Constitution as primarily First Amendment free speech. Second, was the shift in Court composition from justices with political experience to those who were academics and federal judges. These trends changed the focus of Court discussions, so when it ruled on campaign restrictions, it tended to focus on free speech at the expense of a greater focus on corruption.

Our biggest challenge as citizens is to take back our democracy and revoke the illegitimate authority of corporate Constitutional rights that corporations have, with the Supreme Court's help, used to usurp *our Constitutional rights*. I urge you to get involved.

Thank you.

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Redistricting 101 - Testimony by Lee Nielsen



What is Fair Districts?

We are Ohio's leading nonpartisan redistricting advocates and experts!

Fair Districts is led by League of Women Voters of Ohio & Common Cause Ohio.

Our coalition includes: ACLU Ohio, Ohio Council of Churches, A. Philip Randolph Institute, Ohio Voter Rights Coalition, and more.

Ohioans want Fair maps!

- State legislative (2015) and Congressional (2018) redistricting reform passed overwhelmingly with over 70% of the vote!
- Both reforms passed in **ALL 88 of Ohio's counties**
- Getting engaged with the fight for fair districts NOW will help ensure better maps for Ohio for the next decade.

Welcome to 2021!

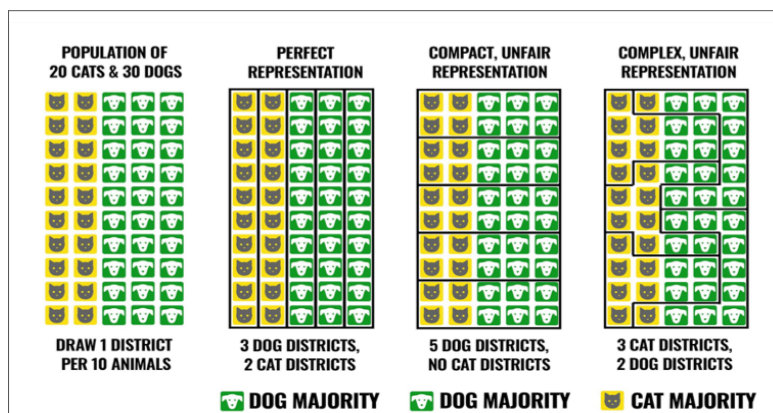
1. What is redistricting and why do we do it?
2. Why is it important to have fair districts?
3. What are the new rules for drawing new maps?
4. How can you help to ensure Ohio gets Fair Maps?

What is Redistricting?

Redrawing district lines every ten years to reestablish population equality.

It's official: Ohio has decreased from 16 to 15 Congressional Districts

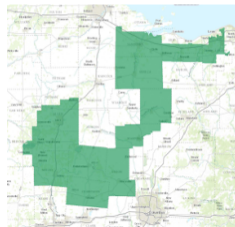
Drawing district lines is an opportunity to grab power.



What's so bad about Gerrymandering?

- Creates “safe” districts and *predictable election outcomes*
- Predictable outcomes *create unresponsive elected officials*
- Gerrymandering creates *disengaged voters*
- The primary become the important contest
- Competitive primaries benefit *extreme candidates*
- Extreme candidates who cannot compromise lead to *dysfunctional government*
- Dysfunctional government *serves no one*

Ohio's Congressional Map



The infamous “duck” district



Where are we now?



- Nothing has changed yet! First time using the new districts will be the 2022 Elections
- This is our once-in-a-decade chance to make fair districts

Let's take a look at the mapmakers, new rules, the census, and what we can do to push for fair maps!

Ohio Redistricting Commission will draw state house and senate district maps:

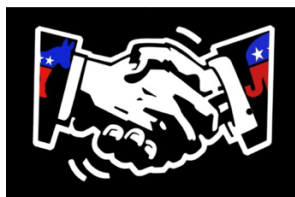
- Governor Mike DeWine
- Auditor Keith Faber
- Ohio Secretary of State Frank LaRose
- Appointee by Speaker Bob Cupp
- Appointee by House Minority Leader Emilia Sykes
- Appointee by Senate President Matt Huffman
- Appointee by Minority Leader Kenny Yuko

Congressional districts: New rules for drawing

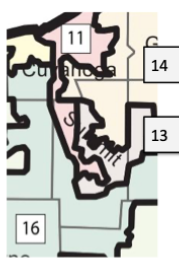
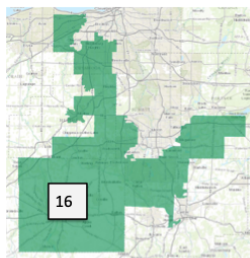
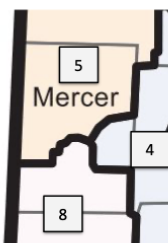
Ohio's state legislators will draw congressional maps with the Redistricting Commission as back-up if they cannot reach a compromise

The new rules rein in the worst excesses of gerrymandering through:

- bipartisan mapmaking,
- limits on splits of counties,
- transparency,
- public participation.



You can't do that anymore...



- **Cuyahoga, Franklin and Hamilton County** have enough population to have one congressional district completely in each county.
- **Columbus must be split** because the population is larger than the size of number of people in each congressional district.

The US Census Bureau has announced that data necessary for creating the new districts will not be available until September 30.



TAKE ACTION TODAY

- **Take action!** Tell Governor DeWine to convene the Ohio Redistricting Commission: bit.ly/DeWineConvene
- **Take action!** Tell mapmakers and legislators to get to work on redistricting while we wait for census data: bit.ly/mapmakersget2work
- **Read Fair Districts letter** to mapmakers with a list of things they should do NOW: bit.ly/FairDistrictsLetter
- **Write a letter to the editor** about why mapmakers need to get to work today! commoncause.org/ohiomapslte/

Order Redistricting Postcards

- Let Ohio mapmakers know you are paying attention, Remind them: Ohioans want Fair Maps! (bit.ly/FairDistrictsRequest) Postcard instructions. (bit.ly/postcardInfo)



- Tell them to get to work while we wait for census data.
- Ohioans won't be hoodwinked this time around!

Donate!

- Donate at this link: <https://lwvohio.salsalabs.org>

Your donation will help us purchase postcards, stamps, yard signs, and other materials.

Most importantly, it will fund staff time so we have the capacity to fully engage all the Fair Districts volunteers.

Thank You!

Remember:

Getting engaged with the fight for fair districts NOW will help ensure better maps for Ohio for the next decade!

Democracy Day 2021 - Testimony by Doc Janning

Our democracy,
ever more this year,
from rising tides
is at risk I fear.

We all have rights,
so the Constitution says,
but in the minds of some ...
that's not the way.

Especially if of color,
female, or GLBTQ.
Immigrants for sure
and Native Americans, too.

I have heard too many say,
history ... will sort it out ...
in time,
but time's not changed many minds ...
other than
in ways more coarse.

Our freedoms must apply to all
or they're not freedoms,
but a sham,
gerrymandered for privilege;
for the rest ...
a scam!

I live here as you do, too;
and we all want rights ...
not just
for the few.

© Doc Janning 10 May 2021

Shopping Local - Testimony by Sara Continenza

As we have seen over the past year, the government has decided it has the authority to decide who is "essential" or not. And SURPRISE! Megacorporations had record sales while hundreds of thousands of local businesses went under, and countless more are struggling today.

Notwithstanding, when it came time for a stimulus-SURPRISE! Billionaires received a lion's share of our fiat tax dollars while the ground-level businesses got a fraction. With all this fiat money being printed out of thin air, and with interest rates at such historically low levels, it is quite imaginable that we will soon face extreme hyperinflation.

It is our duty to humanity to avoid shopping at these megacorporations whenever possible in order to support one another and undo some of the damage done by the government's response to the pandemic.

Sara Continenza, Ward 3 Councilwoman
South Euclid, Ohio

Abolishing All Corporate Constitutional Rights

Testimony of Greg Coleridge

Outreach Director, National Move to Amend Coalition

Corporations are not people and money is not speech are the two constitutional doctrines at root of the S. Euclid ballot initiative passed by voters in 2014. The same is true of the 704 other communities, 7 states and over 600 organizations that have taken formal positions supporting the Move to Amend initiative -- in addition to the 480,000 individuals who've signed a petition.

The We the People Amendment (HJR 48), which would abolish both of these bizarre doctrines, is more than simply overturning Citizens United and more than simply ending money as free speech. It includes ending all forms of corporate constitutional rights.

Without abolishing all corporate constitutional rights -- not simply political free speech rights -- this is what could happen. Four examples.

1. Efforts by S. Euclid city council or residents to, say, require a lawn care company to require the disclosure of specific toxic chemicals used on city or private properties could be challenged in court as a violation of that corporation's First Amendment right NOT to speak.
2. Efforts by S. Euclid city council or residents to require city inspection of a corporation to protect workers or the environment could be challenged in court as a violation of that corporation's Fourth Amendment privacy rights.
3. Efforts by S. Euclid city council or residents to protect homeowners from a company digging or drilling under private homeowners could be challenged in court as a violation of that corporation's Fifth Amendment takings rights to lost future profits.
4. Efforts by S. Euclid city council or residents to provide preferential treatment of locally owned businesses over a chain store that send profits outside the community could be challenged in court as a violation of that corporation's Fourteenth Amendment equal protection rights. FYI, the 14th Amendment was intended solely to protect freed slaves.

These examples of corporate hijacking of Constitutional Amendments intended exclusively for human beings doesn't includes the scores of times corporate entities have abused the Constitution's Commerce Clause to support corporate interests over the police powers of communities to protect the health, safety and welfare of residents.

To reiterate, the We the People Amendment (HJR 48) is more than simply overturning Citizens United and more than simply ending money as free speech. It includes ending all forms of corporate constitutional rights.

My dad build an addition to our house pretty much all by himself. He said when doing so it was essential when planning each task to make sure the tools, material, time and energy were proportionate in scale to what was needed. Pouring 3 inches of a concrete base when 6 was required, using 2 by 2 inch lumber when 2 by 8's were needed and pounding 1 inch nails when 2 inch nails were called for may look like a job well done, but if the thickness, width and length

of materials didn't match the needed scale and proportion, the house would eventually crack, if not crumble.

The same goes for democracy. Believing we can create authentic democracy by simply or solely electing better representatives, passing the For the People Act (HR1) or having better regulations of political campaign spending or corporate harms is equivalent to insufficient thickness, width or length in building materials. They all may seem appropriate, but aren't nearly enough in scale or proportion to address the fundamental, if not existential, crises we face -- political, economic and ecological.

We can't afford to be small when massive changes are needed to address massive systemic problems.

Only the We the People Amendment HJR 48 nails it.

Thank you.

SHOW US THE MONEY -- Carla Rautenberg, Cleveland Heights

Many Ohioans may not know it, but the Ohio State Constitution is a pretty radical document. Article 1, Section 2 contains these words, inspired by the Declaration of Independence: "All political power is inherent in **the people**. Government is instituted for **their** equal protection and benefit, and **they** have the right to alter, reform, or abolish the same, whenever they may deem it necessary."

Now, this is not exactly the way things are working out in the great state of Ohio and the US of A. No matter where we may fall on the political spectrum, We the People KNOW it is not working for us. In fact, about the only governments that still seem to be responsive to the people at all are the smallest, most local ones.

According to the U.S. Constitution, only Congress has the legal power to create money. The federal government owns that monopoly. Since President Franklin Delano Roosevelt took the U.S. off the gold standard in 1933, the federal government has operated on a fiat money system. Fiat means "by law," and that's how the federal government creates money: "by law," it spends money into

existence. We all saw this in action with the CARES Act of 2020 and the American Rescue Plan (ARP) Act of 2021. Our tax dollars do not fund the federal government. When the feds need money to fund a war, say, or an economic recovery, they can just spend it into existence, and they do. For more on this, see Stephanie Kelton's recent book, "The Deficit Myth."

The point is, how the federal government creates and spends money, and what for, are simply political decisions. These days, those decisions are dictated by corporate lobbyists and obscenely wealthy individuals. They decided some decades ago to start starving state and especially local governments. City and state governments CANNOT create money. They cannot spend more than they take in, and they must balance their books each year, just as you and I have to do in our households. The federal government is NOT anything like a household. As "The Deficit Myth" makes plain, the creator of money can never run out of it.

Starving local governments seems to be working very well for corporate and wealthy interests at the state and federal level. They're getting richer every day. Think about it: cities, counties and public

school districts are just about the only taxing authorities that have to get permission from their constituents, at the ballot box, every time they need to raise revenue.

Our cities and local public schools comprise the level of government with the greatest and most immediate impact on our daily lives. They are subject to essential federal laws such as the E.P.A.'s Clean Water Act, yet routinely denied federal funds to meet the requirements of those mandates. And this is not partisan. This squeezing all the juice out of local government coffers happened under Presidents Bill Clinton, George W. Bush, Barack Obama, and Donald Trump. Now, finally, with the country brought to its knees by Covid-19, Democrat Joe Biden and Congress have passed the \$1.9 trillion American Rescue Plan Act, from which counties, cities and towns will eke out 130 billion desperately needed dollars.

Local governments remind me of the 60 percent of Americans who can't afford an unexpected \$400 expense. And the federal government, like the top 1 percent, holds all the cards... er, money.

"All political power is inherent in **the people**. Government is instituted for **their** equal protection and benefit..." How can we make these stirring words from the Ohio Constitution a reality?

We the People will not actually wield political power until we pass the 28th Amendment declaring that corporations are not entitled to the constitutional rights of human persons, and money is not speech. On that day, the work of creating a real democracy, the work that in this country, began with the Declaration of Independence, can begin again.

Until then, all ordinary citizens, and our cities, towns, and public institutions, are just beggars, holding our hands out, pleading: "Please, sir, may I have some more?"