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## SENATE RESOLUTION

REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE  
"CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON"  
IN THE DEFINITION.

1           WHEREAS, the Supreme Court of the United States, in its  
2 ruling on *Citizens United v. Federal Elections Commission*,  
3 upheld a longstanding, though illogical legal concept of  
4 corporations as people; and

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6           WHEREAS, corporations cannot by any reasonable definition  
7 be characterized as people, because corporations:

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9           (1) Can reside in multiple states and countries  
10 simultaneously;
- 11           (2) Can conceivably exist for hundreds of years;
- 12           (3) Cannot be incarcerated;
- 13  
14           (4) Cannot enter into a marriage contract or conceive a  
15 child;
- 16           (5) Cannot independently formulate political opinions  
17 separate and distinct from the board of directors,  
18 executives, shareholders, or employees;
- 19           (6) Cannot obtain citizenship or be issued a passport;
- 20           (7) Cannot enlist in the military; and
- 21           (8) Cannot vote; and
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29           WHEREAS, in *Buckley v. Valeo*, the United States Supreme  
30 Court handed down a ruling on campaign spending that equates  
31 money to speech; and

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33           WHEREAS, in preliminary remarks by Chief Justice Morrison  
34 Waite in the United States Supreme Court case, *Santa Clara*  
35 *County v. Southern Pacific Railroad*, C.J. Waite indicated that,



1 "the provision in the 14th Amendment ... applies to these  
2 corporations. We are all of the opinion that it does."; and

3  
4 WHEREAS, these remarks are not included in the final ruling  
5 nor are they a formal opinion of the Court, yet these remarks  
6 have been used as the basis for establishing rights as "persons"  
7 for corporations within the framework of the United States  
8 Constitution; and

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10 WHEREAS, the combination of these two cases provides the  
11 basis for corporations to financially overwhelm the individual  
12 common person in the political process; and

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14 WHEREAS, a ruling by the United States Supreme Court cannot  
15 be simply negated; now, therefore,

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17 BE IT RESOLVED by the Senate of the Twenty-fifth  
18 Legislature of the State of Hawaii, Regular Session of 2010,  
19 that the United States Congress is requested to take immediate  
20 action by enactment of Federal Code or constitutional amendment  
21 to redefine "corporate entity" to preclude the use of the term  
22 "person" in the definition; and

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24 BE IT FURTHER RESOLVED that certified copies of this  
25 Resolution be transmitted to Hawaii's congressional delegation.

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OFFERED BY:

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