

FEB 23 2011

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION TO PROVIDE THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS.

1 WHEREAS, free and fair elections are essential to American
2 democracy and effective self-governance; and

3
4 WHEREAS, individual persons are rightfully recognized as
5 the human beings who actually vote in elections; and

6
7 WHEREAS, corporations are legal entities that governments
8 create and can exist in perpetuity and simultaneously in many
9 nations; and

10
11 WHEREAS, corporations do not vote in elections and should
12 not be categorized as persons for purposes related to elections
13 for public office; and

14
15 WHEREAS, corporations are not mentioned in the United
16 States Constitution as adopted, nor have Congress and the states
17 recognized corporations as legal persons in any subsequent
18 federal constitutional amendment; and

19
20 WHEREAS, during the 1885-1886 United States Supreme Court
21 term, in the midst of oral arguments leading to the decision in
22 *Santa Clara vs. Southern Pacific Railroad Company*, 118 U.S. 394
23 (1886), Chief Justice Waite stated that all the justices agreed
24 that the Fourteenth Amendment's prohibition on state action that
25 denies equal protection to a person applies to a state's
26 treatment of private corporations; and
27



1 WHEREAS, this brief but extraordinarily significant comment
2 by Chief Justice Waite sanctioned private corporation lawsuits
3 against municipal and state governments for adopting laws that
4 violate a corporation's rights even when those laws serve to
5 protect and defend the rights of individuals; and
6

7 WHEREAS, the United States Supreme Court has continued to
8 adhere to this legal position in its jurisprudence for over a
9 century, and most recently applied it in its decision in
10 *Citizens United v. the Federal Election Commission*, 130 S.Ct.
11 876 (2010), that eliminated many restrictions, including any
12 total prohibition on corporate spending in the electoral
13 process; and
14

15 WHEREAS, the United States Supreme Court in *Citizens* has
16 created a new and unequal playing field between individuals and
17 corporations with respect to campaign financing, negating over a
18 century of precedent prohibiting corporate contributions to
19 federal election campaigns that dates back to the Tillman Act of
20 1907; and
21

22 WHEREAS, the *Citizens* decision has forced candidates for
23 political office to divert attention from the interests and
24 needs of their individual constituents in order to raise
25 sufficient campaign funds for election; and
26

27 WHEREAS, corporations are not and have never been human
28 beings and therefore are rightfully subservient to individuals
29 and the governments that are their creators; and
30

31 WHEREAS, the profits and institutional survival of large
32 corporations are often in direct conflict with the essential
33 needs and rights of individuals; and
34

35 WHEREAS, large corporations have used their rights to
36 successfully seek the judicial reversal of democratically
37 enacted laws passed at the municipal, state, and federal levels
38 aimed at curbing corporate abuse; and
39

40 WHEREAS, these judicial decisions have rendered
41 democratically elected governments ineffective in protecting



1 their citizens against corporate harm to the environment,
2 health, workers, independent business, and local and regional
3 economies; and
4

5 WHEREAS, large corporations own most of America's mass
6 media and employ those media to loudly express the corporate
7 political agenda and to convince Americans that the primary role
8 of human beings is that of consumers rather than sovereign
9 citizens with democratic rights and responsibilities; and
10

11 WHEREAS, the only way to reverse this intolerable societal
12 reality is to amend the United States Constitution to define
13 persons as human beings and not corporations; now, therefore,
14

15 BE IT RESOLVED by the Senate of the Twenty-sixth
16 Legislature of the State of Hawaii, Regular Session of 2011, the
17 House of Representatives concurring, that the Legislature urges
18 Congress to propose an amendment to the United States
19 Constitution for the states' consideration to provide that
20 corporations are not persons under the laws of the United States
21 or any of its jurisdictional subdivisions; and
22

23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Majority Leader of
25 the United States Senate, the Speaker of the United States House
26 of Representatives, and the members of Hawaii's congressional
27 delegation.
28
29
30

OFFERED BY: _____

