

FEB 23 2011

SENATE 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

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

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

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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

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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

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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
28 WHEREAS, this brief but extraordinarily significant comment
29 by Chief Justice Waite sanctioned private corporation lawsuits



1 against municipal and state governments for adopting laws that
2 violate a corporation's rights even when those laws serve to
3 protect and defend the rights of individuals; and
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5 WHEREAS, the United States Supreme Court has continued to
6 adhere to this legal position in its jurisprudence for over a
7 century, and most recently applied it in its decision in
8 *Citizens United v. the Federal Election Commission*, 130 S.Ct.
9 876 (2010), that eliminated many restrictions, including any
10 total prohibition on corporate spending in the electoral
11 process; and
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13 WHEREAS, the United States Supreme Court in *Citizens* has
14 created a new and unequal playing field between individuals and
15 corporations with respect to campaign financing, negating over a
16 century of precedent prohibiting corporate contributions to
17 federal election campaigns that dates back to the Tillman Act of
18 1907; and
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20 WHEREAS, the *Citizens* decision has forced candidates for
21 political office to divert attention from the interests and
22 needs of their individual constituents in order to raise
23 sufficient campaign funds for election; and
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25 WHEREAS, corporations are not and have never been human
26 beings and therefore are rightfully subservient to individuals
27 and the governments that are their creators; and
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29 WHEREAS, the profits and institutional survival of large
30 corporations are often in direct conflict with the essential
31 needs and rights of individuals; and
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33 WHEREAS, large corporations have used their rights to
34 successfully seek the judicial reversal of democratically
35 enacted laws passed at the municipal, state, and federal levels
36 aimed at curbing corporate abuse; and
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38 WHEREAS, these judicial decisions have rendered
39 democratically elected governments ineffective in protecting
40 their citizens against corporate harm to the environment,



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1 health, workers, independent business, and local and regional
2 economies; and

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

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

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

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

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OFFERED BY: _____

