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# HOUSE 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  
19

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

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

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OFFERED BY: \_\_\_\_\_



FEB 16 2011

