

JAN 19 2017

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## SENATE RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH.

1           WHEREAS, the United States Constitution was written and  
2 approved with the intention of protecting the rights of  
3 individual human beings (natural persons); and  
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5           WHEREAS, corporations are not mentioned in the  
6 Constitution, and the people of the Unites States (the People)  
7 have never granted constitutional rights to corporations, nor  
8 decreed that corporations have authority that exceeds the  
9 authority of the People; and  
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11           WHEREAS, the United States Supreme Court, in *Austin v.*  
12 *Michigan Chamber of Commerce*, 494 U.S. 652 (1990), recognized as  
13 a threat to a republican form of government "the corrosive and  
14 distorting effects of immense aggregations of wealth that are  
15 accumulated with the help of the corporate form and that have  
16 little or no correlation to the public's support for the  
17 corporation's political ideas"; and  
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19           WHEREAS, the United States Supreme Court, in *Citizens*  
20 *United v. Federal Election Commission*, 558 U.S. 310 (2010),  
21 reversed the decision in *Austin* by rolling back legal limits on  
22 corporate spending in the electoral process and allowing  
23 unlimited corporate spending to sway votes and influence  
24 elections, candidate selection, and policy decisions; and  
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26           WHEREAS, the majority decision in *Citizens United* was  
27 recognized as a serious threat to self-government by the four  
28 dissenting justices. Corporations have special advantages not  
29 enjoyed by natural persons, such as limited liability, perpetual  
30 life, and favorable treatment of the accumulation and  
31 distribution of assets. These advantages allow them to amass



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1 and spend prodigious sums on campaign messages that often have  
2 far greater reach and influence than messages from individuals;  
3 and  
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5 WHEREAS, federal courts in *Buckley v. Valeo*, 424 U.S. 1  
6 (1976), and in *SpeechNow.org v. FEC*, 599 F.3d 686 (2010),  
7 overturned limits on independent expenditures because the  
8 corruption or perception of corruption rationale was only  
9 applicable to direct contributions to candidates; and  
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11 WHEREAS, United States Supreme Court Justice Stevens  
12 observed in *Nixon v. Shrink Missouri Government PAC*, 528 U.S.  
13 377 (2000), that "Money is property; it is not speech"; and  
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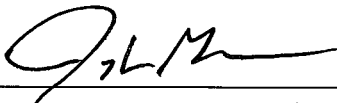
15 WHEREAS, Article V of the United States Constitution allows  
16 the People of the various states to amend the U.S. Constitution  
17 to correct those egregiously wrong decisions of the United  
18 States Supreme Court that challenge our democratic principles  
19 and the republican form of self-government; and  
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21 WHEREAS, there is widespread opposition to the *Citizens*  
22 *United* ruling that money is speech and that independent  
23 corporate campaign spending cannot be limited; now, therefore,  
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25 BE IT RESOLVED by the Senate of the Twenty-ninth  
26 Legislature of the State of Hawaii, Regular Session of 2017,  
27 that Hawaii's congressional delegation is urged to propose and  
28 pass a proposed amendment to the United States Constitution  
29 clarifying that corporations are not people with constitutional  
30 rights, and that unlimited campaign spending is not free speech;  
31 and  
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33 BE IT FURTHER RESOLVED that certified copies of this  
34 Resolution be transmitted to members of Hawaii's congressional  
35 delegation, the Governor, the Mayors of Hawaii County, Maui  
36 County, Kauai County, and the City and County of Honolulu.  
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OFFERED BY:

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