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# HOUSE 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

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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 v. 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 made by Chief Justice Waite sanctioned private corporate



1 lawsuits against municipal and state governments for adopting  
2 laws that violate a corporation's rights even when those laws  
3 serve to 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. Federal Election Commission*, 130 S.Ct. 876  
9 (2010), that eliminated many restrictions, including any total  
10 prohibition on corporate spending in the electoral process; and  
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12 WHEREAS, the United States Supreme Court in *Citizens*  
13 created a new and unequal playing field between individuals and  
14 corporations with respect to campaign financing, negating over a  
15 century of precedent prohibiting corporate expenditures in  
16 federal election campaigns that dates back to the Tillman Act of  
17 1907; and  
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19 WHEREAS, the *Citizens* decision has forced candidates for  
20 political office to divert attention from the interests and  
21 needs of their individual constituents to corporate interests in  
22 order to raise sufficient campaign funds for election; and  
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24 WHEREAS, corporations are not and have never been human  
25 beings and therefore are rightfully subservient to individuals  
26 and the governments that are their creators; and  
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28 WHEREAS, the profits and institutional survival of large  
29 corporations are often in direct conflict with the essential  
30 needs and rights of individuals; and  
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32 WHEREAS, large corporations have used their rights to  
33 successfully seek the judicial reversal of democratically  
34 enacted laws passed at the municipal, state, and federal level  
35 aimed at curbing corporate abuse; and  
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37 WHEREAS, these judicial decisions have rendered  
38 democratically elected governments ineffective in protecting  
39 their citizens against corporate harm to the environment,  
40 health, workers, independent business, and local and regional  
41 economies; and



1           WHEREAS, large corporations own most of America's mass  
2 media and employ those media to loudly express the corporate  
3 political agenda and to convince Americans that the primary role  
4 of human beings is that of consumers rather than sovereign  
5 citizens with democratic rights and responsibilities; and  
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7           WHEREAS, the only way to reverse this intolerable societal  
8 reality is to amend the United States Constitution to define  
9 persons as human beings and not corporations; now, therefore,  
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11           BE IT RESOLVED by the House of Representatives of the  
12 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
13 of 2011, the Senate concurring, that the Legislature urges  
14 Congress to propose an amendment to the United States  
15 Constitution for the states' consideration to provide that  
16 corporations are not persons under the laws of the United States  
17 or any of its jurisdictional subdivisions; and  
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19           BE IT FURTHER RESOLVED that certified copies of this  
20 Concurrent Resolution be transmitted to the Majority Leader of  
21 the United States Senate, the Speaker of the United States House  
22 of Representatives, and the members of Hawaii's congressional  
23 delegation.

