
HOUSE CONCURRENT 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
4

5 WHEREAS, corporations are not mentioned in the
6 Constitution, and the people of the United 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
18

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
25

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



1 enjoyed by natural persons, such as limited liability, perpetual
2 life, and favorable treatment of the accumulation and
3 distribution of assets. These advantages allow them to amass
4 and spend prodigious sums on campaign messages that often have
5 far greater reach and influence than messages from individuals;
6 and
7

8 WHEREAS, federal courts in *Buckley v. Valeo*, 424 U.S. 1
9 (1976), and in *SpeechNow.org v. FEC*, 599 F.3d 686 (2010),
10 overturned limits on independent expenditures because the
11 corruption or perception of corruption rationale was only
12 applicable to direct contributions to candidates; and
13

14 WHEREAS, United States Supreme Court Justice Stevens
15 observed in *Nixon v. Shrink Missouri Government PAC*, 528 U.S.
16 377 (2000), that "Money is property; it is not speech"; and
17

18 WHEREAS, Article V of the United States Constitution allows
19 the People of the various states to amend the U.S. Constitution
20 to correct those egregiously wrong decisions of the United
21 States Supreme Court that challenge our democratic principles
22 and the republican form of self-government; and
23

24 WHEREAS, there is widespread opposition to the *Citizens*
25 *United* ruling that money is speech and that independent
26 corporate campaign spending cannot be limited; now, therefore,
27

28 BE IT RESOLVED by the House of Representatives of the
29 Twenty-eighth Legislature of the State of Hawaii, Regular
30 Session of 2016, the Senate concurring, that Hawaii's
31 congressional delegation is urged to propose and pass a proposed
32 amendment to the United States Constitution clarifying that
33 corporations are not people with constitutional rights, and that
34 unlimited campaign spending is not free speech; and
35



H.C.R. NO. 29

1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to members of Hawaii's
 3 congressional delegation, the Governor, the Mayors of Hawaii
 4 County, Maui County, Kauai County, and the City and County of
 5 Honolulu.

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OFFERED BY: Nicole E. Lowen

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