SENATE 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.

WHEREAS, the United States Constitution was written and approved with the intention of protecting the rights of individual human beings (natural persons); and

WHEREAS, corporations are not mentioned in the Constitution, and the people of the United States (the People) have never granted constitutional rights to corporations, nor decreed that corporations have authority that exceeds the authority of the People; and

WHEREAS, the United States Supreme Court, in Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), recognized as a threat to a republican form of government "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporation’s political ideas"; and

WHEREAS, the United States Supreme Court, in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), reversed the decision in Austin by rolling back legal limits on corporate spending in the electoral process and allowing unlimited corporate spending to sway votes and influence elections, candidate selection, and policy decisions; and

WHEREAS, the majority decision in Citizens United was recognized as a serious threat to self-government by the four dissenting justices. Corporations have special advantages not
enjoyed by natural persons, such as limited liability, perpetual
life, and favorable treatment of the accumulation and
distribution of assets. These advantages allow them to amass
and spend prodigious sums on campaign messages that often have
far greater reach and influence than messages from individuals;
and

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

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

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

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

BE IT RESOLVED by the Senate of the Twenty-eighth
Legislature of the State of Hawaii, Regular Session of 2016, the
House of Representatives concurring, that Hawaii's congressional
delegation is urged 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; and
BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to members of Hawaii's congressional delegation, the Governor, and the Mayors of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu.

OFFERED BY: ________________________________

BY REQUEST