

FEB 22 2016

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.

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 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
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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



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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

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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

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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

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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

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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,

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



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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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