

JAN 19 2017

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
29 enjoyed by natural persons, such as limited liability, perpetual



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1 life, and favorable treatment of the accumulation and
2 distribution of assets. These advantages allow them to amass
3 and spend prodigious sums on campaign messages that often have
4 far greater reach and influence than messages from individuals;
5 and

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

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

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

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

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27 BE IT RESOLVED by the Senate of the Twenty-ninth
28 Legislature of the State of Hawaii, Regular Session of 2017, the
29 House of Representatives concurring, that Hawaii's congressional
30 delegation is urged to propose and pass a proposed amendment to
31 the United States Constitution clarifying that corporations are
32 not people with constitutional rights, and that unlimited
33 campaign spending is not free speech; and

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35 BE IT FURTHER RESOLVED that certified copies of this
36 Concurrent Resolution be transmitted to members of Hawaii's
37 congressional delegation, the Governor, the Mayors of Hawaii



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1 County, Maui County, Kauai County, and the City and County of
2 Honolulu.

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OFFERED BY:






