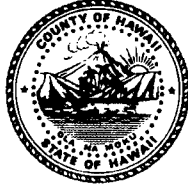


COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

RESOLUTION NO. 263 12

A RESOLUTION URGING THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION OF A CONSTITUTIONAL AMENDMENT TO REVERSE *CITIZENS UNITED v. FEDERAL ELECTION COMMISSION (2010)*.

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of individual human beings (“natural persons”), not corporations; and

WHEREAS, corporations are not mentioned in the Constitution and We The People have never recognized the extension of fundamental constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We the People; and

WHEREAS, corporate misuse of the First Amendment and the Constitution reached an extreme conclusion in the United States Supreme Court’s ruling in *Citizens United v. Federal Election Commission (2010)*; and

WHEREAS, the United States Supreme Court’s ruling in *Citizens United v. Federal Election Commission (2010)* represents a serious and direct threat to our democracy; and

WHEREAS, the Court’s ruling in *Citizens United v. Federal Election Commission (2010)* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, *Citizens United v. Federal Election Commission (2010)* overturned the Court’s earlier decision in *Austin v. Michigan Chamber of Commerce (1990)*, which recognized the threat to a republican form of government posed by “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, *Citizens United v. Federal Election Commission (2010)* also overturned aspects of the Court’s more recent decision in *McConnell v. FEC (2005)*, which by contrast had upheld the Bipartisan Campaign Reform Act of 2002 (BCRA), an act whose modest reforms were being challenged in *Citizens United*; and

WHEREAS, *Citizens United v. Federal Election Commission* (2010) erroneously equated the desire of large corporations to influence political decision-making through massive electoral expenditures with the speech of individuals and groups seeking to make their voices heard; and

WHEREAS, contrary to the *Citizens United v. Federal Election Commission* (2010) majority's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by political committees not required to disclose their donors; and

WHEREAS, the *Citizens United v. Federal Election Commission* (2010) four dissenting justices observed that, "Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established;" and

WHEREAS, the *Citizens United v. Federal Election Commission* (2010) dissenters correctly observed that money spent on behalf of candidates is a means of amplifying speech and not a form of political speech itself, and restrictions on corporate spending are more properly viewed as restrictions on the time, place and manner of speech; and

WHEREAS, in his dissenting opinion in *Citizens United v. Federal Election Commission* (2010), Justice John Paul Stevens observed that "At bottom, the Court's opinion is...a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt...While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics;" and

WHEREAS, spending in the 2012 elections is projected to total at least \$8 billion, and spending by "Super PACs" has played a dominant and deleterious role in shaping the presidential election thus far; and

WHEREAS, In 1816, former President Thomas Jefferson wrote, "I hope we shall crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country;" and

WHEREAS, In his 1910 "New Nationalism" speech, former President Theodore Roosevelt stated that, "It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes...have supplied one of the principal sources of corruption in our political affairs;" and

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to

correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

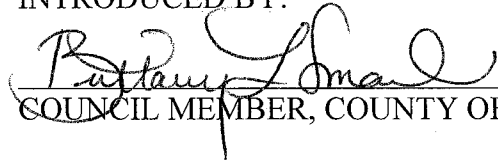
WHEREAS, notwithstanding the decision in *Citizens United v. Federal Election Commission* (2010), legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse *Citizens United v. Federal Election Commission* (2010); and to clarify that: Corporations are not entitled to the Constitutional protections or "rights" of natural persons.

BE IT FINALLY RESOLVED that the County Clerk shall forward copies of this resolution to Senator Daniel Inouye, Senator Daniel Akaka, Representative Mazie Hirono, and Representative Colleen Hanabusa.

Dated at Hilo, Hawai'i, this 3rd day of July, 2012.

INTRODUCED BY:


 COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
 County of Hawai'i
 Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on July 3, 2012.

ATTEST:

 
 COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
BLAS	X			
FORD	X			
HOFFMANN	X			
IKEDA	X			
ONISHI			X	
PILAGO	X			
SMART	X			
YAGONG	X			
YOSHIMOTO	X			
	8	0	1	0

Reference: C-735/GRC -16

RESOLUTION NO. **263 12**