

**HOUSE CONCURRENT
RESOLUTION No. _____**

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION supporting an amendment to the Constitution of the United States to provide that corporations are not "people" and money is not "speech".

Pierce

_____, read first time and referred to Committee on



HOUSE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION supporting an amendment to the Constitution of the United States to provide that corporations are not "people" and money is not "speech".

Whereas, A representative government of, by, and for the people is at the core of our inalienable right to self-govern, the essence of "We The People";

Whereas, The right to freedom of speech is a fundamental freedom and an inalienable right;

Whereas, Self-governance and free speech are essential components of responsive and responsible policy making;

Whereas, Free and fair elections are essential to democracy and effective self-government;

Whereas, The Constitution of the United States and the Bill of Rights are intended to protect the rights of individual human beings, known as "natural persons";

Whereas, Corporations are not mentioned in the Constitution of the United States and are human-created legal fictions manufactured by express permission of the people and our government;

Whereas, Corporations have special advantages not enjoyed by natural persons: they can exist in perpetuity, can exist simultaneously in many nations at once, may be managed and controlled by non-residents, need only profit



for survival, and exist solely through the legal charter imposed by the government of the people;

Whereas, In 2010, the Supreme Court of the United States issued a 5-4 opinion in Citizens United v. Federal Election Commission holding that "independent expenditures" for political advertising by corporations could not be limited by government regulations and that corporations are afforded the same free speech protections as natural persons;

Whereas, Two propositions form the base of the Court's decision: that corporations have the same constitutional rights as natural persons and that when corporations spend money on political advertisements, they are engaging in protected "speech";

Whereas, While political advertising does not guarantee victory, it does shape and influence voters' perspectives and opinions;

Whereas, Citizens United creates an unequal playing field and allows unlimited spending by corporations and super political action committees to influence elections, candidate selection, lawmaking, and public policy decisions;

Whereas, In his dissent, Justice John Paul Stevens recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. 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";

Whereas, Citizens United marked a significant doctrinal shift in first amendment law;

Whereas, This shift has been characterized by Justice Stevens as "judge-made doctrine" and a misinterpretation of constitutional text;

Whereas, Citizens United overturned longstanding precedent upholding laws prohibiting corporations from



spending their general treasury funds on political advertising;

Whereas, In Austin v. Michigan Chamber of Commerce (1990), the Court pointed out the threat to a representative 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 upheld limits on independent expenditures by corporations;

Whereas, In a 1938 opinion, United States Supreme Court Justice Hugo Black stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations";

Whereas, In Nixon v. Shrink Missouri Government PAC (2000), United States Supreme Court Justice John Paul Stevens observed that "money is property, it is not speech";

Whereas, Citizens United severely hampers the ability of federal and state governments to enact reasonable regulations regarding corporate political advertising;

Whereas, Because Citizens United impairs free and fair elections and effective self-governance, it impairs the ability of Hoosiers to govern through their elected representatives; and

Whereas, The Supreme Court of the United States should overturn its decision in Citizens United and the Constitution of the United States should be amended to make clear that corporations do not enjoy the same rights as natural persons: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

- 1 SECTION 1. That the Indiana General Assembly supports amending
2 the Constitution of the United States to establish that:
3 (1) Corporations are not "people" and only natural persons are
4 endowed with Constitutional rights;
5 (2) Money is not "speech" and, therefore, regulating political



1 contributions and spending is not equivalent to limiting political
2 speech; and
3 (3) Such an amendment should not be construed to abridge the
4 freedom of the press.
5 SECTION 2. That the Principal Clerk of the House of
6 Representatives transmit a copy of this resolution to the members of the
7 Indiana Congressional delegation.

