

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 732 Session of  
2012

INTRODUCED BY KORTZ, BISHOP, BURNS, CALTAGIRONE, FABRIZIO,  
FREEMAN, GIBBONS, HARKINS, HORNAMAN, KAVULICH, KOTIK, MUNDY,  
M. O'BRIEN, PASHINSKI, PAYTON AND STURLA, MAY 14, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 14, 2012

## A RESOLUTION

1 Urging the Congress of the United States to propose an amendment  
2 to the Constitution of the United States for the states'  
3 consideration which provides that corporations are not  
4 persons under the laws of the United States or any of its  
5 jurisdictional subdivisions.

6 WHEREAS, Free and fair elections are essential to American  
7 democracy and effective self-governance; and

8 WHEREAS, Individual persons are rightfully recognized as  
9 human beings who actually vote in elections; and

10 WHEREAS, Corporations are legal entities that governments  
11 create and can exist in perpetuity and simultaneously in many  
12 nations; and

13 WHEREAS, Corporations do not vote in elections and should not  
14 be categorized as persons for purposes related to elections for  
15 public office; and

16 WHEREAS, Corporations are not mentioned in the Constitution  
17 of the United States, nor have Congress and the states  
18 recognized corporations as legal persons in any subsequent  
19 constitutional amendment; and

1       WHEREAS, During the 1885-1886 United States Supreme Court  
2 term, in the midst of oral arguments leading to the decisions  
3 *Santa Clara v. Southern Pacific Railroad*, 118 U.S. 394 (1886),  
4 Chief Justice Waite stated that all the justices agreed that the  
5 Fourteenth Amendment's prohibition on a state denying equal  
6 protection to a person applies to a state's treatment of private  
7 corporations; and

8       WHEREAS, This brief but extraordinarily significant comment  
9 by Chief Justice Waite sanctioned private corporations to sue  
10 municipal and state governments for adopting laws that violate a  
11 corporation's rights even though those laws serve to protect and  
12 defend the rights of human persons; and

13       WHEREAS, The United States Supreme Court has continued to  
14 adhere to this legal position in its jurisprudence for more than  
15 a century and most recently applied it to its decision *Citizens*  
16 *United v. the Federal Election Commission*, 130 S.Ct. 876 (2010),  
17 that eliminated many restrictions, including any total  
18 prohibition, on corporate spending in the electoral process; and

19       WHEREAS, The United States Supreme Court in *Citizens United*  
20 has created a new and unequal playing field between human beings  
21 and corporations with respect to campaign financing, negating  
22 over a century of precedent prohibiting corporate contributions  
23 to Federal election campaigns dating to the Tillman Act of 1907;  
24 and

25       WHEREAS, The *Citizens United* decision has forced candidates  
26 for political office to divert attention from the interests and  
27 needs of their human constituents in order to raise sufficient  
28 campaign funds for elections; and

29       WHEREAS, Corporations are not, and have never been, human  
30 beings and therefore are rightfully subservient to human beings

1 and the governments that are their creators; and

2 WHEREAS, The profits and institutional survival of large  
3 corporations are often in direct conflict with the essential  
4 needs and rights of human beings; and

5 WHEREAS, Large corporations have used their so-called rights  
6 to successfully seek judicial reversal of democratically enacted  
7 laws passed at the Federal, State and municipal levels aimed at  
8 curbing corporate abuse; and

9 WHEREAS, These judicial decisions have rendered  
10 democratically elected governments ineffective in protecting  
11 their citizens against corporate harm to the environment,  
12 health, workers, independent business and regional and local  
13 economies; and

14 WHEREAS, Large corporations own most of America's mass media  
15 and employ the media to loudly express the corporate political  
16 agenda and to convince Americans that the primary role of human  
17 beings is that of consumers rather than sovereign citizens with  
18 democratic rights and responsibilities; and

19 WHEREAS, The only way to reverse this intolerable societal  
20 reality is to amend the Constitution of the United States to  
21 define persons as human beings and not corporations; therefore  
22 be it

23 RESOLVED, That the House of Representatives of the  
24 Commonwealth of Pennsylvania urge Congress to propose an  
25 amendment to the Constitution of the United States for the  
26 states' consideration which provides that corporations are not  
27 persons under the laws of the United States or any of its  
28 jurisdictional subdivisions; and be it further

29 RESOLVED, That copies of this resolution be transmitted to  
30 the presiding officers of each house of Congress and to each

1 member of Congress from Pennsylvania.