
HOUSE JOINT MEMORIAL 4005

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Morris, Dickerson, Carlyle, Eddy, Hasegawa, Fitzgibbon, Green, Moeller, Upthegrove, Orwall, Hunt, Reykdal, Seaquist, Kagi, Ryu, Kenney, Frockt, Appleton, Moscoso, and Llias

Read first time 02/01/11. Referred to Committee on Judiciary.

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

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

10 WHEREAS, Individual persons are rightfully recognized as the human
11 beings who actually vote in elections; and

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

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

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

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

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

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

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

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

27 WHEREAS, Corporations are not and have never been human beings and
28 therefore are rightfully subservient to human beings and the
29 governments that are their creators; and

30 WHEREAS, The profits and institutional survival of large
31 corporations are often in direct conflict with the essential needs and
32 rights of human beings; and

33 WHEREAS, Large corporations have used their so called rights to
34 successfully seek the judicial reversal of democratically enacted laws
35 passed at the municipal, state, and federal levels aimed at curbing
36 corporate abuse; and

37 WHEREAS, These judicial decisions have rendered democratically

1 elected governments ineffective in protecting their citizens against
2 corporate harm to the environment, health, workers, independent
3 business, and local and regional economies; and

4 WHEREAS, Large corporations own most of America's mass media and
5 employ those media to loudly express the corporate political agenda and
6 to convince Americans that the primary role of human beings is that of
7 consumers rather than sovereign citizens with democratic rights and
8 responsibilities; and

9 WHEREAS, The only way to reverse this intolerable societal reality
10 is to amend the United States Constitution to define persons as human
11 beings and not corporations;

12 NOW, THEREFORE, Your Memorialists respectfully resolve:

13 That the General Assembly urges Congress to propose an amendment to
14 the United States Constitution for the states' consideration which
15 provides that corporations are not persons under the laws of the United
16 States or any of its jurisdictional subdivisions.

17 BE IT RESOLVED, That copies of this Memorial be immediately
18 transmitted to the Honorable Barack Obama, President of the United
19 States, the President of the United States Senate, the Speaker of the
20 House of Representatives, the President of the Senate and the Speaker
21 of the House of Representatives of each state's legislature of the
22 United States of America, and each member of Congress from the State of
23 Washington.

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