

By: Martinez Fischer

H.C.R. No. 91

CONCURRENT RESOLUTION

1 WHEREAS, Free and fair elections are essential to democracy
2 and effective self-governance, but the United States Supreme Court,
3 in *Citizens United v. Federal Election Commission*, decided that the
4 American people are powerless to limit corporate expenditures aimed
5 at influencing state and federal elections; and

6 WHEREAS, The 5-4 decision allowed unlimited corporate
7 spending in elections as a form of "free speech" for the corporate
8 "person," but unlike human beings, who actually vote in elections,
9 a corporation is a government-created structure for doing business
10 that may only be used for purposes defined by the state or federal
11 statute that permitted its creation; further undermining the idea
12 of corporate personhood is the fact that corporations can exist
13 simultaneously in many nations and the fact that they can exist in
14 perpetuity; and

15 WHEREAS, Corporations are not mentioned in the United States
16 Constitution as originally adopted, nor have Congress and the
17 states recognized corporations as legal persons in any subsequent
18 federal constitutional amendment; in addition, the radical
19 decision in *Citizens United* casts aside more than a century of
20 precedent prohibiting corporate contributions to federal election
21 campaigns, dating back to the Tillman Act of 1907; and

22 WHEREAS, Before the supreme court ruling, corporations
23 already used their power to successfully seek the judicial reversal
24 of democratically enacted laws that aimed to curb corporate abuse,

1 but *Citizens United* has unleashed billions of dollars of corporate
2 money into the election process, making it highly unlikely such
3 laws will now even be proposed; as candidates for public office
4 compete for corporate funds, their attention is diverted from the
5 interests and needs of their human constituents to the interests of
6 large corporations, and the two are often in direct conflict; and

7 WHEREAS, The *Citizens United* decision distorts the meaning of
8 the First Amendment and dramatically dilutes the vote and voice of
9 every individual American who does not control a large corporate
10 treasury; in order to prevent irreparable damage to our democracy
11 by a deluge of corporate dollars, it is necessary to amend the
12 United States Constitution to affirm that only human beings are
13 persons and that corporations are not part of "We the People" by
14 whom and for whom our constitution was established; now, therefore,
15 be it

16 RESOLVED, That the 82nd Legislature of the State of Texas
17 hereby respectfully urge the Congress of the United States to
18 propose and submit to the states for ratification an amendment to
19 the United States Constitution that defines persons as human beings
20 only and that provides that corporations are not persons under the
21 laws of the United States or any of its jurisdictional
22 subdivisions; and, be it further

23 RESOLVED, That the Texas secretary of state forward official
24 copies of this resolution to the president of the United States, to
25 the president of the Senate and the speaker of the House of
26 Representatives of the United States Congress, and to all the
27 members of the Texas delegation to Congress with the request that

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1 this resolution be entered in the Congressional Record as a
2 memorial to the Congress of the United States of America.