

By Senator Clemens

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to propose to the states an amendment to the Constitution of the United States to provide that political contributions and expenditures by corporations be regulated by federal, state, and local governments and establish that corporations and other artificial entities are not human beings entitled to constitutional rights.

WHEREAS, government of, by, and for the people has long been a cherished American value, and the people's fundamental and inalienable right to self-govern and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed by the United States Constitution, and

WHEREAS, corporations are not mentioned in the United States Constitution but are human-made legal fictions created with the express permission of the people by our elected representatives through the government, and

WHEREAS, the concept of corporate personhood was created through ill-conceived judicial decisions to usurp basic human and constitutional rights guaranteed only to human beings, and

WHEREAS, the United States Supreme Court's rulings in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), and *McCutcheon v. Federal Election Commission*, 572 U.S. ___ (2014), endow corporations with constitutional protections originally held by the people, including the same right to freedom of speech as natural persons, and assume that spending money in the political process is equal to speech, and

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30 WHEREAS, these Supreme Court rulings remove legislative
31 spending limits on certain contributions and have opened the
32 floodgates to unlimited spending by wealthy individuals,
33 corporations, and other entities to influence candidate
34 selection, elections, and policy decisions, and to sway elected
35 officials to vote against the interests of their human
36 constituents, and

37 WHEREAS, corporations and other artificial entities exist
38 simultaneously in many nations and use these judicially granted
39 "corporate rights" to secure whatever is needed to seek greater
40 profits, regardless of the harm caused to the environment,
41 communities, or individuals, even to the point of legal action
42 to overturn national, state, and local government laws,
43 regulations, and ordinances in tribunals and courts, and

44 WHEREAS, the act of spending unlimited amounts of money in
45 the political process being deemed equal to speech is contrary
46 to the notion of "one person, one vote," and allows those with
47 the most money to have an unfair advantage, and

48 WHEREAS, the political system should ensure that citizens
49 have equal access to all phases of the processes that determine
50 the outcome of elections and ballot initiatives, and

51 WHEREAS, the Florida Legislature believes that free and
52 fair elections are essential to democracy and effective self-
53 governance and that unregulated and excessive expenditures by
54 corporations undermine the fairness of elections, NOW,
55 THEREFORE,

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57 Be It Resolved by the Legislature of the State of Florida:

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59 That the United States Congress is urged to propose to the
60 states an amendment to the Constitution of the United States
61 establishing that:

62 (1) Corporations are not persons but artificial entities
63 established by the laws of a state, the United States, or a
64 foreign state, and are subject to regulation by the people
65 through federal, state, and local governments;

66 (2) Corporations and other artificial entities have no
67 inalienable rights under the United States Constitution and that
68 corporations be subject to regulation by the people through
69 federal, state, or local government regulations;

70 (3) Money is not speech for the purpose of electioneering
71 and, therefore, that contributions and expenditures be subject
72 to limits and regulations by federal, state, and local
73 governments to ensure fair and equal access to participation in
74 the democratic process; and

75 (4) Such amendment is not intended to curtail the freedom
76 of the press.

77 BE IT FURTHER RESOLVED that copies of this memorial be
78 dispatched to the President of the United States, to the
79 President of the United States Senate, to the Speaker of the
80 United States House of Representatives, and to each member of
81 the Florida delegation to the United States Congress.