



Ohio Legislative Service Commission

Resolution Analysis

Bethany Boyd

H.J.R. 4

130th General Assembly
(As Introduced)

Reps. Ramos, Pillich, Foley, R. Hagan, Patterson, Fedor, Antonio

RESOLUTION SUMMARY

Applies to Congress to call a constitutional convention to propose an amendment to the United States Constitution that requires:

- The rights extended by the Constitution refer to and are granted only to natural human beings.
 - Congress shall have the power to define and regulate contributions and expenditures for electing candidates for federal office, without regard to whether such activity is carried out in consultation with or independent of any candidate, official committee, or political party.
 - Each state shall have the power to define and regulate contributions and expenditures for the purpose of electing candidates for state or local office, or any other issue put before the people of that given state for a vote, without regard to whether such activity is carried out in consultation with or independent of any candidate, official committee, or political party.
 - The Constitutional amendment shall not be construed to abridge the freedom of the press.
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CONTENT AND OPERATION

Application to Congress

Under Article V of the United States Constitution, the joint resolution applies to the Congress of the United States for an amendments convention to be called, for the purpose of proposing Amendment XXVIII to the Constitution, requiring that:

(1) The rights extended by the Constitution, intended for people, refer to and are granted only to natural human beings of the species *homo sapiens* (see **COMMENT**, below).

(2) Congress shall have the power to define and regulate contributions and expenditures for the purpose of electing candidates for federal office without regard to whether such activity is carried out in consultation with or independent of any candidate, official committee, or political party.

(3) Each state shall have the power to define and regulate contributions and expenditures for the purpose of electing candidates for state or local office, or any other issue put before the people of that given state for a vote, without regard to whether such activity is carried out in consultation with or independent of any candidate, official committee, or political party.

(4) The article shall not be construed to abridge the freedom of the press.

Article V authorizes Congress to call a convention for the purpose of proposing amendments to the U.S. Constitution on the application of $\frac{2}{3}$ (34) of the several state legislatures. An amendment is valid and becomes part of the U.S. Constitution when it is ratified by the state legislatures of, or by conventions in, $\frac{3}{4}$ of the states, as the one or the other mode of ratification may be proposed by Congress.

Constitutional convention

The joint resolution requests that the convention be entirely focused upon and exclusively limited to the subject matter of proposing for ratification the Constitutional amendment stated in (1) through (4), above. The resolution urges the legislatures of the several states to apply for an amendments convention for the purpose of proposing for ratification of this amendment.

Continuing application

The resolution declares the application to Congress a continuing application until at least $\frac{2}{3}$ of the state legislatures have made application for an equivalently limited amendments convention.

Distribution of the resolution

The joint resolution directs the Clerk of the House of Representatives to transmit duly authenticated copies of the resolution to the President Pro Tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Ohio Congressional delegation, and the presiding officers of each house of the several state



legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter of the joint resolution.

COMMENT

The proposed constitutional amendment specifying that the rights extended by the Constitution, intended for people, refer to and are granted only to natural human beings may carry broad legal ramifications. By specifying that constitutional rights apply only to *homo sapiens*, the additional language in the resolution may impact significant nonspeech rights that have been afforded corporations. For example, the U.S. Supreme Court has held that Art. I, Sec. 10 of the U.S. Constitution, which prohibits the states from passing any law impairing the obligation of contracts, applies to corporations;¹ that the Equal Protection and Due Process clauses of the Fourteenth Amendment apply to corporations;² that corporations qualify as citizens under Art. III, Sec. 10, which grants citizens access to federal courts;³ and that corporations are protected by the Fourth Amendment against unreasonable searches and seizures.⁴ An amendment providing that these rights apply only to natural persons could cause the courts to reverse all of these longstanding decisions.

HISTORY

ACTION	DATE
Introduced	02-28-13

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¹ *Dartmouth College v. Woodward*, 17 U.S. 518 (1819).

² *Wheeling Steel Corp. v. Glander*, 337 U.S. 562 (1949); *Minneapolis & S.L.R. Co. v. Beckwith*, 129 U.S. 26 (1889).

³ *Louisville C. & C.R.R. Co. v. Letson*, 43 U.S. 497 (1844).

⁴ *Hale v. Henkel*, 201 U.S. 43 (1906).

