

1 SENATE JOINT MEMORIAL 24

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 EXPRESSING OPPOSITION TO THE UNITED STATES SUPREME COURT RULING
12 IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION* CONCERNING
13 CORPORATE CAMPAIGN SPENDING AND REQUESTING CONGRESS TO SEND THE
14 "SAVING AMERICAN DEMOCRACY AMENDMENT" TO THE UNITED STATES
15 CONSTITUTION TO THE STATES FOR RATIFICATION.

16
17 WHEREAS, almost exactly two years ago, a narrowly divided
18 United States supreme court in its decision *Citizens United v.*
19 *Federal Election Commission* overturned several important
20 provisions of the Bipartisan Campaign Reform Act of 2002, as
21 well as earlier supreme court decisions, effectively sweeping
22 away a century of precedent barring direct corporate spending
23 in elections in the United States; and

24 WHEREAS, *Citizens United v. Federal Election Commission*
25 holds that corporations are people with free speech rights

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1 under the United States constitution, and thus can open their
2 corporate treasuries to participate in national elections in
3 the same manner as individuals; and

4 WHEREAS, *Citizens United v. Federal Election Commission*
5 has, as predicted, unleashed unprecedented amounts of money
6 into the political process, a process that was already being
7 overwhelmed with special interest money; and

8 WHEREAS, *Citizens United v. Federal Election Commission*
9 has been used as the justification to further undermine
10 regulations at the federal and state level that were designed
11 to limit the influence of corporations on the political system;
12 and

13 WHEREAS, this nation and its constitution were founded to
14 protect the rights of its people, not its corporations; and

15 WHEREAS, corporations are artificial entities, created
16 through the laws of the various states and the United States
17 solely to advance business interests; and

18 WHEREAS, many corporations are owned by individuals who
19 are not citizens of the United States or are controlled by
20 foreign companies and organizations; and

21 WHEREAS, unaccountable corporate spending on political
22 campaigns will serve to undercut the democracy that everyone
23 holds dear; and

24 WHEREAS, unprecedented amounts of money have already
25 flowed into the present primary campaigns for presidential

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1 nominations; and

2 WHEREAS, much of that money had been funneled anonymously
3 through "super PACs" supporting the various candidates and has
4 been used principally to fund negative campaign advertisements
5 of doubtful veracity that serve only to further divide the
6 nation; and

7 WHEREAS, Article V of the United States constitution
8 allows the people of the United States to amend the
9 constitution when the people and their representatives have
10 determined that the freedoms upon which this nation was founded
11 have been undermined or degraded; and

12 WHEREAS, an amendment to the United States constitution
13 has been proposed in the United States congress, the "Saving
14 American Democracy Amendment", with the following four
15 provisions:

- 16 A. that corporations are not persons with
17 constitutional rights equal to real people;
- 18 B. corporations are subject to regulation by the
19 people;
- 20 C. corporations may not make campaign contributions
21 or any election expenditures; and
- 22 D. congress and the states have the power to
23 regulate campaign finances;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that it express the strongest opposition to

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1 the United States supreme court's decision in *Citizens United*
2 *v. Federal Election Commission* and call upon the United States
3 congress to pass the "Saving American Democracy Amendment" and
4 send that amendment to the states for ratification; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the members of the New Mexico congressional
7 delegation.

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