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SENATE MEMORIAL 3

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

INTRODUCED BY

Stephen H. Fischmann

A MEMORIAL

EXPRESSING OPPOSITION TO THE UNITED STATES SUPREME COURT RULING
IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION* CONCERNING
CORPORATE CAMPAIGN SPENDING AND REQUESTING CONGRESS TO PROPOSE
AN AMENDMENT TO THE UNITED STATES CONSTITUTION.

WHEREAS, on January 21, 2010, the United States supreme
court, by a five to four decision in *Citizens United v. Federal
Election Commission*, overturned several important provisions of
the Bipartisan Campaign Reform Act of 2002, as well as earlier
supreme court decisions, and swept away a century of tradition
barring corporate spending in elections in the United States;
and

WHEREAS, the United States supreme court's ruling holds
that corporations are people with free speech rights under the
United States constitution and may engage in unlimited

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1 corporate spending in elections; and

2 WHEREAS, *Citizens United v. Federal Election Commission*
3 unleashes a torrent of corporate money into the political
4 process unmatched by any campaign expenditure totals in United
5 States history; and

6 WHEREAS, *Citizens United v. Federal Election Commission*
7 purports to invalidate state laws and even state constitutional
8 provisions separating corporate money from elections; and

9 WHEREAS, *Citizens United v. Federal Election Commission*
10 presents a serious and direct threat to republican democracy;
11 and

12 WHEREAS, the decision in *Citizens United v. Federal*
13 *Election Commission* grants excessive power to corporate
14 interests and threatens to overwhelm the voices of individual
15 citizens in the political process; and

16 WHEREAS, Article V of the United States constitution
17 empowers and obligates the people and states of the United
18 States of America to use the constitutional amendment process
19 to correct those egregiously wrong decisions of the United
20 States supreme court that go to the heart of democracy and
21 republican self-government; and

22 WHEREAS, the people and states of the United States of
23 America have strengthened the nation and preserved liberty and
24 equality for all by using the amendment process throughout
25 history, including in seven of the ten decades of the twentieth

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1 century, and through the amendment process have reversed seven
2 erroneous supreme court decisions;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
4 OF NEW MEXICO that it express strong opposition to the United
5 States supreme court's decision in *Citizens United v. Federal*
6 *Election Commission* and call upon the United States congress to
7 propose and send to the states for ratification an amendment to
8 the United States constitution to restore republican democracy
9 to the people of the United States; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the members of the New Mexico congressional
12 delegation.