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HOUSE MEMORIAL 7

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Brian F. Egolf

A MEMORIAL

EXPRESSING STRONG OPPOSITION TO THE UNITED STATES SUPREME COURT
RULING IN *CITIZENS UNITED V. FEDERAL ELECTIONS 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
Elections Commission*, overturned several important provisions
of the Bipartisan Campaign Reform Act of 2002, as well as
earlier supreme court decisions and other federal campaign
legislation dating back to 1907; and

WHEREAS, the supreme court's ruling holds that
corporations are guaranteed the rights of persons under the
United States constitution and can exercise free speech by
maintaining their own unlimited political campaigns outside the

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1 reach of federal laws that limit campaign contributions; and

2 WHEREAS, in a ninety-page dissent, Justice John Paul
3 Stevens said that the *Citizens United* decision represents a
4 radical change in the law and "threatens to undermine the
5 integrity of elected institutions across the Nation"; and

6 WHEREAS, the supreme court's decision in *Citizens United*
7 is premised on an illogical legal concept that corporations are
8 persons who have the same free speech rights as individuals;
9 and

10 WHEREAS, corporations cannot by any reasonable definition
11 be characterized as people because corporations:

- 12 A. can reside in multiple states and countries
13 simultaneously;
- 14 B. can conceivably exist for hundreds of years;
- 15 C. cannot be incarcerated;
- 16 D. cannot enter into a marriage contract or
17 conceive a child;
- 18 E. cannot independently formulate political
19 opinions separate and distinct from the board of directors,
20 executives, shareholders or employees;
- 21 F. cannot obtain citizenship or be issued a
22 passport;
- 23 G. cannot enlist in the military; and
- 24 H. cannot vote; and

25 WHEREAS, the first amendment to the United States

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1 constitution was designed to protect the free speech rights of
2 people, not corporations; and

3 WHEREAS, on the basis of protecting the free speech rights
4 of corporations, *Citizens United* will now allow corporations to
5 spend unprecedented amounts of money on political campaigns;
6 and

7 WHEREAS, as a result of *Citizens United*, there is likely
8 to be a chilling effect on the willingness of candidates and
9 elected officials to advocate and implement policies that
10 advance the public interest but that may be against corporate
11 interests; and

12 WHEREAS, the decision in *Citizens United* grants excessive
13 power to corporate interests and threatens to overwhelm the
14 voice of individual citizens in the political process; and

15 WHEREAS, the people of the United States have previously
16 used the constitutional amendment process to correct those
17 egregiously wrong decisions of the United States supreme court
18 that go to the heart of democracy and self-government;

19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
20 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it express
21 strong opposition to the supreme court's decision in *Citizens*
22 *United* and call upon the United States congress to propose an
23 amendment to the United States constitution to provide that
24 corporations will not be considered persons for the purposes of
25 protecting free speech under the first amendment; and

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1 BE IT FURTHER RESOLVED that copies of this memorial be
2 transmitted to the members of the New Mexico congressional
3 delegation.

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