

1 SENATE JOINT MEMORIAL 32

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 A JOINT MEMORIAL

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

15  
16 WHEREAS, on January 21, 2010, the United States supreme  
17 court, by a five to four decision in *Citizens United v. Federal*  
18 *Election Commission*, overturned several important provisions of  
19 the Bipartisan Campaign Reform Act of 2002, as well as earlier  
20 supreme court decisions, and swept away a century of tradition  
21 barring corporate spending in elections in the United States;  
22 and

23 WHEREAS, the supreme court's ruling holds that all  
24 corporations are guaranteed the rights of persons under the  
25 United States constitution and can exercise free speech by

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1 maintaining their own unlimited political campaigns outside the  
2 reach of federal laws that limit campaign contributions; and

3 WHEREAS, prior to its holding in *Citizens United*, the  
4 United States supreme court had twice upheld certain limits on  
5 corporate campaign spending, in *McConnell v. Federal Election*  
6 *Commission* and in *Austin v. Michigan Chamber of Commerce*, where  
7 the court specifically noted that "[c]orporate wealth can  
8 unfairly influence elections"; and

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

13 WHEREAS, the supreme court's decision in *Citizens United*  
14 is premised on an illogical legal concept that corporations are  
15 persons that have the same free speech rights as individuals;  
16 and

17 WHEREAS, in regard to elections, corporations are not  
18 legally similar to individual voters because they:

- 19 A. can reside in multiple states or foreign  
20 countries;  
21 B. can be in existence for hundreds of years;  
22 C. cannot be incarcerated;  
23 D. cannot vote; and  
24 E. cannot independently formulate political  
25 opinions separate and distinct from the board of directors,

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1 executive, shareholders or employees; and

2 WHEREAS, a shareholder in a large corporation has very  
3 little control over how a corporation spends the money of the  
4 corporation on individual campaign expenditures; and

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

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

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

17 WHEREAS, the first amendment to the United States  
18 constitution was designed to protect the free speech rights of  
19 people, not corporations;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
21 STATE OF NEW MEXICO that it express strong opposition to the  
22 supreme court's decision in *Citizens United v. Federal Election*  
23 *Commission* and call upon the United States congress to propose  
24 and send to the states for ratification an amendment to the  
25 United States constitution to restore free speech and fair

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1 elections to the people of the United States; and

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

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