

2011-J4154

LEGISLATIVE RESOLUTION memorializing Congress to propose an amendment to the United States Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech

WHEREAS, The First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

WHEREAS, The Court's ruling in CITIZENS UNITED V. FEDERAL ELECTIONS COMMISSION will allow unprecedented amounts of corporate money to influence the American political process, which constitutes a direct threat to our democratic institutions; and

WHEREAS, In his 80-page dissent in the CITIZENS UNITED case, Justice Stevens called the decision "a radical change in the law" that ignores "the overwhelming majority of justices who have served on this court" and stated that "In the context of election to public office, the distinction between corporate and human speakers is significant...

[Corporations] cannot vote or run for office, because they may be managed and controlled by nonresidents, their interest may conflict in fundamental respects with the interests of eligible voters"; and

WHEREAS, The United States Supreme Court's ruling in CITIZENS UNITED V. FEDERAL ELECTIONS COMMISSION will now permit unprecedented spending of corporate money in our political process unrivaled by any campaign expenditure totals in United States history; and

WHEREAS, An individual can use his or her money to speak on his or her singular behalf; the money corporations use to speak belongs to its shareholders, who presumably come from disparate political ideologies; and

WHEREAS, Individual shareholders are inextricably absorbed into the corporation's powerful political action, regardless of their individual political beliefs and affiliations; and

WHEREAS, The United States Supreme Court's ruling in CITIZENS UNITED

V. FEDERAL ELECTIONS COMMISSION threatens to dilute an individual's power as a voting citizen and compromise the democratic process; and WHEREAS, The United States Supreme Court's ruling in CITIZENS UNITED V. FEDERAL ELECTIONS COMMISSION presents a serious and direct threat to our democracy; and

WHEREAS, The people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government; now, therefore, be it

RESOLVED, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to express opposition to the United States Supreme Court ruling in CITIZENS UNITED V. FEDERAL ELECTIONS COMMISSION; and be it further

RESOLVED, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to propose an amendment to the United States Constitution to provide that corporations are not entitled to the protections or "rights" of natural persons relating to the expenditure of corporate money to influence the electoral process which no longer shall be a form of constitutionally protected speech and Congress and the States may fully regulate all election contributions and expenditures; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker

of the House of Representatives, and to each member of the Congress of the United States from the State of New York.