

Senate Joint Resolution 2002 - Introduced

SENATE JOINT RESOLUTION 2002
BY DANIELSON

SENATE JOINT RESOLUTION

1 A Joint Resolution requesting the proposal of an amendment to
2 the Constitution of the United States relating to Citizens
3 United v. Federal Election Commission.

4 WHEREAS, the protections afforded by the First Amendment
5 of the Constitution of the United States to the people of our
6 nation are fundamental to our democracy; and

7 WHEREAS, the First Amendment of the Constitution of the
8 United States was designed to protect the free speech rights of
9 people regardless of wealth, and not corporations; and

10 WHEREAS, corporations are not people who are entitled to
11 constitutional rights of citizenship but instead are entities
12 created by the laws of states and nations; and

13 WHEREAS, for the past three decades, a divided United States
14 Supreme Court has transformed the First Amendment into a
15 powerful tool for corporations seeking to evade and invalidate
16 democratically enacted reforms; and

17 WHEREAS, this corporate misuse of the First Amendment and
18 the Constitution of the United States has reached an extreme
19 conclusion in the United States Supreme Court's ruling in
20 Citizens United v. Federal Election Commission, 130 S. Ct. 876
21 (2010); and

22 WHEREAS, the Supreme Court's ruling in Citizens United v.
23 Federal Election Commission overturned long-standing precedent
24 prohibiting corporations from spending their general treasury
25 funds in our elections; and

26 WHEREAS, the opinion of the four dissenting justices in
27 Citizens United v. Federal Election Commission noted that
28 corporations have special advantages not enjoyed by natural
29 persons, such as limited liability, perpetual life, and
30 favorable treatment of the accumulation and distribution of
31 assets, that allow them to spend prodigious sums on campaign

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32 messages that have little or no correlation with the beliefs
33 held by natural persons; and

34 WHEREAS, the majority opinion of the Supreme Court in Austin
35 v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), ruled
36 that the people have a compelling interest in preventing the
37 corrosive and distorting effects of immense aggregations of
38 wealth that are accumulated with the help of the corporate form
39 and that have little or no correlation to the public's support
40 for the corporation's political ideas from unduly influencing
41 our political process; and

42 WHEREAS, the Supreme Court's ruling in Citizens United
43 v. Federal Election Commission will now unleash a torrent of
44 corporate money into our political process unmatched by any
45 campaign expenditure totals in United States history; and

46 WHEREAS, Citizens United v. Federal Election Commission
47 purports to invalidate state laws and even state constitutional
48 provisions separating corporate money from elections; and

49 WHEREAS, the Supreme Court's ruling in Citizens United v.
50 Federal Election Commission represents a serious and direct
51 threat to our democracy; and

52 WHEREAS, the general public and political leaders in the
53 United States have recognized, since the founding of our
54 country, that the interests of corporations do not always
55 correspond with the public interest and that, therefore, the
56 political influence of corporations should be limited; and

57 WHEREAS, in 1816, Thomas Jefferson wrote, "I hope ...
58 we shall crush in its birth the aristocracy of our moneyed
59 corporations, which dare already to challenge our government
60 to a trial of strength and bid defiance to the laws of our
61 country"; and

62 WHEREAS, Article V of the Constitution of the United States
63 empowers and obligates the people and states of the United
64 States of America to use the constitutional amendment process
65 to correct those egregiously wrong decisions of the United
66 States Supreme Court that go to the heart of our democracy and
67 republican self-government; and

68 WHEREAS, notwithstanding the decision in Citizens United

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69 v. Federal Election Commission, legislators have a duty to
70 protect democracy, and our Constitution and defend them from
71 the potentially detrimental effects of corporate spending in
72 local, state, and federal elections; NOW THEREFORE,
73 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 That the General Assembly respectfully disagrees with the
2 majority opinion and decision of the United States Supreme
3 Court in Citizens United v. Federal Election Commission; and

4 BE IT FURTHER RESOLVED, That the Congress of the United
5 States is hereby petitioned to propose an amendment to the
6 Constitution of the United States, for submission to the states
7 for ratification, to overturn Citizens United v. Federal
8 Election Commission and to restore constitutional rights and
9 fair elections to the people; and

10 BE IT FURTHER RESOLVED, That, alternatively, pursuant to
11 Article V of the Constitution of the United States, the General
12 Assembly, as the Legislature of the State of Iowa, makes
13 application to the Congress of the United States to call a
14 convention for the specific and exclusive purpose of proposing
15 an amendment to the Constitution of the United States, for
16 submission to the states for ratification, to overturn
17 Citizens United v. Federal Election Commission and to restore
18 constitutional rights and fair elections to the people; and

19 BE IT FURTHER RESOLVED, That if, within sixty days after the
20 legislatures of two-thirds of the states make application for
21 such convention, Congress proposes and submits to the states
22 for ratification an amendment to the Constitution of the United
23 States which overturns Citizens United v. Federal Election
24 Commission, then this application for a convention shall no
25 longer be of any force and effect; and

26 BE IT FURTHER RESOLVED, That this application constitutes
27 a continuing application in accordance with Article V of the
28 Constitution of the United States, until at least two-thirds of
29 the legislatures of the several states have made application
30 for a similar convention under Article V, or the Congress has
31 proposed the amendment called for by this Joint Resolution, or
32 the General Assembly acts to withdraw this application; and

33 BE IT FURTHER RESOLVED, That, upon passage, the Secretary
34 of State shall transmit certified copies of this Joint
35 Resolution to the President and Secretary of the United States

1 Senate, the Speaker and Clerk of the United States House
2 of Representatives, each member of the Iowa congressional
3 delegation, and the presiding officer of each house of each
4 state legislature in the United States.

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EXPLANATION

6 Citizens United v. Federal Election Commission, 130 S. Ct.
7 876 (2010), is a United States Supreme Court decision holding
8 that the First Amendment prohibits government from placing
9 limits on independent spending for political purposes by
10 corporations and labor unions. This joint resolution petitions
11 Congress to propose an amendment to the Constitution of the
12 United States, for submission to the states for ratification,
13 to reverse Citizens United v. Federal Election Commission.

14 Alternatively, the resolution is an application to the
15 Congress from the State of Iowa, as required by Article V of
16 the Constitution of the United States, calling upon Congress
17 to convene a constitutional convention concerning the proposed
18 amendment.