

By: Ellis

S.C.R. No. 2

CONCURRENT RESOLUTION

1           WHEREAS, Discarding a century of precedent, the United States  
2 Supreme Court, in *Citizens United v. Federal Election Commission*,  
3 swept aside long-standing campaign finance laws and cleared the way  
4 for unlimited corporate spending in elections; and

5           WHEREAS, The five justices in the majority ruled that  
6 political spending is a form of protected speech under the First  
7 Amendment and that the government may not prevent corporations from  
8 giving money to support or oppose individual candidates for public  
9 office; the United States Constitution, however, does not mention  
10 corporations and endows only natural persons with the right to  
11 speak, assemble, and petition; there is no evidence that the  
12 framers of the constitution wished to extend to corporations the  
13 same rights as natural persons in the electoral context; and

14           WHEREAS, Corporations, as the four dissenting judges noted in  
15 their opinion, are legal entities with no consciences, beliefs,  
16 feelings, thoughts, or desires; these entities help structure and  
17 facilitate the activities of human beings but are not themselves  
18 members of "We the People," by whom and for whom the constitution  
19 was established; the conditional rights of corporations are granted  
20 not by the constitution but rather through the legislative  
21 deliberations of Congress and the states; and

22           WHEREAS, Unlike natural persons, corporations are granted  
23 certain privileges, including limited liability, perpetual life,  
24 and favorable treatment of the accumulation and distribution of

1 assets, that enhance their ability to attract capital and to  
2 maximize the return on their shareholders' investments; yet these  
3 very privileges give corporations the financial capacity to drown  
4 out the individual voices of natural persons, which is why Congress  
5 and the states have rightly sought to restrict the influence of  
6 corporate power on our political system; moreover, corporations may  
7 be under the control of citizens of foreign countries who are  
8 ineligible to participate in our elections; and

9       WHEREAS, Article V of the U.S. Constitution empowers the  
10 people and the states to correct egregious Supreme Court rulings by  
11 means of constitutional amendment, and 7 of the extant 27  
12 amendments were enacted for just such a purpose; the tide of  
13 corporate money that has been unleashed in the wake of *Citizens*  
14 *United* deeply threatens the free speech protections of individuals,  
15 and the amendment process must be used to reverse this erroneous and  
16 damaging decision; now, therefore, be it

17       RESOLVED, That the 84th Legislature of the State of Texas  
18 hereby respectfully urge the Congress of the United States to  
19 propose and submit to the states for ratification an amendment to  
20 the United States Constitution that overturns *Citizens United v.*  
21 *Federal Election Commission*, clearly establishing that the  
22 spending of money to influence elections shall not be construed as  
23 speech under the First Amendment and may be regulated by federal,  
24 state, or local government, and clarifying that only natural  
25 persons are protected by constitutional rights and that  
26 corporations, limited liability companies, and other artificial  
27 entities derive their rights through the legislative deliberations

1 of Congress and the states and remain subject to regulation by the  
2 people through federal, state, or local law; and, be it further

3       RESOLVED, That the Texas secretary of state forward official  
4 copies of this resolution to the president of the United States, to  
5 the president of the Senate and the speaker of the House of  
6 Representatives of the United States Congress, and to all the  
7 members of the Texas delegation to Congress with the request that  
8 this resolution be entered in the Congressional Record as a  
9 memorial to the Congress of the United States of America.