

AMENDED IN SENATE MARCH 1, 2010  
AMENDED IN SENATE AUGUST 27, 2009  
AMENDED IN ASSEMBLY APRIL 20, 2009  
AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**Assembly Joint Resolution**

**No. 3**

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**Introduced by Assembly Members ~~Member Nava and Evans~~**  
**(Coauthors: Assembly Members Ammiano, Bass, Beall, Blumenfield,**  
**Brownley, Caballero, Carter, Coto, Davis, De La Torre, Eng,**  
**Feuer, Fong, Fuentes, Furutani, Hayashi, Hill, Huffman, Jones,**  
**Krekorian, Lieu, Bonnie Lowenthal, Ma, Mendoza, Monning,**  
**Price, Ruskin, Salas, Skinner, Audra Strickland, Swanson,**  
**Torlakson, Torrico, and Yamada)**  
(Coauthors: Senators Pavley, Wiggins, and Yee)  
(Principal coauthor: Senator Hancock)

January 23, 2009

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Assembly Joint Resolution No. 3—Relative to ~~offshore oil drilling~~  
*campaign finance reform.*

LEGISLATIVE COUNSEL'S DIGEST

AJR 3, as amended, Nava. ~~Offshore oil drilling.~~ *Political campaign funding.*

*This measure memorializes the Legislature's disagreement with the decision of the United States Supreme Court in Citizens United v. Federal Election Commission and requests the Congress of the United States to pass and send to the states for ratification a constitutional amendment that would allow Congress and state legislatures to place*

*appropriate limits on political campaign contributions and expenditures made by corporations in connection with elections.*

~~This measure would request that the Congress of the United States reinstate the federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond. This measure would also memorialize the Legislature's opposition to the proposed expansion of oil and gas drilling off the Pacific Coast and any federal energy policies and legislation that would weaken California's role in energy siting decisions by those policies.~~

Fiscal committee: no.

1     *WHEREAS, The protections afforded by the First Amendment*  
 2     *to the United States Constitution to the people of our nation are*  
 3     *fundamental to our democracy; and*

4     *WHEREAS, The First Amendment was intended to ensure that*  
 5     *the government could not infringe on the right of the people to*  
 6     *freely assemble and to express their beliefs and opinions freely;*  
 7     *and*

8     *WHEREAS, While corporations make important contributions*  
 9     *to our society, corporations, as legally created economic entities,*  
 10    *do not and should not share all of the same rights and privileges*  
 11    *as natural persons, such as the right to vote and the right to seek*  
 12    *public office; and*

13    *WHEREAS, The opinion of the four dissenting justices in the*  
 14    *recent United States Supreme Court case Citizens United v. Federal*  
 15    *Election Commission (2010), No. 08-205, noted that corporations*  
 16    *have special advantages not enjoyed by natural persons, such as*  
 17    *limited liability, perpetual life, and favorable treatment of the*  
 18    *accumulation and distribution of assets, that allow them to spend*  
 19    *prodigious sums on campaign messages that have little or no*  
 20    *correlation with the beliefs held by natural persons; and*

21    *WHEREAS, Under previous Supreme Court decisions and*  
 22    *existing campaign finance law, the individual shareholders of*  
 23    *every corporation remain entirely free to state their opinions and*  
 24    *to contribute money so that their opinions and beliefs can be*  
 25    *disseminated by whatever media they choose and to the extent they*  
 26    *choose outside of the corporate form; and*

27    *WHEREAS, In the unanimous decision in the United States*  
 28    *Supreme Court case Federal Election Commission v. National*  
 29    *Right to Work Committee (1982) 459 U.S. 197, Justice William*

1 *Rehnquist wrote for the Court that Congress’s “legislative*  
2 *adjustment of the federal electoral laws, in a cautious advance,*  
3 *step by step, to account for the particular legal and economic*  
4 *attributes of corporations ... warrants considerable deference”*  
5 *and “reflects a permissible assessment of the dangers posed by*  
6 *those entities to the electoral process,” and, as Justice Rehnquist*  
7 *went on to write, “The governmental interest in preventing both*  
8 *actual corruption and the appearance of corruption of elected*  
9 *representatives has long been recognized, and there is no reason*  
10 *why it may not ... be accomplished by treating ... corporations,*  
11 *and similar organizations differently from individuals”;* and

12 *WHEREAS, The general public and political leaders in the*  
13 *United States have recognized, since the founding of our country,*  
14 *that the interests of corporations do not always correspond with*  
15 *the public interest and that, therefore, the political influence of*  
16 *corporations should be limited;* and

17 *WHEREAS, In 1816, Thomas Jefferson wrote, “I hope we shall*  
18 *crush in its birth the aristocracy of our moneyed corporations,*  
19 *which dare already to challenge our government to a trial of*  
20 *strength and bid defiance to the laws of our country”;* and

21 *WHEREAS, In 1864, President Abraham Lincoln wrote, “As a*  
22 *result of the war, corporations have been enthroned and an era*  
23 *of corruption in high places will follow, and the money power of*  
24 *the country will endeavor to prolong its reign by working upon*  
25 *the prejudices of the people until all wealth is aggregated in a few*  
26 *hands and the Republic is destroyed”;* and

27 *WHEREAS, In 1905, President Theodore Roosevelt said, “All*  
28 *contributions by corporations to any political committee or for*  
29 *any political purpose should be forbidden by law; directors should*  
30 *not be permitted to use stockholders’ money for such purposes;*  
31 *and, moreover, a prohibition of this kind would be, as far as it*  
32 *went, an effective method of stopping the evils aimed at in corrupt*  
33 *practices acts”;* and

34 *WHEREAS, In 1961, President Dwight D. Eisenhower said, in*  
35 *reference to the rise of defense industry corporations, “In the*  
36 *councils of government, we must guard against the acquisition of*  
37 *unwarranted influence, whether sought or unsought, by the military*  
38 *industrial complex. The potential for the disastrous rise of*  
39 *misplaced power exists and will persist”;* and

1     WHEREAS, In 2002, recognizing the deleterious effects that  
2     corporate influence can have on democracy, Democrats and  
3     Republicans in Congress worked in a bipartisan manner to limit  
4     corporate contributions to election campaigns through legislation  
5     sponsored by Senators John McCain and Russell Feingold known  
6     as the Bipartisan Campaign Reform Act of 2002; and

7     WHEREAS, Congress has placed special limitations on  
8     campaign spending by corporations ever since passage of the  
9     Tillman Act in 1907; and

10    WHEREAS, The United States Supreme Court's ruling in  
11    *Citizens United v. Federal Election Commission* invalidated critical  
12    provisions of the Bipartisan Campaign Reform Act of 2002, which  
13    sought to limit the influence of special interests, especially  
14    corporations, in elections; and

15    WHEREAS, The decision in *Citizens United v. Federal Election*  
16    *Commission* overruled the United States Supreme Court's previous  
17    decision in *Austin v. Michigan Chamber of Commerce* (1990) 494  
18    U.S. 652 and overruled in part the Court's previous decision in  
19    *McConnell v. Federal Election Commission* (2003) 540 U.S. 93;  
20    and

21    WHEREAS, Notwithstanding the decision in *Citizens United v.*  
22    *Federal Election Commission*, legislators have a duty to protect  
23    democracy and guard against the potentially detrimental effects  
24    of corporate spending in local, state, and federal elections; now,  
25    therefore, be it

26    RESOLVED BY THE ASSEMBLY AND THE SENATE OF  
27    THE STATE OF CALIFORNIA, JOINTLY, That the Legislature  
28    of the State of California respectfully disagrees with the majority  
29    opinion and decision of the United States Supreme Court in  
30    *Citizens United v. Federal Election Commission*; and be it further

31    RESOLVED, That the Legislature of the State of California  
32    respectfully requests that the United States Congress pass and  
33    send to the states for ratification a constitutional amendment to  
34    restore the power of Congress and state legislatures to safeguard  
35    democracy by placing appropriate limits on the ability of  
36    corporations to influence the outcome of elections through political  
37    campaign contributions and other expenditures; and be it further

38    RESOLVED, That the Chief Clerk of the Assembly transmit  
39    copies of this resolution to the President and Vice President of the  
40    United States, to the Speaker of the House of Representatives, to

1 *each Senator and Representative from California in the Congress*  
2 *of the United States, and to the author for appropriate distribution.*

3 WHEREAS, The United States Department of the Interior, acting  
4 in President Bush's final days in office, on January 16, 2009,  
5 proposed opening up six million acres off of California's coast to  
6 drilling for oil and natural gas; and

7 WHEREAS, While the Obama Administration has put a hold  
8 on the Department of the Interior's January 16th plan in order to  
9 consider various possible impacts of offshore oil development as  
10 well as consider input from the public, the expansion of oil  
11 development in areas previously protected by the outer continental  
12 shelf moratorium remain under consideration; and

13 WHEREAS, Proposed drilling areas include areas off Humboldt  
14 and Mendocino Counties and from San Luis Obispo south to San  
15 Diego; and

16 WHEREAS, Following the infamous January 29, 1969, oil spill  
17 that resulted in the spillage of 3,200,000 gallons of crude oil and  
18 that fouled Santa Barbara County's ocean beaches, Californians  
19 became even more wary about offshore oil drilling, continuing  
20 with the passage of additional oil and gas leasing prohibitions in  
21 1969, 1970, and 1971; and

22 WHEREAS, In 1994, the California Coastal Sanctuary Act of  
23 1994 (Chapter 3.4 (commencing with Section 6240) of Part 1 of  
24 Division 6 of the Public Resources Code) became law, creating a  
25 comprehensive statewide coastal sanctuary that prohibits, in  
26 perpetuity, future oil and gas leasing in state waters, from Mexico  
27 to the Oregon border, and that adds leases to the sanctuary as they  
28 are quitclaimed to the state; and

29 WHEREAS, In addition, the protection of California's  
30 spectacular 1,100-mile coastline is of the utmost importance to a  
31 number of our state's coastal and ocean-dependent industries,  
32 including tourism and commercial fishing, which contributed over  
33 \$50 billion to California's economy in 2003; and

34 WHEREAS, California's ocean waters are also home to four  
35 important sanctuaries, that are, by definition, areas of special  
36 conservation, —recreational, —ecological, —historical, —cultural,  
37 archaeological, scientific, educational, and aesthetic qualities and  
38 are particularly sensitive to the impacts of oil development; and

39 WHEREAS, Additional offshore oil leasing and production  
40 would degrade the quality of our air and water and adversely impact

1 our marine resources, including seismic surveys that could severely  
2 impact marine mammals, including threatened and endangered  
3 species such as the blue and humpback whale; and

4 WHEREAS, Offshore oil development poses a serious risk of  
5 oil spills, especially with the introduction of deepwater drilling  
6 technologies and floating oil storage and processing vessels,  
7 thereby threatening marine ecosystems, and could have devastating  
8 effects on the southern sea otter, listed as a threatened species since  
9 1997, as well as onshore wildlife, birds, and their habitats in the  
10 ocean, in estuaries, and on beaches; and

11 WHEREAS, Offshore oil development also leads to the  
12 industrialization of the shoreline, creating land use conflicts,  
13 visually degrading coastal areas, damaging coastal habitat, and  
14 posing potentially life-threatening public safety risks; and

15 WHEREAS, The further development of nonrenewable resources  
16 that degrade our air, water, and land is contrary to our state's goals  
17 of reducing emissions that cause global warming, improving air  
18 quality, and increasing the use of renewable energy; now, therefore,  
19 be it

20 *Resolved by the Assembly and the Senate of the State of*  
21 *California, jointly,* That the Legislature of the State of California  
22 respectfully requests that the Congress of the United States reinstate  
23 the federal offshore oil and gas leasing moratorium for the 2009  
24 fiscal year and beyond; and be it further

25 *Resolved,* That the Legislature of the State of California  
26 respectfully opposes the proposed expansion of oil and gas drilling  
27 off the Pacific Coast and any federal energy policies and legislation  
28 that would weaken California's legitimate role in energy siting  
29 decisions due to the threat posed by those policies and legislation  
30 to the integrity of California's coastal and ocean dependent tourism  
31 and fishing economies and the consolidation of project review  
32 authority with the federal government; and be it further

33 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
34 of this resolution to the President and Vice President of the United  
35 States, to the Speaker of the House of Representatives, to each  
36 Senator and Representative from California in the Congress of the  
37 United States, to the Secretary of the Interior, and to the author  
38 for appropriate distribution.

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