

MOVE TO AMEND

Do We Need a Constitutional Amendment Now that the Green New Deal Has Been Introduced?

People often ask this question. The answer is, yes, because the Green New Deal and HJR 48 have different goals and methods.

What is the Green New Deal?

The Green New Deal, House Resolution 109, is a resolution in the House of Representatives. (Summary by the Congressional Research service:)

"This resolution calls for the creation of a Green New Deal with the goals of

- achieving net-zero greenhouse gas emissions;
- establishing millions of high-wage jobs and ensuring economic security for all;
- investing in infrastructure and industry;
- securing clean air and water, climate and community resiliency, healthy food, access to nature, and a sustainable environment for all; and
- promoting justice and equality.

The resolution calls for accomplishment of these goals through a 10-year national mobilization effort. The resolution also enumerates the goals and projects of the mobilization effort, including

- building smart power grids (i.e., power grids that enable customers to reduce their power use during peak demand periods);
- upgrading all existing buildings and constructing new buildings to achieve maximum energy and water efficiency;
- removing pollution and greenhouse gas emissions from the transportation and agricultural sectors;
- cleaning up existing hazardous waste and abandoned sites;
- ensuring businesspersons are free from unfair competition; and
- providing higher education, high-quality health care, and affordable, safe, and adequate housing to all."

What is HJR 48?

HJR 48, the "We The People" Amendment drafted by Move To Amend, is a proposed amendment to the US Constitution. It would:

--Establish that the rights protected by the Constitution of the United States are the rights of natural persons only. Artificial entities such as corporations have no constitutional rights and are subject to regulation by Federal, State, or local law. The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

--Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, to ensure that all citizens have access to the political process, and that no person gains from personal wealth substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure. Campaign contributions and expenditures shall be disclosed. The courts shall not interpret the spending of money to be constitutionally protected speech.

--Nothing in this amendment shall be interpreted to abridge freedom of the

How Are the GND and HJR 48 Alike?

--Both measures seek to fundamentally reform our political and economic systems and both require approval of Congress.

Do the GND and HJR 48 Conflict?

--No. But the GND is much more detailed, and covers many more specific areas of reform. The two measures are complementary.

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How Are They Dissimilar?

--The GND is not legislation ready for a vote, but a resolution. It is aspirational, a proposal, a policy statement. Even if the GND were passed in its present form, it is not legislation and would not become law.

HJR 48 is a completely drafted amendment ready to be acted upon.

--The GND goes far beyond the scope of HJR 48. HJR 48 eliminates court-created legal rules giving constitutional rights to corporations and other artificial entities, as well as the "money is speech" doctrine. The GND seeks to prevent climate catastrophe and other crises by a massive, 10-year mobilization. See summary on reverse side.

-- The Courts could invalidate the GND in whole or in part. The Courts could not invalidate an amendment because the Constitution supersedes laws passed by Congress.

--The GND does not address the issues of Big Money and Corporate Power in our democracy by name. HJR 48 clearly says corporations and other artificial entities do not have the same rights as people and that money is not constitutionally protected speech.

Is Either One Superior to the Other?

--In one sense, yes, HJR 48 is superior. Move To Amend applauds the sponsors of the GND for advocating its many important reforms. But without a constitutional amendment to eliminate corporate constitutional rights and "money equals speech" all of the GND's reforms could be overruled by the courts or overwhelmed by Big Money.

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