

1 HOUSE JOINT MEMORIAL 53

2 42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

3 INTRODUCED BY

4 RICK MIERA

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10 A JOINT MEMORIAL

11 SUPPORTING THE ATTORNEY GENERAL'S STUDY AND EFFORTS TO MAKE  
12 RECOMMENDATIONS REGARDING STRATEGIC LAWSUITS AGAINST PUBLIC  
13 PARTICIPATION.

14  
15 WHEREAS, essential to our constitutional democracy is the  
16 principle of full access to, participation in and control of the  
17 government by the citizenry, including the right to circulate  
18 petitions, voice criticism, testify at public hearings, support  
19 legislation and engage in peaceful demonstrations; and

20 WHEREAS, in recent years in New Mexico, continuing the  
21 tradition of citizen activism, hundreds of citizen organizations  
22 and thousands of individual citizens have petitioned, lobbied  
23 and testified in a wide variety of public forums, but some of  
24 these individuals and organizations have been sued by opposing  
25 groups for their government advocacy; and

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1           WHEREAS, these lawsuits, called "strategic lawsuits against  
2 public participation", are often filed by one side of a public  
3 dispute to punish or prevent opposing points of view, and they  
4 are an attempt to transform a public or political dispute into a  
5 private, legal adjudication; and

6           WHEREAS, the costs immediately imposed on the defendants or  
7 the targets of strategic lawsuits against public participation  
8 can be substantial, including court costs and attorneys' fees as  
9 well as lost wages, potential credit problems and financial  
10 insecurity; and

11           WHEREAS, state supreme court and United States supreme  
12 court decisions regarding these strategic lawsuits against  
13 public participation have noted the chilling effect they have on  
14 First Amendment rights and the enormous legal costs they impose  
15 on citizen-advocacy defendants, and that they threaten the  
16 essential democratic right of all citizens to petition their  
17 government; and

18           WHEREAS, during the last two years in New Mexico, often  
19 over contentious issues such as solid or medical waste disposal,  
20 legal action has been taken against community-based nonprofit  
21 organizations that have participated in solid waste or medical  
22 waste incinerator-permit hearings; and

23           WHEREAS, in response to similar strategic lawsuits against  
24 public participation and related threats to First Amendment  
25 rights, several other states, including Nevada, New York and

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1 California, have enacted legislation protecting citizen  
2 participation and limiting the scope and power of strategic  
3 lawsuits against public participation;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
5 STATE OF NEW MEXICO that the efforts of the attorney general to  
6 conduct a study and make recommendations regarding the problem  
7 of strategic lawsuits against public participation in New Mexico  
8 be applauded; and

9 BE IT FURTHER RESOLVED that the attorney general be  
10 requested to include legislative recommendations in his report  
11 to the appropriate interim legislative committee and to the  
12 first session of the forty-third legislature; and

13 BE IT FURTHER RESOLVED that a copy of this memorial be  
14 transmitted to the attorney general.

# State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to  
whom has been referred

HOUSE JOINT MEMORIAL 53

has had it under consideration and finds same to be  
GERMANE in accordance with constitutional provisions.

Respectfully submitted,

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Barbara A. Perea Casey,

Chairperson

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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4 The roll call vote was 9 For 0 Against

5 Yes: 9

6 Excused: Knowles, Lujan, Nicely, Ryan, J. G. Taylor, Wallach

7 Absent: None

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9 HJ053RC1

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# **State of New Mexico House of Representatives**

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 11, 1996

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred

HOUSE JOINT MEMORIAL 53

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.

Respectfully submitted,

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Fred Luna, Chairman

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 3 Against

Yes: 7  
No: Hobbs, Macko, R. R. Sanchez  
Excused: None  
Absent: Gubbels, Varela

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# State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE JOINT MEMORIAL 53

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, strike lines 18 through 22 in their  
entirety.

Respectfully submitted,

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Cisco McSorley, Chairman



FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

HJC/SF/SB 108, aa

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Sanchez, R. G.

Absent: None

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