

THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HCR 282 REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION.

Committee on Judiciary
April 8, 2010
2:00 p.m.
Conference Room 325

Testifier: JoAnn Maruoka

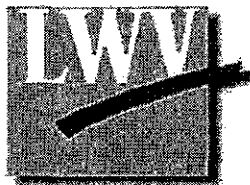
Chair Karamatsu, Vice Chair Ito, and Judiciary Committee members,

The League of Women Voters of Hawaii strongly supports a resolution to Congress. Attached is the proposed HD1 that we feel better states the position. We request that you use the proposed language and pass this resolution.

On January 21, 2010 in a 5-4 decision on *Citizens United v. Federal Election Commission*, the U.S. Supreme Court ruled that corporations and unions are persons and thereby entitled to Constitutional protections. The ruling threw out vital protections against corporate and union spending in elections, overturning a 1990 decision that upheld restrictions on corporate spending to support or oppose political candidates, and a 2003 decision that upheld the part of the Bipartisan Campaign Reform Act of 2002, aka McCain-Feingold, that restricted campaign spending by corporations and unions.

We strongly believe that the term "person" should match reality. Corporations and unions are legal entities; money is not speech, and human beings, not corporations, are persons entitled to constitutional rights.

Justice Stevens forcefully dissented that "At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside



THE LEAGUE OF WOMEN VOTERS OF HAWAII

the majority of this Court would have thought its flaws included a dearth of corporate money in politics.” He also said the majority had committed a grave error in treating corporate speech the same as that of human beings and defended the restrictions that were struck down as modest and sensible. As he pointed out, even before the decision, corporations could act through their political action committees or outside the specified time windows.

A February 2010 Washington Post - ABC News poll found that Americans of across the political spectrum overwhelmingly [80% of respondents] oppose a Supreme Court ruling that allows corporations and unions to spend as much as they want on political campaigns, and most favor new limits on such spending to allow unfettered corporate political spending.

The national president of the League of Women Voters of the United States stated in congressional testimony and letters to U.S. Senators and Representatives, “The Court’s majority decision in Citizens United v. FEC was fundamentally wrong and a tragic mistake. But this is the decision of the Court. Congress needs to respond now, recognizing its own authority and responsibility to uphold the Constitution.”

While special interest money has always been a concern in elections, corporations may now intervene in elections, taking power away from voters. That is why it is important for Hawaii to speak up. HCR 282 lets Hawaii’s voice be heard in Congress on this urgent and critical issue, and we ask you to pass it, using the proposed language.

Thank you for this opportunity to testify.

HOUSE CONCURRENT RESOLUTION

REQUESTING CONGRESS TO AMEND THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

WHEREAS, free speech is an unalienable and inherent right of natural persons, recognized and protected by the First Amendment of the Constitution of the United States; and

WHEREAS, corporations are not natural persons, but rather legal entities granted conditional rights by society through legislative deliberations of Congress and the States; and

WHEREAS, the Supreme Court of the United States, in its five to four ruling on *Citizens United v. Federal Elections Commission*, took a radical departure from a century's worth of judicial precedent limiting corporate influence in the political process; and

WHEREAS, this decision threatens to invalidate decades of legislative deliberations of Congress and the States to restrict the excessive influence of corporate power; and

WHEREAS, the opinion of the four dissenting justices noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, which allows them to financially overwhelm the individual common person in the political process; and

WHEREAS, a ruling by the United States Supreme Court cannot be overturned by legislation; now, therefore,

BE IT RESOLVED that the Legislature of the State of Hawaii respectfully requests that the United States Congress pass and send to the states for ratification a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, thereby preserving the power of Congress and the States to place appropriate limits on the ability of corporations to influence the outcome of elections through political expenditures; and

BE IT FURTHER RESOLVED that the Chief Clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Hawaii Congressional Delegation.



Conservation Council for Hawai'i

Testimony Submitted to the House Committee on Judiciary

In Support of HCR 282 and HR 204

Aloha. Conservation Council for Hawai'i supports HCR 282 and HR 204. Corporations already have special advantages not enjoyed by individuals, non-profit organizations, and others. Corporations are not natural persons, but legal entities granted conditional rights by society that are subject to renegotiation according to policy decisions and legislative changes.

There should be limits to the influence of corporations in the political process. Unlimited influence by corporations in the political process is very likely to harm the interests of CCH, including Hawai'i's native species and habitats, as well as other public trust resources. Individuals (i.e., "natural persons") cannot be compared to corporations, nor can individuals compete with corporations in influencing elections and the political process.

Please adopt HCR 282 and HR 204. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www.conservehi.org
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814
President: Maura O'Connor * Treasurer: Kim Ramos * Secretary: Douglas Lamerson
Directors: Madelyn D'Enbeau * Maka'ala Ka'aumoana * Hannah Springer
Executive Director: Marjorie Ziegler

From: Jo-Ann M. Adams [jadamsesq@aol.com]
Sent: Tuesday, April 06, 2010 6:16 PM
To: JUDtestimony
Subject: In Support of HCR 282

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY

Rep. Karamatsu, Chair
Rep. Ito, Vice Chair

Rep. Au Belatti	Rep. Morita
Rep. Cabanilla	Rep. B. Oshiro
Rep. Carroll	Rep. Souki
Rep. Herkes	Rep. Tsuji
Rep. Luke	Rep. Wakai
Rep. McKelvey	Rep. Marumoto
Rep. Mizuno	Rep. Thielen

HEARING

DATE: Thursday, April 8, 2010
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

To Chair Karamatsu and members of the Judiciary Committee:

I write in support of House Current Resolution 282. There may be times when it is appropriate to define a corporation as a person. However, laws governing voting and the election process, including campaign contributions, is not among them.

Our election system is based on one vote for each person. In my view, contributions to campaigns should be similarly limited: if you cannot vote for the person, you should not be able to donate to that person's campaign. Alas, that is not what is before the committee today.

What is before the committee today is asking the United States Congress to take immediate action to redefine "corporate entity" to preclude the use of the term "person" in the definition.

In elections, there are characteristics of "persons" that are not shared by "corporations". To ignore these differences distorts the election process.

A person can only reside in one place at a time. Unless we limit residency to the place in which a corporations was formed, a corporation can "reside" in many places. If we limit corporate residency to the state of formation, we would vastly increase the number of persons in Nevada and Delaware, but I digress.

People eventually die; corporations may not. Over time, as we have already seen, the ability to live forever allows corporations to accumulate great wealth and power. Unfortunately, great wealth and power distorts our electoral process.

I fail to see why incarceration, marriage, childbearing or military service are relevant. People can vote whether or not they

have been incarcerated, whether or not they are married, whether or not they bear children, whether or not they have served in the military.

However, what is on point is that corporations cannot become citizens, and they cannot vote. If corporations cannot vote, why would a corporation want to donate money to a political campaign? We all know the answer to that question, which is precisely why corporations should not be defined as persons and allowed to contribute an unlimited amount to campaigns.

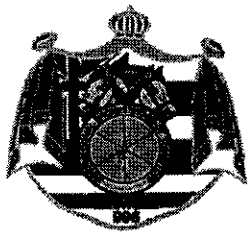
Further, if corporations are allowed to give an unlimited amount to a campaign, that contribution will become a regular corporate expense, which in turn will be evaluated like any other corporate expense, "Are we getting a decent return on our investment?" Over time, elected officials will be evaluated solely on whether they are "cost-effective" to the corporation. This is a formula that is certain to breed unlimited corruption.

"We have the best government that money can buy," joked Mark Twain. The US Supreme Court made that joke a reality. (Perhaps they should have spent more time listening to the Bee Gees, "I started a joke, which started the whole world crying, but I didn't see that the joke was on me ...")

I urge you to pass HCR 282.

Jo-Ann M. Adams, Esq.

LAW OFFICES OF JO-ANN M. ADAMS, LLLC
Seven Waterfront Plaza, Suite 400, Honolulu, Hawaii
Mailing Address: PO Box 75472, Honolulu, HI 96836
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HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

Affiliated with the International Brotherhood of Teamsters

1817 Hart Street
Honolulu, Hawaii 96819-3205

Phone 808-847-6633
Fax 808-847-4575

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice-Chair
Committee on Judiciary

Thursday, April 8, 2010, at 2 PM
Conference Room 325

Re: H.C.R NO.282, Requesting Congress to take immediate Action to Redefine "Corporate Entity" to Preclude the use of the term "Person" in the Definition.

Good afternoon Chair Karamatsu and Vice-Chair Ito and Committee Members,

The Hawaii Teamsters and Allied Workers Local 996, Supports H.C.R NO. 282.

Corporations currently outspend everybody in the political process within the spending limitations in place now. Local 996 believes that the limitations were put in place to ensure that most Candidates would be able to compete in an even playing field especially first time Candidates.

With the recent Supreme Court decision, Corporations will be able to use their vast resources and funds, without any limitations. They will be able to buy prime TV slots and monopolize newsprint AD space which will shut out any Competition to mass media.

Therefore the Hawaii Teamsters and Allied Workers Local 996, Supports H.C.R. NO. 282, Requesting the Congress to take immediate action to Redefine "Corporate Entity" to preclude the use of the term "Person" in the definition.

Thank you for this opportunity to testify on this matter.

Glenn Ida
Representative
808-295-1280



OFFICERS	DIRECTORS			MAILING ADDRESS
Brien Hallet, President	Juliet Begley	Nancy Bey Little	Barbara Polk	PO. Box 61792
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Carolyn & Mike Golojuch, Secretary	Chuck Huxel	Jim Olson	Marsha Schweitzer(Alt.)	

April 7, 2010

TO: Chair Karamatsu, Vice Chair Ito and members of the House Judiciary Committee

FROM: Barbara Polk, Legislative Chair, ADA/H

SUBJECT: HCR 282

We urge you to support a resolution calling on the U.S. Congress to take steps to undo the potential for damage done by the U.S. Supreme Court ruling in the case of Citizens United v. FEC. As we are sure you are aware, that decision struck down decades of court decisions that had upheld the right of Congress to limit corporate participation in political campaigns. This decision opens the doors to greatly increased amounts of corporate influence on campaigns through independent expenditures on behalf of or opposing candidates and ballot issues. The deep pockets of large corporations (and unions) stand to drown out the voices of average citizens in the political process.

President Obama drew attention to this decision in his State of the Union address. Various surveys have shown that large majorities of voters across the political spectrum—Democrats, Republicans and Independents—object to the ruling and want Congress to make changes to bring corporate political spending under control.

There are several attempts to do so developing in Congress now. We would like to see Hawaii on record as supporting those attempts. Because the decision was based on a reading of the Constitution, it may take a Constitutional amendment to reestablish the power of Congress, and of State legislatures, to address the role that corporations can play in politics.

We recommend the attached amendment to HCR 282 as a replacement for the one before you, which has a number of problems, especially that the *definition* of a corporation is not a Constitutional matter, but rightly belongs with the Congress and State Legislatures, along with their ability to set other restrictions on and privileges of corporate entities.

Thank you for this opportunity to testify. Attached as part of this testimony is the recommended amendment.

HOUSE CONCURRENT RESOLUTION

REQUESTING CONGRESS TO AMEND THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

WHEREAS, free speech is an unalienable and inherent right of natural persons, recognized and protected by the First Amendment of the Constitution of the United States; and

WHEREAS, corporations are not natural persons, but rather legal entities granted conditional rights by society through legislative deliberations of Congress and the States; and

WHEREAS, the Supreme Court of the United States, in its five to four ruling on *Citizens United v. Federal Elections Commission*, took a radical departure from a century's worth of judicial precedent limiting corporate influence in the political process; and

WHEREAS, this decision threatens to invalidate decades of legislative deliberations of Congress and the States to restrict the excessive influence of corporate power; and

WHEREAS, the opinion of the four dissenting justices noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, which allows them to financially overwhelm the individual common person in the political process; and

WHEREAS, a ruling by the United States Supreme Court cannot be overturned by legislation; now, therefore,

BE IT RESOLVED that the Legislature of the State of Hawaii respectfully requests that the United States Congress pass and send to the states for ratification a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, thereby preserving the power of Congress and the States to place appropriate limits on the ability of corporations to influence the outcome of elections through political expenditures; and

BE IT FURTHER RESOLVED that the Chief Clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Hawaii Congressional Delegation.



Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

2457 Lamaku Pl, Honolulu, HI 96816

email: info@pd-hawaii.com

tel: 808.371.9334

Thursday, April 8, 2010
House Committee on Judiciary
In Support of House Concurrent Resolution 282

TO: House Committee on Judiciary
Chair Karamatsu, Vice-Chair Ito

FROM: Progressive Democrats of Hawai'i
Co-Chair Josh Frost

Aloha Chair Karamatsu, Vice-Chair Ito, and Committee Members,

I am here, testifying before you today, on behalf of the Progressive Democrats of Hawai'i (PDH) in support of HCR 282.

On January 21, 2010, the Supreme Court of the United States delivered a potentially devastating blow to our country's democratic system of government. In a five-to-four ruling, the majority opinion set aside a century's worth of judicial precedent limiting corporate influence in the political process.

The restrictions that were in place prior to the Supreme Court's ruling are now called into question and while there is little doubt large corporations previously had significant influence on our electoral process, this ruling will now give them carte blanche to spend astronomical amounts at will, with little or no regulation.

What we find most disturbing about the Supreme Court's ruling in *Citizens United v. Federal Elections Commission* is the notion that corporations should be extended the same rights as 'natural persons'. It's hard to deny the absurdity of this position. As the resolution rightly points out, corporations can simultaneously reside multiple states and countries, cannot vote or enter military service, cannot be citizens or be issued a passport.

In his dissenting opinion, Justice Stevens references some of these obvious differences:

"Corporations have special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets... that allow them to spend prodigious general treasury sums on campaign messages that have little or no correlation with the beliefs held by actual persons."

The Declaration of Independence refers to the natural "unalienable rights" with which we as individuals are "endowed." These rights, among which is the right to Free Speech, are recognized and protected by the United States Constitution.



Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

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email: info@pd-hawaii.com

tel: 808.371.9334

To aid the advancement of society and the economy, the corporate entity was created by governments, with very limited rights, power, or authority. At the dawn of our country great leaders and political thinkers were extremely skeptical and distrustful of the corporate institution. They were keenly aware of the damage corporate influence could inflict on our democracy. Despite the deliberate limitations placed on corporations in the beginning, they have slowly gained influence and with that influence they have expanded their authority and their rights.

As corporations are the creations of society and of governments, they should not and cannot be recognized as existing on equal footing as a person. Corporations are legal entities and as such are not afforded the unalienable rights endowed upon individual persons, including the Free Speech rights.

Once again, given the creation of corporations by legislative bodies like the Hawaii State Legislature and Congress, so too should those deliberative bodies have the proper authority to regulate and restrict the rights and benefits of corporations.

Earlier in the same dissenting opinion, Justice Stevens points to the necessity and responsibility Congress has to pass laws limiting the influence of corporations:

“In the context of election to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters. The financial resources, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process. Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.”

In light of our concerns and the serious issues raised in the Minority Opinion, by Justice Stevens, we urge you to not only vote favorably on this resolution, but also to amend the resolution before you by inserting the language we're proposing and have attached to our testimony.

This is an issue of paramount importance that strikes at the very core of our democracy and must be immediately addressed. This resolution sends a signal to our Congressional Delegation to support measures to correct the gross imbalance created by the Supreme Court's ruling.

Mahalo for hearing this measure and for this chance to testify.

Josh Frost
Co-Chair
Progressive Democrats of Hawaii



Progressive Democrats of Hawai'i

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REQUESTING CONGRESS TO AMEND THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

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WHEREAS, corporations are not natural persons, but rather legal entities granted conditional rights by society through legislative deliberations of Congress and the States; and

WHEREAS, the Supreme Court of the United States, in its five to four ruling on *Citizens United v. Federal Elections Commission*, took a radical departure from a century's worth of judicial precedent limiting corporate influence in the political process; and

WHEREAS, this decision threatens to invalidate decades of legislative deliberations of Congress and the States to restrict the excessive influence of corporate power; and

WHEREAS, the opinion of the four dissenting justices noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, which allows them to financially overwhelm the individual common person in the political process; and

WHEREAS, a ruling by the United States Supreme Court cannot be overturned by legislation; now, therefore,

BE IT RESOLVED that the Legislature of the State of Hawaii respectfully requests that the United States Congress pass and send to the states for ratification a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, thereby preserving the power of Congress and the States to place appropriate limits on the ability of corporations to influence the outcome of elections through political expenditures; and

BE IT FURTHER RESOLVED that the Chief Clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Hawaii Congressional Delegation.

HOUSE CONCURRENT RESOLUTION

REQUESTING CONGRESS TO AMEND THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

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BE IT FURTHER RESOLVED that the Chief Clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Hawaii Congressional Delegation.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 06, 2010 11:23 PM
To: JUDtestimony
Cc: prentissc001@hawaii.rr.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Charles Prentiss
Organization: Individual
Address: 519 Wanaao road Kailua, HI
Phone: 2636121
E-mail: prentissc001@hawaii.rr.com
Submitted on: 4/6/2010

Comments:
Please adopt the resolution.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 06, 2010 11:24 PM
To: JUDtestimony
Cc: notlitotes@gmail.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: comments only
Testifier will be present: No
Submitted by: Michael Rollins
Organization: Individual
Address: 2449 Ala Wai Blvd No 9 Honolulu, HI
Phone: 8087779893
E-mail: notlitotes@gmail.com
Submitted on: 4/6/2010

Comments:

To the honorable members of the legislature, I encourage you to pass this resolution.
Corporations are most definitely not people.
Mahalo Nui Loa,
Michael Rollins

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 12:35 AM
To: JUDtestimony
Cc: dbentz@hawaii.rr.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Donald L. Bentz
Organization: Individual
Address: 87-1962J Pakeke Street
Phone: 808-221-0799
E-mail: dbentz@hawaii.rr.com
Submitted on: 4/7/2010

Comments:

This measure will unlock an irreversible gate that will only lead back to a time when
"he who has the gold makes the rules."

Our nation was based on the principles that all people should be able to actively participate
in the destiny of their government and the laws under which they live.

Unfortunately, in today's politics, it has become less about who is the best qualified
candidate or what is best for our communities long-term and more about who runs the slickest
ad campaign.

With this measure, corporations will be pouting countless resources into measures that they
feel benefit them. We will be back to the days of Tammany Hall and the Medicini family.

Please do not uncork this bottle. Let politics continue to be about people, not profit
margins and corporate entities.

Donald Bentz

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 7:19 AM
To: JUDtestimony
Cc: gr8olbroad@hotmail.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Judith Anderson
Organization: Individual
Address: 2421 Ala Wai Blvd. Apt. 1703 Honolulu HI
Phone: 808-923-3838
E-mail: gr8olbroad@hotmail.com
Submitted on: 4/7/2010

Comments:

The recent ruling equating corporations with human beings is ridiculous, but more important, dangerous to our political procedures. Corporations already have enormous power to influence elections in their favor. With this ruling, they will be able to steamroller anyone who does not toe their corporate line, however detrimental that might be to the general public. Congress is the only way to halt this dangerous power, and it must act swiftly and decisively.

karamatsu1-Kenji

From: John Bickel [jbickel15@yahoo.com]
Sent: Wednesday, April 07, 2010 8:11 AM
To: JUDtestimony
Subject: HCR 282

HCR 282 REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION.

I am writing to testify in favor of HCR 282. The Citizens United decision of the U.S. Supreme Court makes no sense. Corporations are not citizens, do not have the right to vote, and should not be given the right to dump money into political campaigns. Restore government of the people instead of government of the corporate interests. Support this resolution to prod Congress into a constitutional amendment.

John Bickel
2415 Ala Wai Blvd. 901
Honolulu, HI 96815

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 9:51 AM
To: JUDtestimony
Cc: aycockburr@aol.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Virginia Aycock
Organization: Individual
Address: 415 South Street, #1201 Honolulu, HI
Phone: 808-521-7178
E-mail: aycockburr@aol.com
Submitted on: 4/7/2010

Comments:

I sincerely hope this resolution will pass. It makes a sound observation and statement.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 9:53 AM
To: JUDtestimony
Cc: ralpheburr@aol.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Ralph E. Burr
Organization: Individual
Address: 415 South Street, #1201 Honolulu, HI
Phone: 808-521-7178
E-mail: ralpheburr@aol.com
Submitted on: 4/7/2010

Comments:
Please vote in favor of this resolution. Thank you.

**Testimony for HCR 282, House Judiciary Committee, Room 325, 4-8-10 at
2:00pm**

From Justin Hughey

The biggest problem with this country is that lobbying dollars control policy making! Every day U.S. senators wake up trying to figure out how to make 20,000 dollars just to be reelected. Since corporations can lobby/bribe our representatives, policy is being crafted toward corporate needs not towards human needs. President Obama said this ruling, "open[ed] the floodgates for special interests — including foreign corporations — to spend without limit in our elections. Well I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities." Hawaii is a progressive state and I hope it joins Obama in taking a stand against the Citizens United vs. FEC decision.

Justice Stevens's statement that reads, "At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics."

The Washington Post poll reveals relatively little difference of opinion on the issue among Democrats (85 percent opposed to the ruling), Republicans (76 percent) and independents (81 percent).

K& R Gates a corporate lobbying firm has already written a 1639 word guide establishing how to advertise for or against individual candidates right up to election day while avoiding the pesky risk of 'public scrutiny' by washing their campaign advertising money through third party organizations. The guide states, "[G]roups of corporations within an industry may form coalitions or use existing trade associations to support candidates favorable to policy positions that affect the group as a whole. While corporations that contribute to these expenditures might still be disclosed, this indirect approach can provide sufficient cover such that no single contributing entity receives the bulk of public scrutiny. Corporations could further lower their profile in such cases by not making contributions specific to a particular expenditure by that third-party corporation."

We use to have laws not allowing corporate bribery. For example the Tillman Act of 1907, which barred corporations from contributing to candidates for federal office and an old Wisconsin Statute that stated, "No corporation doing business in this state shall pay or contribute, or offer consent or agree to pay or contribute, directly or indirectly, any money, property, organization committee or individual for any political purpose whatsoever..." It was the Santa Clara County

vs. Southern Pacific Railroad in 1886 when a court reporter put a foot note that stated a corporation is a person. Foot notes have no legal standing. Buckley v. Valeo, the United States Supreme Court handed down a ruling on campaign spending which equates money to speech. This is how corporate bribery started and thus given birth to the Citizens United case. There is no mention of corporations in the U.S. Constitution. Corporations are not people and the more power we give them the faster our democracy falls! Last year Exxon spent 29 million lobbying congress, they made 45.2 billion and (surprise, surprise) paid zero income taxes. The U.S. Chamber of Commerce after the Supreme Court ruling stated it has over 100 million dollars to unseat twenty candidates who are against corporate well being. Each state needs to push back on corporate bribery! American law makers should be able to write laws with the best interests of human beings. I urge this resolution not be deferred. This might make people think the Democratic Party likes the unions expanded powers or is against caps on corporate corruption. If nothing else PLEASE let this resolution go to the floor for free and full debate.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 11:11 AM
To: JUDtestimony
Cc: greenhi3@yahoo.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Philip Barnes
Organization: Individual
Address: Pahoia, HI
Phone: 808 965-9695
E-mail: greenhi3@yahoo.com
Submitted on: 4/7/2010

Comments:

I strongly support Concurrent Resolution 282. The recent actions by the US Supreme Court have taken our election process in exactly the wrong direction. We should be moving toward publicly funded campaigns not unlimited corporation money corrupting the entire process.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 07, 2010 11:32 AM
To: JUDtestimony
Cc: brendan.poff@gmail.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM
Attachments: testimony.doc

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Brendan Poff
Organization: Individual
Address: 73-4344 Oneone Street Kailua Kona
Phone: 610-509-8114
E-mail: brendan.poff@gmail.com
Submitted on: 4/7/2010

Comments:
Do the right thing.

The U.S. Chamber of Commerce after the Supreme Court ruling stated it has over 100 million dollars to unseat twenty candidates who are against corporate well being. Each state needs to push back on corporate bribery! American law makers should be able to write laws with the best interests of human beings. I urge you to vote yes on this resolution.

Laws were previously enacted in order to protect the well being of the citizens. If this allowed to continue, the average person has no say and no representation due to the fact that big money can influence even the best of politicians and their decisions. I cannot believe that the Supreme Court would think this is okay. We need to support business in America, stop outsourcing, start the factories back up and make America what it once was. The profit of a few is not the best for the majority.

To The Hawaii House Committee:
Subject: Passage of HCR NO.282 and HR 204

With the decision of the US Supreme Court not to limit the financial influence of corporations in US elections and thus legislation, the balance of power is now in the amount of money vs the voices of the people.

In order to restore the balance of power, I want you to vote for H.C.R. NO.282 & H.R.204.

The United States was not established to be an aristocracy of the wealth.

The United States government is by, for, and of the people.

Mary Guinger
926A Kaipii St.
Kailua, Hawaii
96734
Ph:808-261-9310
maguinger@hawaii.rr.com

karamatsu1-Kenji

From: Bart Dame [bedame@hawaii.rr.com]
Sent: Wednesday, April 07, 2010 2:02 PM
To: JUDtestimony
Subject: Testimony, HCR282 Hearing Thursday April 8, 2pm

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

TESTIMONY in SUPPORT of HCR 282, REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION

Bart Dame

710 West Hind Drive

Honolulu, HI 96821

Aloha Chairman Karamatsu, Vice Chair Ito, and Members of the Judiciary Committee. Thank you for hearing this resolution.

My name is Bart Dame. I am testifying today as an individual in support of HCR 282, though I am suggesting it be amended as per the language attached..

The foundational documents of the United States reflect a Natural Rights philosophy. This is well-expressed early in the Declaration of Independence:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...”

The rights enumerated in the Constitution, particularly the Bill of Rights, are NOT GRANTED by government. They are held be people by virtue of being people. They are inherent and UNALIENABLE.

Let us turn to the question of corporations. The corporate legal form can provide a convenient, socially beneficial vehicle for stimulating economic activity. Our legislature, as well as congress has seen fit to provide this legal construction as an option for people to adopt for governing their economic activities.

But from the early days of the American republic, the rights and obligations bound up in corporations have been subject to policy deliberation of legislative bodies.

That is because the proper rights of corporations are not ‘Self-Evident.’ Nor are they inherent or unalienable. They have been granted through legislative deliberation and have been modified accordingly over the years.

Since the beginning of the American republic, in fact, even during the colonial period, corporations have often been viewed with suspicion. Many of the greatest American political leaders, Thomas Jefferson and Abe Lincoln, for example, have eloquently warned about the dangers of excessive corporate power as a threat to democracy. In 1907, at the urging of President Theodore Roosevelt, Congress passed the Tillman Act, banning corporate political contributions in federal elections. Since that time, numerous federal and state laws have been debated and passed, restricting the political free speech rights of corporations out of a widespread concern over the undue influence of money on our elections.

From recent debates over campaign spending limits here in Hawaii, it is obvious there are disagreements in this room, probably within this committee, over the appropriate role of corporate money in elections. That is good. That is the legislative process at work.

But what should be clear from those debates, is that corporate free speech rights are NOT self-evident in a way those of living, NATURAL persons are. What is obvious from that history of legislative deliberation is that these rights are NOT UNALIENABLE, are not inherent in corporations. Unlike the free speech rights of NATURAL persons, they HAVE been granted through legislative acts.

The recent Supreme Court ruling threatens to throw out over a hundred years of legislative deliberations on how best to regulate corporate involvement in our elections. It was a radical ruling which broke with years of the Supreme Courts own precedents.

The power of corporations and the struggle to limit their political and economic power has gone on for many years. After the Civil War, the giant trusts emerged, developing monopolistic control over key sectors of industry as well as shamelessly buying politicians. Many movements organized in response to resist corporate power, the Populist and Progressive Movements, the Grange, the Labor movement. Anti-trust legislation was passed, direct election of US senators was instituted, bans on corporate campaign contributions were enacted.

In recent years, many politicians seem to have abandoned a commitment to anti-trust legislation or its enforcement. After decades of moving towards greater political and economic equality, the last few decades have seen a return to growing monopolies and a greater concentration of wealth and political power.

The founding vision of American democracy was based upon Jeffersonian, or Madisonian view that political equality depended upon relative economic equality. Small business people, "yeomen farmers," relatively equal, could debate issues that affected their lives and reach accord on how best to move forward.

Political equality cannot easily co-exist with economic inequality. Restrictions on corporate political involvement are intended to dampen the ability of corporations to control legislative policies for their own benefit and continue the movement towards increased inequality. Last year, Goldman Sachs, ONE corporation, had profits in excess of \$16 BILLION. Their profits alone were larger than all the money spent on political campaigns spent in 2008, including the Presidential race, the many senatorial and congressional races down to the state legislatures.

This resolution requests Congress to pass a constitutional amendment to explicitly affirm what SHOULD be "self-evident." That the rights of artificial "persons" in the form of corporations, are NOT equivalent to those of natural persons.

It would be a complicated process to try to decide, here, today, exactly what rights corporations SHOULD have. Fortunately, that is not the task in front of you. That task has already been taken up by the many state legislatures across the country and Congress itself, in the form of campaign spending laws. What this reso would say is that legislative bodies have the right to make such determinations.

I ask you to pass this resolution and restore the ability of legislatures across the country to deliberate over these decisions.

Thank you for this opportunity to testify on this important matter.

Bart Dame

PROPOSED AMENDMENTS ATTACHED:

REQUESTING CONGRESS TO AMEND THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

WHEREAS, free speech is an unalienable and inherent right of natural persons, recognized and protected by the First Amendment of the Constitution of the United States; and

WHEREAS, corporations are not natural persons, but rather legal entities granted conditional rights by society through legislative deliberations of Congress and the States; and

WHEREAS, the Supreme Court of the United States, in its five to four ruling on Citizens United v. Federal Elections Commission, took a radical departure from a century's worth of judicial precedent limiting corporate influence in the political process; and

WHEREAS, this decision threatens to invalidate decades of legislative deliberations of Congress and the States to restrict the excessive influence of corporate power; and

WHEREAS, the opinion of the four dissenting justices noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, which allows them to financially overwhelm the individual common person in the political process; and

WHEREAS, a ruling by the United States Supreme Court cannot be overturned by legislation; now, therefore,

BE IT RESOLVED that the Legislature of the State of Hawaii respectfully requests that the United States Congress pass and send to the states for ratification a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, thereby preserving the power of Congress and the States to place appropriate limits on the ability of corporations to influence the outcome of elections through political expenditures; and

BE IT FURTHER RESOLVED that the Chief Clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Hawaii Congressional Delegation.

So long, ... and thanks for all the fish

karamatsu1-Kenji

From: Kory Payne [kory@voterownedhawaii.org]
Sent: Wednesday, April 07, 2010 3:22 PM
To: JUDtestimony
Subject: Testimony is Support of HCR 282

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

TESTIMONY in SUPPORT of HCR 282, REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION

Kory Payne
41-951 Kakaina Place
Honolulu, HI 96795

Aloha Chair Karamatsu, Vice Chair Ito, and Committee members,

I'm writing in strong support of HCR 282.

I believe the mandate of sociocultural systems -- governments -- sits higher in the nested hierarchy of systems than do economic ones. Economic entities merely exchange goods and services. In economic systems, corporations are a new bird entirely; but still they are contained, by definition, in the economic system -- until Blackwater or some other group of corporations decide to start their own country, thereby asserting themselves into the sociocultural system.

In other words, if our economic systems completely shut down, sociocultural systems would still exist. But if sociocultural systems ceased to exist, so would economic ones.

As it stands now though, corporations are still just money-making machines, dynamic and efficient, exchanging goods and services as they're meant to do.

I believe it's not only appropriate that we separately define a natural person from a corporation, I believe it's inevitable. To make an assumption that these entities are the same borders on the ridiculous. This clarification cannot come fast enough.

Please pass HCR 282 or the attached, amended version.

Mahalo for you continued service,

Kory Payne

--

Kory Payne
Voter Owned Hawaii
Executive Director
cell: 808-457-8622
<http://voterownedhawaii.org/>

karamatsu1-Kenji

From: Rachel S. Orange [rachel@pd-hawaii.com]
Sent: Wednesday, April 07, 2010 5:03 PM
To: JUDtestimony
Subject: Testimony in Support of HCR 282

COMMITTEE ON JUDICIARY
Thursday, April 8, 2010
2:00 p.m.
Conference Room 325

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

TESTIMONY in SUPPORT of HCR 282, REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION

Rachel S. Orange
2457 Lamaku Pl
Honolulu, HI 96816

Aloha Chairman Karamatsu, Vice Chair Ito, and Members of the Judiciary Committee. Thank you for hearing this resolution.

My name is Rachel Orange. I am testifying as an individual in support of HCR 282, though I strongly support amended language that has been submitted by Common Cause, League of Women Voters, and others.

The Supreme Court of the United States recent five to four ruling on *Citizens United v. Federal Elections Commission* blurs the lines between the rights of natural persons and those of corporations. If corporations are granted the same freedom of speech as natural persons and "speech" includes money spent to influence political campaigns, then they could essentially shout out all points of view other than their own. How would the concerns of natural persons ever be heard if corporate profits, which in some cases are on the order of BILLIONS, are allowed to dominate the debate?

Please pass this resolution and thereby request Congress to pass a constitutional amendment to explicitly affirm that the rights of artificial "persons" in the form of corporations, are not equivalent to those of natural persons.

Mahalo,
Rachel S. Orange

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 08, 2010 8:13 AM
To: JUDtestimony
Cc: theede@hawaii.rr.com
Subject: Testimony for HCR282 on 4/8/2010 2:00:00 PM

Testimony for JUD 4/8/2010 2:00:00 PM HCR282

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Teri Heede
Organization: Individual
Address: 92-994 Kanehoa Loop Kapolei, HI
Phone: 8086726312
E-mail: theede@hawaii.rr.com
Submitted on: 4/8/2010

Comments:

Aloha Chair & Members:

This is a real WTF moment. I cannot believe any living, breathing human being of sound mind would support corporations having human rights however, here you are actually debating it.

Please support the human race and DO NOT support corporate rights as human rights.

Mahalo for your time.

Thursday, April 8, 2010
House Committee on Judiciary
In Support of House Concurrent Resolution 282

TO: House Committee on Judiciary
Chair Karamatsu, Vice-Chair Ito

FROM: Jeff Gilbreath

Aloha Chair Karamatsu, Vice-Chair Ito, and Committee Members,

I am writing to testify in support of HCR 282.

The United States Supreme Court ruling on *Citizens United v. Federal Elections Commission* made in January earlier this year is an assault on our rights as individual citizens to have free and fair elections in the United States as a means of bringing our political leaders into office.

The opinion of the four dissenting justices noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, which allows them to financially overwhelm the individual common person in the political process. Unfortunately, this decision comes at a time when large corporate and financial entities already enjoy greater power within our political system than the people themselves. Therefore, the Court's decision, which radically deregulates the process of our political elections, has effectively skewed the balance of power to an even greater extent in favor of corporate and financial interests while leaving us, the citizens of this nation and state, with less say in how we will be governed.

It is my belief that the current economic situation in which we find ourselves is a result of us putting the interests of the few ahead of the many – a complete disregard for democratic rule. *Citizens United v. Federal Elections Commission* challenges us to consider what this means for the future of our children and our children's children. Do we want them to have a say in who governs them?

The answer seems simple, yet impossible if the issue is not further discussed and dissected at the local, State, and National levels. To this end, I am asking you, the Representatives of the People of Hawaii, to provide the leadership necessary to start this healthy discussion and ensure democratic rule for our future generations by passing HCR 282 with the House Draft 1 language.

Mahalo for hearing this measure and for this chance to testify.

Jeff Gilbreath
Honolulu Resident