



P.O. Box 22703 • Honolulu, Hawaii 96823 • (808) 275-6275
Web: www.commoncausehawaii.org • Email: info@commoncausehawaii.org

House JUD Committee
Thursday 4/8/2010 at 2:00PM in Room 325
HCR 282

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Karamatsu, Vice Chair Ito, and Committee Members:

Common Cause Hawaii strongly supports the intent of HCR 282, and requests the Committee to pass this resolution with suggested amendments attached. The suggested amended version calls for a constitutional amendment to clarify the distinction between the rights of natural persons versus corporations, to allow for Congress and state legislatures to place appropriate limits on corporate political spending.

This resolution is in response to the recent Supreme Court decision in *Citizens United v. FEC*, which promises to further amplify political participation by monied interests. As described by President Barack Obama in the State of the Union address, the decision has opened the floodgates for special interests to spend without limit in our elections. A Washington Post/ABC News poll found that 80% of the public disagreed with the Supreme Court's decision, and that disagreement comes from across the spectrum of party and ideology.

Since the Supreme Court decision, members of Congress have been crafting proposals to combat the problem, ranging from new disclosure laws to shareholder approval requirements to public funding for Congressional campaigns. However, the options for meaningful campaign finance reform are significantly limited unless we as a country address the critical but painfully obvious point: corporations should not have the same rights as people.

We ask that the Hawaii legislature make a strong statement on this topic, and urge you to pass this resolution with the suggested amendments attached.

Mahalo for the opportunity to submit testimony.

PROPOSED AMENDMENTS:

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.

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: Shawn Steiman
Private citizen

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

I submit this testimony in support of HCR 282.

I've read other testimonies for this resolution that will be far more eloquent than anything I can write. Thus, I'll spare repetition of their wisdom herein.

People are people. We have bodies and the ability to think independently. It is these individuals that form society and political systems. Thus, people should be the denominator in how society and politics are affected. Amalgamations of people, e.g., corporations, should not have a voice.

As a society, we should be removing money from the political process, not infiltrating money into it. By supporting this resolution, the state of Hawai'i will be sending a clear message that democracy is sacred and the voice/act/contribution of the individual is all-important.

Thank you for your time and energy,
Shawn Steiman



**House of Representatives – Regular Session 2010
Committee on Judiciary**

**April 8, 2010
2:00 PM; Conference Room 325**

**HCR282/HR204 – REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION
TO REDEFINE “CORPORATE ENTITY” TO PRECLUDE THE TERM
“PERSON” IN THE DEFINITION.**

Chair Rep. Jon Riki Karamatsu, V.C. Rep. Ken Ito and Committee Members

I am Dante Carpenter, Interim Chair of the Democratic Party of Hawaii. We would like to thank the House Judiciary Committee for hearing our testimony on HCR282 and its companion, HR204. We have proposed several technical amendments to the title and body.

The Democratic Party of Hawaii supports the intent of HCR282 and HR204, as amended, which would urge Congress to make a distinction between the rights of natural persons and those of corporate entities.

In response to the Supreme Court Ruling on *Citizens United v. Federal Elections Commission*, the State Central Committee of the Democratic Party of Hawaii passed a resolution similar to HCR282/HR204.

Interestingly, the case law cited in this ruling was taken from an 1886 US Supreme Court Case, *Santa Clara County v. Southern Pacific Railroad* headnote and was never a part of the official ruling in that case.

The concern of voters – that their voices will be drowned out by wealthy corporate interests – is well founded, as they see time and again, armies of corporate lobbyists descending on capitol hill to fight everything from healthcare reform and financial regulatory reform to efforts to lower energy costs and reverse the effects of global climate change-legislation that will help the American people.

The Democratic Party of Hawaii feels this ruling blurs the lines between the rights of natural persons and those of corporate entities. It undermines free and fair elections and will further erode voter confidence in our system of democracy. This Supreme Court ruling must not be allowed to stand.

We strongly support HCR282/HR204 as amended and attached.

Thank you very much.

DEMOCRATIC PARTY OF HAWAII

1050 Ala Moana Blvd, Suite D26 * Honolulu, HI 96814 * Phone: (808) 596-2980 * Fax: (808) 596-2985



