



LEAGUE OF
WOMEN VOTERS*

League of Women Voters of Hawaii

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Testimony

Committee on Judiciary

Hearing: *Thursday March 8, 2012*

Time: *2:00 p.m.*

Place: *325*

SUBJECT: *HCR5* RECOGNIZING THAT THE UNITED STATES CONSTITUTION ONLY PROTECTS RIGHTS OF NATURAL PERSONS

POSITION: *Support*

Chair Keith-Agaran, Vice-Chair Rhoads, Members of the Committee:

I am testifying for the League of Women Voters of Hawaii. Thank you for this opportunity to speak on behalf of our members throughout Hawaii.

The League of Women Voters of Hawaii supports this Resolution. In particular, the interpretation of money spent on political campaigns as "free speech", and SCOTUS extension of this equation to disallow regulation and limitations on campaign spending, has distorted our electoral process and threatens the basis of democracy in the United States and each of its States. We hope that the U.S. Congress takes action to correct these policies.

Thank you for the opportunity to testify.

Beppie Shapiro, President

League of Women Voters of Hawaii



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March 7, 2012

TO: Chair Keith-Agaran, Vice-Chair Rhoads
Members of the House Judiciary Committee

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

SUBJECT: SUPPORT FOR HCR #5 RECOGNIZING THAT THE UNITED STATES
CONSTITUTION ONLY PROTECTS RIGHTS OF NATURAL PERSONS

Thank you for hearing this important resolution. Unfortunately, with our internet connection down, we were not able to submit testimony in a timely way.

Although the legislature is already on record asking Congress to act to deal with the situation created by the US Supreme Court's Citizen's United decision, this resolution is superior to past ones in several ways.

First, with respect to concern about corporate funding of election campaigns, it tackles the broader issue of corporate personhood. This is important because the recent decision is not the only way in which corporations have used the rights intended for individuals to their own benefit. Most egregiously, the 14th amendment to the Constitution, intended to provide equity for freed slaves, has been used only a dozen or so times for that intended purpose, but hundreds of times by corporations to overrule local environmental laws and constraints on development! Therefore, it is critical to clarify that corporations are not persons.

There will be some who will object, as the ACLU has frequently done, that such an amendment may be used to silence the voices of non-profit and other informal groups of citizens. As the introduction of HCR #5 states: *the privileges of artificial entities should be determined by the people through federal, state, or local law, and should not be construed to be inherent or inalienable.* The amendment sought would allow the granting of rights to corporations of different types by legislative bodies. This would allow for a careful consideration of what types of corporate bodies should have what kinds of rights.

We also support the other sections of this resolution dealing with commitments to move toward limiting money contributed to political campaigns and continuing to improve transparency of reporting. We believe this is very much in the interests of elected officials to limit campaign contributions, since a limit would free them from non-stop fund-raising to attend to their governmental responsibilities and the concerns of their constituents. The resolution also urges the Judiciary not to construe money spent to influence elections as protected speech.

We urge you to pass HCR #5.

March 7, 2012

Re: HCR 3, Recognizing that the United States Constitution Only Protects Rights of Natural Persons.
House Committee on the Judiciary Hearing: March 8, 2012, 2:00 PM,
Conference Room 325.

Dear Chair Keith-Agaran, Vice-Chair Rhoads, and Committee members:

Thank you for the opportunity to submit testimony regarding HCR 5.

I strongly **support** this resolution.

For each of the reasons mentioned in this resolution--the importance of fair elections to our Constitutional democracy, the fact that artificial corporate entities do not vote, the fact that the United States Constitution and its amendments protect the rights of natural persons and not artificial entities such as corporations, the fact that the inalienable rights are reserved for natural persons and that artificial entities such as corporations are derivative and subservient legal entities granted certain privileges through the laws created by natural persons, the fact that conceptualization of such artificial corporate entities as having rights associated with elections to public office is incoherent, the fact that corporate entities' profit-focused interests often conflict with fundamental needs and interests of natural persons--and other reasons, it is critical to clarify the distinction between natural persons and corporate entities. Such a clarification is especially urgent and critical in the shadow of the 2010 U.S. Supreme Court decision in *Citizens United v. FEC*, 130 S.Ct. 876 (2010). And it is necessary to accomplish this through an amendment to the U.S. constitution because the U.S. Supreme Court is evidently not able to clarify this important distinction.

I believe that the states must act in this way to help protect the integrity of the democratic process. Whether or not this resolution as HCR 5 will ultimately be the definitive vehicle to relay to the U.S. Congress Hawaii's appreciation of this need for clarification of the status of artificial persons through an amendment to the U.S. Constitution, it is surely an important and timely memorialization of an urgent need.

Please pass HCR 5.

Mahalo,

R. Elton Johnson, III