

Issues and Objections to Hawaii House Concurrent Resolution 3

by Mark White

Hawaii State Director, Convention of States Project
markkenwhite@hotmail.com 808 753-5323

An Affront to State Sovereignty, the Constitution's System of Checks and Balances, and the Intent of the 10th Amendment

The authority for States to trigger an amendment-proposing convention was specifically added to Article V as a safety valve for the States to counter a Congress that would never propose amendments to curtail its own power. By specifically calling for removal of the States' power to call for a convention to propose amendments to the U.S. Constitution, HCR3 thus destroys one of the most significant checks on federal power provided in our Constitution, denying states equal representation in a convention to proffer, debate and vote on amendment proposals. It would also eliminate the procedural mechanism provided for the states to protect the power and authority specifically reserved to them by the Tenth Amendment.

Ill-defined Process Beyond State Level

This resolution does not describe how state submitted proposals are to be recognized, handled and processed by Congress once submitted. The current Article V convention process provides the legal authority, beyond that of Congress, for any proposal approved at such a convention. No such constitutional protection or authority is specified in HCR3, allowing congressionally proposed amendments to Article V the potential to be open-ended and outside the interests of states.

Completely Misleading Description of Current Convention Process

HCR3 falsely describes the convention process as "open-ended." The process outlined in Article V states that 34 states must pass an application (a resolution) with enough subject matter specificity to compel Congress to execute its duty of "shall call a convention." This specificity is the primary limiting factor preventing an open-ended convention. Should any amendment proposal outside the scope of the convention's subject matter be approved, it can be rejected as illegal, exceeding the convention's authority, and eliminated from the ratification process.

Untenable as an Alternative Process

HCR3 keeps the 2/3 majority as the minimum number of states required to submit any proposal but does not describe how such agreement is to be reached without the use of a convention for proposing, debating and reaching approval among enough states to meet this threshold. Only a convention of states could be utilized to reach this level of consensus.

Legally Illegitimate Language

HCR3 uses terminology that has no meaning within our constitutional amendment process. This resolution falsely and repeatedly describes the Article V convention process as a "constitutional convention." The term "Constitutional Convention" is not the phrase used in Article V, and no such convention is authorized in any part of the U.S. Constitution. By virtue of the explicit language of Article V, the convention process is designed only to propose amendments to our current Constitution ("this Constitution"). A constitutional convention is an extra-constitutional meeting of unspecified entities derived from no legal authority in our founding document and has no legal binding on the amendment process outlined in Article V.

A Toothless Proposal

Since the 1913 passage of the 17th Amendment eliminating election of senators by state legislatures, state governments are no longer represented in Congress and do not have authority to compel action from any member of Congress. A "request" made by HCR3 to Hawaii's Congressional delegation to draft a constitutional amendment has no legally binding authority.

Historically Misrepresented

This resolution misrepresents amendment-proposing conventions of the states as "cumbersome" and "problematic," and suggests that because one has never been held, the entire process should be discarded. While no conventions have been called under Article V, conventions of states have been held throughout U.S. history with clearly defined, remarkably uniform rules for participation, conduct, debate and voting processes. This history establishes a robust historical record that serves as precedent for a convention called pursuant to Article V. Three of the most recent examples of conventions of states are: The 1861 Washington Peace Conference, The 1922 Colorado River Compact, and the yearly National Conference of Commissioners on Uniform State Laws.

Factually Wrong in at Least Two Precepts

The final preambular paragraph of HCR3 misstates that "only Congress is authorized to directly propose an amendment to Article V of the Constitution." This is factually wrong, as Article V provides for two methods for initiating Amendments to the Constitution. Under Article V as written, either Congress or an assembled Convention of the States can directly propose an amendment or amendments to the Constitution. The paragraph also presents a warning against an "open-ended constitutional convention that could result in constitutional changes other than those desired by the states." This is also factually wrong, as no changes to the constitution can be made by a convention of states and no amendment can be adopted without the consent of 38 states.

Objections to Hawaii Concurrent Resolution 3

by Michelle Kerr

Hawaii State Director, Convention of States Project

Dare2Kerr@gmail.com 808 896-1943

As a District Captain of Convention of States I and my colleagues have worked tirelessly since before last legislative session to get resolutions in favor of a Convention of States filed & passed. This bill will eliminate citizens' ability to more actively participate in our state & federal government.

I oppose passage of HCR3.

Article V of the US Constitution was specifically included (and voted on by the founders unanimously!) to give citizens far removed from the federal government machinations a way to reign in the federal government. I strongly believe that government is best that is closest to the people and Hawaii needs to be a part of bringing power back from Washington D.C.

Furthermore, a Convention of States is NOT a "Constitutional Convention" (NOT a Con-Con opening up the entire Constitution for review and amendment) as is falsely described in HRC3.

Since the passage of the 17th Amendment, state governments are no longer represented in Congress and do not have authority to compel action from any member of Congress. Article V allows for two methods to amend the Constitution. Under Article V as written, either Congress or an assembled Convention of the States can directly propose an amendment or amendments to the Constitution. At this point in our history with nearly 20 trillion in debt and no clear intention to reduce spending it pretty clear Congress will never control itself, and yet no changes to the constitution can be made by a convention of states and no amendment can be adopted without the consent of 38 states.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 10:41 PM
To: JUDtestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Convention of States Action Hawaii	Oppose	Yes

Comments: I oppose HCR3. As a 26 year Navy Veteran, I took an oath to defend the Constitution. Even after retiring I didn't retire that oath. I believe our Constitution is sacred and was designed to protect the people of our great Nation. Passing this resolution is surrendering our state sovereignty and rights as citizens. We've already allowed our Congress strip away our states rights with the passage of the 17th Amendment which established the direct election of U.S. Senators by popular vote. As opposed to being appointed by State Legislators like yourselves, which was our founders way of ensuring State's representation in government. Brett Kulbis Convention of States Hawaii

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 23, 2017 12:38 AM
To: JUDtestimony
Cc: alison@wolf-pac.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/23/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alison Hartson	Wolf-PAC	Oppose	Yes

Comments: (this should replace my original testimony where I left out the amendments.) My name is Alison Hartson and I work on Article V related legislation as a National Director with Wolf-PAC. We are a bi-partisan organization working to add an amendment to the U.S. Constitution that would restore balance and integrity to our elections by addressing the corrosive effects of money on our political system. While we oppose HCR 3 as it currently stands, we would support it with amendments that we suggest below. This protects our critical need for a democratic check against an unresponsive federal government. The essence of HCR 3 aims to cut out the debate portion of the process for the states to retain co-equal power with Congress to propose amendments back out to the states for ratification. In a democracy, the debate is supposed to be the most important part where all sides and perspectives get to come together in order to discuss and deliberate solutions to the largest problems facing our country. Conventions are nothing new to Americans. In fact, throughout our history we've used them more times than Presidential and Congressional elections combined. They are a democratic and familiar process to us. We know how they work. If the states were only able to propose a predetermined amendment then who would write that amendment? Who gets to be part of that discussion and where does that discussion take place? Between a few people in a back room deciding what's best for the whole country? That's not democracy. Imagine how that could be abused by organizations, billionaires, and other special interests. The debate, out in the open with the states represented by its own delegates, is the way it's supposed to work. That's the way it was intended by the framers of the Constitution and I believe they got it right. Those who have studied Article V seriously and extensively have overwhelmingly concluded that the states can in fact call a limited convention and that mechanisms are in place for it to be enforced. The theory of a runaway convention is misleading because it tends to imply that you can change the Constitution at a convention. That is simply not true. It's not theoretically true, not politically true, and not legally true. Article V is crystal clear that a convention can only propose amendments, the exact same way Congress can propose amendments, and either way we have the super high 38 state ratification threshold. If anyone is afraid of 75% of the states ratifying an amendment to our Constitution they're not afraid of a convention, they're afraid of democracy itself.

Respectfully, I urge you to amend this resolution so that it is more democratic and constitutional. There has been substantial public support and pressure for us to do everything in our power to fix the issue of big money pouring into our federal elections. Thank you for your consideration. Suggested Amendment for HCR 3: WHEREAS, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that has created a fundamental imbalance in our representative democracy; and WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and WHEREAS, the Constitution of the State of Hawaii states that all political power "is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority" (Article I, Section 1); and WHEREAS, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds of the legislatures of the several states; and WHEREAS, the Hawaii Legislature perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in Citizens United v. Federal Election Commission (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and WHEREAS, the State of Hawaii desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and WHEREAS, the State of Hawaii intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress. NOW, THEREFORE, BE IT RESOLVED, that the people of the State of Hawaii speaking through its legislature, and pursuant to Article V of the United States Constitution, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections as described herein, as soon as two-thirds of the several states have applied for a convention for a similar purpose; and BE IT FURTHER RESOLVED, that the Chief Clerk of the Hawaii [House of Representatives or Senate] transmit copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer

of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Hawaii in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the Congressional Record, to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 1:11 PM
To: JUDtestimony
Cc: renwicktech@yahoo.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Renwick	Individual	Oppose	No

Comments: Our federal congress has already proven to be ineffective in managing itself and in making progress. Participation in a convention of the states is critical in maintaining the sovereignty of Hawaii and this right should NOT be given up in the hope that progress will suddenly be made in the federal legislature. Vote NO on HCR3!

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 3:09 PM
To: JUDtestimony
Cc: panther_dave@yahoo.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments: I would venture anybody who opposes an Article V convention is either terrified that 38 of the 50 states can actually agree on many things. It takes 34 to start the convention and 38 to ratify. You are familiar with the US Constitution, are you not? Article V is the one that declares that we the people can arrange for our own amendments. Unless you are that terrified of we the sheeple! This is our right and we are determined to exercise it, even though the House of Incongruous Judiciary Committee has imposed rules not stated in the Constitution (which makes me wonder which takes precedence, their silly restrictive rules or the actual Constitution). Anyway, if you oppose it, all you really need to do is set up the popcorn concession and enjoy the show. It can't runaway like some complain, for the very reason that the majority of states would have to make compromises that many of the electors would refuse.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 3:59 PM
To: JUDtestimony
Cc: maxinekla@gmail.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Maxine Anderson	Individual	Support	No

Comments: This bill is an important step in starting to address some substantial flaws in government on the federal level. Hawaii has a unique opportunity to lead the nation by joining the several states who have already passed a version of this bill. I SUPPORT this law.

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To: The Honorable Scott Y. Nishimoto, Chair
AND Members of the House Committee on Judiciary

Date: March 23, 2017

Time: 2:15 P.M.

Place: Hawaii State Capitol, Room 325

From: Steven W. Crain

Email: CrainSon3@cpu911.com

Tel: (808) 486-2757

Re: HCR 3/HR 6, U.S. Constitution Amendment; State-Initiated Proposed Amendments

Position: Opposed

The framers of the U.S. Constitution embedded certain checks on the separation of powers and shared power to ensure a delicate balance was maintained within our representative democracy. Under the concept of federalism, the power reserved to the states was anchored in two critical checks —

- a states' Senators were selected by its legislatures which provided each state a legislative say in the operation of the federal government, and
- states were given the authority to call for a convention for the express purpose of proposing amendments to the U.S. Constitution. HCR 3/HR 6 advocates deleting the authority to call for a convention.

Article V

In part, Article V states...

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; ...¹

States' checks on the federal government

States relinquished their voice in the federal government in 1913 when they ratified the 17th Amendment, which provided for popular election of Senators, thus silencing the will of state legislators acting in behalf of their respective state's interests.

One Hawaii legislator, through HCR 3/HR 6, is requesting our Hawaii delegation in the U.S. Congress propose an amendment to Article V of the Constitution which surrenders a state's right to call for a convention; the last vestige of states sovereignty, the ability and duty to check an out-of-control and out-of-balance federal bureaucracy. Ratification of such a proposed

amendment significantly deviates from the original design of our constitutional republic and severely weakens the provisions of the 10th Amendment.

A convention for proposing amendments is not a constitutional convention

The very premise upon which HCR 3/HR 6 is based, that of calling for a “constitutional convention” is in error and misleading. A “constitutional convention” is charged with drafting, proposing, and sometimes adopting, a new basic charter and is “plenipotentiary”. A convention for proposing amendments is charged with drafting and proposing one or more amendments to that charter and conducted within the confines of that charter.²

The state-initiated process has never been employed

HCR 3/HR 6 states “the state-initiated process ... has never been employed” which is also misleading. The framers never intended to provide for an easy amendment process; however, the fact that there’s never been an Article V convention called by the Congress may reflect *congressional resistance* more than a lack of demand from the states.³ The call for a convention of states is very much alive and well and gaining momentum throughout the nation.

As of April 19, 2014, forty-nine states have filed a total of 745 petitions for an Article V convention.⁴ According to the House Judiciary Committee records, there are thirty-five state applications calling for a convention.⁵ Currently, at least seven Article V convention groups are actively pursuing such a call.⁶ To proclaim “the state-initiated process has never been employed” is patently false as well as misleading.

As proof of concept, a historic first-ever, simulated convention of states convened in Colonial Williamsburg, Virginia from September 21 - 23, 2016 in which 137 delegates representing every state in the nation participated.⁷ Representative Bob McDermott and former Representative Lynn Finnegan represented the State of Hawaii. The simulation was a complete success. The last day of the convention was streamed “live” over the Internet; and shown here in this Capitol in Room #309. I encourage each of you to review this days’ events to get a sense of the seriousness and professionalism exhibited by the commissioners as they deliberated over the Conventions proposed amendments:

<https://www.youtube.com/watch?v=vqqOVV4oRqI&t=2021s>.

Deceiving language concluding with babble

HCR 3/HR 6 uses deceiving language; draws illogical conclusions; and, offers vague warnings. “Potentially open-ended...” and “... therefore too cumbersome and problematic in light of current and foreseeable circumstances...” have little to no substance.

Presuming “potentially open-ended” is implying a “runaway convention — the essence of the “runaway” scenario is that a convention for proposing amendments would become a “constitutional convention” in which the delegates would disregard the prescribed limits on their authority, and push America over the cliff to total destruction. This scenario seems to have misled enough people to effectively disable the states’ authority granted in Article V because it’s such a “risky gamble”; as prophesied in HCR 3/HR 6.

To understand why it is not, you must understand the meaning of the language in Article V as the courts and other actors are likely to interpret it. This, in turn, requires knowledge of (1) the historical, legal, and linguistic background behind the language, (2) two centuries of post-Founding usage and analysis, (3) governing principles of constitutional, international, and agency law, (4) a long line of Article V court decisions extending from 1798 into the 21st century, and (5) certain modern political realities. Runaway alarmists display almost none of this knowledge. The runaway convention scenario directly contradicts established constitutional law. *That law holds that when they act under Article V, all assemblies—both legislatures and conventions—derive all their authority exclusively from the Constitution.* Their power is limited accordingly.⁸

State-initiated “directly proposed” specific amendments

HCR 3/HR 6 advocates individual states submitting proposals for amendments “directly”; to whom is not stated; how direct submissions are managed is not stated; yet the resolutions claim this “direct” method would be more effective. Are we to assume the U.S. Congress will be the controlling authority? Wouldn’t that be akin to the fox guarding the hen house? The “call for a convention” was specifically added to Article V by the framers as a “check” on the federal government because they knew one day an out-of-control Congress would not propose amendments to check themselves. Removing the authority to call for a convention denies states the innate benefits of a convention; the ability to collaborate and deliberate with potentially 49 other state commissioners to propose the best possible amendments. “Direct submission” of individual state-initiated proposed amendments will act as an impediment to achieving a two-thirds consensus. Are we to trust the U.S. Congress to act a neutral mediator or clearinghouse? Their track record should serve as a warning – trust not.

Three-fourths ratification requirement sufficient safeguard against bad amendments

HCR 3/HR 6 assures us that the 38 state ratification requirement is the ultimate safeguard against poorly considered amendments. The state ratification process should **not** be the first line of defense to filter out bad proposed amendments.

States, deliberating in convention; however, would serve as an initial filter against poorly conceived proposed amendments with the state ratification process being the final and ultimate safeguard.

In Conclusion

The House Committee on Judiciary must carefully consider the ramifications of a successful HCR 3/HR 6, if it were to succeed to fruition; that of ratification and subsequent amendment to Article V of the U.S. Constitution.

Ratification of such an amendment will doom states to operating in a vacuum, in isolation, and create unnecessary delays in any “state-initiated” amendment process. Removing the right to call for a convention is counterproductive, unwise and the death knell of federalism in the United States.

It is reasonable to conclude that proposed amendments generated from a convention of states is far more likely to be acceptable to states during the ratification process than individual state-initiated proposed amendments.

This one remaining “state” check on the federal government is critical to our continued existence as a free people. *If you believe in liberty*, I encourage all member of this to oppose HCR 3/HR 6 by voting “No” on these resolutions.

Mahalo for the opportunity to provide testimony opposing these resolutions.

References:

¹ United States Constitution, June 21, 1788

² Rob Natelson, “*A Response to the “Runaway Scenario”*”, February 15, 2013
<http://robnatelson.com/a-response-to-the-runaway-scenario/> Accessed March 21, 2017

³ Freedman, Adam, *The Naked Constitution*

⁴ Vile, John R., *Conventional Wisdom*

⁵ Friends of the Article V Convention, *Congressional Records*,
<http://www.foavc.org/Pages/index.htm> Accessed March 21, 2017

⁶ Ibid, <http://articlevcaucus.com/wp-content/uploads/2017/02/17-0201-AVC-Progress-Report.pdf>
Accessed March 21, 2017

⁷ Convention of States, <https://www.conventionofstates.com/cossim/> Accessed March 21, 2017

⁸ Rob Natelson, “*A Response to the “Runaway Scenario”*”, February 15, 2013
<http://robnatelson.com/a-response-to-the-runaway-scenario/> Accessed March 21, 2017

To: Scott Y. Nishimoto, Chair and members of the committee

From: Greig Porter

Re: proposed HCR 3/HR 6

I wish to express my opposition to these proposed bills and the intent that it is based on. Our precious constitution was formed to offer a mechanism to not only maintain separation of power between the federal and state governments, but to allow an active participation of the people. The resolution being proposed here today I believe would nullify that ability greatly.

We all know that the federal government is expanding at an exponential and unsustainable rate. The enactment of HCR3 and/or HR6 would be one more stepping stone impeding the American public from exercising the rights that were so insightfully implemented by our forefathers so many years ago. The process provided for in Article V is more than sufficient for the purpose of balancing out the power that has been usurped from the people.

The accusation that the Convention of States process is too open ended I believe is errant. The Constitution was intentionally constructed in this way as the Framers of these processes were experiencing the very circumstances that gave them the foresight to see the need for this directive. These circumstances demanded the reasoning that convinced them that there should be an ability for the American people to initiate change when our elected officials weren't acting in our interests.

Our autonomy as a State is dependent upon having legitimate representation with the interests of it's constituents actively fighting in Washington. Sadly all too often the political process is not conducive to you, our representatives to be able to do that effectively. I would argue that the process of the Convention of States is an ideal one to allow you, our representatives and we the people to be able to work hand in hand to sustain the principles of freedom and liberty.

Thank you for your time and attention to this matter.

Sincerely Submitted,

Greig Porter

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 8:53 PM
To: JUDtestimony
Cc: paradisefarms@hotmail.com
Subject: Submitted testimony for HR6 on Mar 23, 2017 14:15PM

HR6

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments: I believe the Constitution was put into effect to protect the people of the United States of America and I BELIEVE IT CURRENTLY SERVES US ALL WELL HOW IT IS. Trying to change things just because you do not agree with something in there does not mean you have the right to change this without a Vote from the People remember who you work for. It is not your self it is the people of Hawaii. We Oppose any changes!!!

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JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 6:26 PM
To: JUDtestimony
Cc: emilsvrcina@gmail.com
Subject: Submitted testimony for HR6 on Mar 23, 2017 14:15PM

HR6

Submitted on: 3/21/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Emil Svrcina	Individual	Oppose	No

Comments: I had to escape communism for liberty and opportunity offered to American citizens and guaranteed/protected by our precious Constitution of United States including Article V., so it is unconscionable for me in 2017 (100th anniversary of Soviet Bolshevik revolution)to have my voice attacked by my own government here in Hawaii/USA in the form of this resolution HR6/HCR3. I oppose HR6/HCR3 introducer Mr. Saiki's measure (democrat from HD26, McCuly, Kaheka, Kakaako, Downtown Honolulu). As an American citizen and resident of Hawaii I want to participate and have influence in the selection and commissioning of our state delegation to a convention for proposing amendments as may be needed for our future constitution. This resolution is trying to eliminate this. This resolution also eliminates Hawaii's ability to participate with any proposal under the one-state-one-vote principle of a convention of equal and sovereign states.

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HR 6 /HCR 3, U.S. Constitution Amendment; State-Initiated Proposed Amendments

“on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments.”

The wisdom of the Founders of this nation is apparent in many places in the Constitution where they designed many checks and balances between both the three branches of the Federal government but also checks and balances between the stakeholders of the nation, the people, the States and the Federal government itself. They wisely established the Congress into two houses, one of the people and one of the States which was changed by the 17th Amendment. Congress & the courts have systematically ignored the 10th Amendment, increasing the power of the Federal government and diminishing the States. Now to further erode the role and power of the States by denying them the right to amend the Constitution as enumerated in Article 5 would virtually destroy the need for States altogether.

I ask that the members of this Committee NOT pass this Resolution

Tim Means

800 Kolani Place,

Wailuku, HI 96793

808-870-1067

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 22, 2017 8:39 PM
To: JUDtestimony
Cc: hannah.smith1217@gmail.com
Subject: *Submitted testimony for HCR3 on Mar 23, 2017 14:15PM*

HCR3

Submitted on: 3/22/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah Smith	Individual	Oppose	No

Comments:

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LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

As I am strongly in support of HCR50, and because I believe in the original intent on how the constitution shall be amended (Congress or States), I am in opposition of HCR3. I do understand and respect some of the reason why it was introduced, but I am extremely worried of some unexpected consequences that it might have. I am worried that it might increase the influence of big money at the State level. I believe in the benefits of a constitution convention because it keeps the matter in the hands of the people. I've heard many times people being concerned about the possibility of a runaway convention, but my understanding is that this fear comes from a historical fallacy. I strongly believe that the way Article V is written, by specifically limiting the scope of the convention, is protecting against such an hypothetical so-called runaway convention.

The equivalent of HCR50 was already passed in 5 different states throughout the US. In consequence, passing HCR3 would be a big setback for the movement, and could leave a devastating precedent. HCR3 is essentially incompatible with HCR50. And I do understand that the way HCR3 was thought, is to then also propose to add an amendment to the constitution for free and fair elections, and getting big money out of politics. And this is why I respect the intent. But again, I strongly believe that HCR50 is a better way to go! And by the way, I would like to thank Vice Chairwomen San Buenaventura for being a co-introducer of HCR50.

Being naturalized and originally from France, I have been more and more interested in studying and understanding the US constitution. My recollection is that the US constitution was written using the French and British constitutions as a starting point, but was then strongly focusing on making it better by giving more power and freedom to the people.

Although it has been true for the longest time, I do not believe that it is longer the case. All the money that flows within the political system only comes from a ridiculously small amount of the population. Politicians in Congress do not have a choice if they want a career. They need to raise money. In fact, it is to a point where they might spend more time raising money than being actual politicians. And I still believe that most politicians come into politics with the right intent, to be public servants that can make a difference in peoples life. But they are taken hostage by the fact that they need to raise money, with sometimes strings attached.

I believe that the system is corrupted (not the people) by the way it has evolved. I think it has evolved to a point where it can no longer correct itself at the congressional level. Our last option, our last hope, is to do it through the States. The American people deserve the right to be truly represented like the founding father intended. By getting big money out of politics, the American people will be able to get more involved and play a bigger role into their democracy.

Best Regards,
Morgan Bonnet
DNC Vice President of Precinct 25-2

LATE

March 23, 2017

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members:

Please amend HCR3 to reflect the language in HCR50, the Free and Fair Elections resolution.

Too much money in politics is the root cause of so many of our nation's problems. HCR50 provides us the best protection against big money in politics.

Sincerely,

Randall Imada
2543 Kekuanoni St.
Honolulu, HI 96813
(H) (808)536-3890
Rep. Sylvia Luke
House District 25

Testimony in Opposition to HCR 3

House Committee on Judiciary

March 23, 2017

2:15 PM

Room 325

LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

As a concerned private citizen, I strongly oppose HCR 3 as it would strip all of Hawaii's citizens of their constitutional right to democratically improve upon our country's governance. It would be in the best interest of all citizens of Hawaii if this resolution was amended to reflect the language of HCR 50. I am personally optimistic and grateful for Vice Chairwoman San Buenaventura for taking the action to co-sponsor HCR 50.

Every citizen should have an equal voice, regardless of race, creed, or wealth. Just because certain individuals are able to contribute large sums of money should not allow them to have undue influence over the decisions made by our government.

Enough is enough. In order to save our country, each state must do their part to cure the cancerous disease that is big money in politics. Return the power to the people by providing free and fair elections. This is Hawaii's opportunity to lead the way and join the first five states (California, Illinois, New Jersey, Rhode Island, and Vermont) that have already taken a stand and are demanding an amendment to the U.S. Constitution to get big money out of politics, for good.

We simply cannot rely on Congress to make this change. Since big money is currently in our country's politics, many members of Congress are unsurprisingly unwilling to make any change to the status quo. The founding fathers were wise to include in Article V of the U.S. Constitution that the states be empowered to call an Article V Convention to debate and ratify an amendment, debate being the operative word. An Article V Convention, should it ever convene and not just pressure Congress into action, is a deliberative, democratic process. Why would we want to strip away our democratic rights? We must not be fooled by the fear-mongering around a convention, and instead focus on the facts. If we can amend HCR 3 to reflect that of HCR 50, this is our best hope to restoring our country to a true representative democracy so that the federal government will be held accountable before it's too late. We have no time to waste.

Please do not miss this opportunity to provide truly free and fair elections. Thank you for your time and consideration.

Sincerely,
Mark Rau
513 Paopua Place
Kailua, HI 96734
808-428-4997

House District 50 - Representative Cynthia Thielen (Committee Member)
Senate District 25 - Senator Laura Thielen

LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

I've grown up on different sides of the island. I'm a combination of various ethnicities and started in public school and then graduated from a private school. I moved to the mainland for college and a career like most but came back for one reason, Hawaii.

The people, the aina, whatever is on our diverse list of favorites, I hope you're as proud of yours as I am of mine.

Now as diverse as we are, I suspect you may have found a commonality with others during your journeys abroad. That's pride for one's hometown. HCR 3, that's something I will not be proud of in its current form. It does not represent me nor the foundations of this country.

Our family, our friends, our peers, whether they're somewhere out in the world or here, they're voicing their pride for your positive impacts. We're seeing it on television, print and social media. I've personally received admiration on my last trip to the mainland simply for being from Hawaii.

We're ahead of the curve. Let's stay there.

Hawaii is gaining favorable attention on the national political stage. Let's ride the momentum and lead this movement for true reform, for true courage, for true representative democracy. For us.

I'm thankful for you, Representative San Buenaventura, for being a co-sponsor of HCR 50. Let's amend HCR 3 with language of HCR 50 so that we can continue a growing legacy of strong, democratic, leadership.

I thank all of you.

LATE

Jesse Francis
Haiku, Maui HI
March 22 -2017

Re: HC3

On the matter of HC3 I am in opposition to the proposal to substitute a new form of entry to changing amendments that replaces instead of adds to the existing ability of states to call for a convention.

There is already one such movement that has been gaining traction across state legislative bodies and has passed five state houses. Introducing this bill at the federal level will defeat those efforts and other legitimate efforts.

The reasoning used in HC3 states that no one has successfully done it before. This is not true. Over 50% of our amendments started with convention campaigns. When you have an unresponsive federal government, as we do now, the convention mode is how you wake them up. It is, in fact, the loudest call for reform that a state can make.

This seems patently obvious and the bill seems formulated to close down the existing avenue at a time when many people nationwide are clamoring for ways to hold our federal government accountable.

Please consider changing the language to the version below.

I oppose this bill without that specific change which needlessly cuts off an avenue for positive change at the federal level.

WHEREAS, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, the Constitution of the State of Hawaii states that all political power “is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority” (Article I, Section 1); and

WHEREAS, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, the Hawaii Legislature perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and

WHEREAS, the State of Hawaii desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

WHEREAS, the State of Hawaii intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress.

NOW, THEREFORE, BE IT RESOLVED, that the people of the State of Hawaii speaking through its legislature, and pursuant to Article V of the United States Constitution, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections as described herein, as soon as two-thirds of the several states have applied for a convention for a similar purpose; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the Hawaii [*House of Representatives or Senate*] transmit copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Hawaii in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*, to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

**Mahalo,
Jesse Francis**

LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

This testimony is written in opposition to HCR3. It is only opposed, however, because I would like it to reflect the intentions of our founding fathers, which is to have two options for amending the Constitution that are both deliberative processes, which is what democracy is about. I would request that the language be amended to reflect HCR50, which is the loudest call for reform that a state can make on the most important issue facing our country - getting big money out of politics. Should HCR3 reflect these changes, I would support the measure.

As a lifelong resident of Hawaii, I haven't always paid much attention to politics; it's easy to feel out of touch with things that seem to happen so far away. I have only recently become more aware of and active in the political happenings of our state and country. As a small business owner, wife, and mother of three, where I put my time and energy is precious to me. When asking myself where I would put the work in to make the most positive benefit for all, I have come to deeply believe that supporting Free and Fair Elections will have a wide spread, positive impact in my community and state.

The time is now. Hawaii can be a leading voice in this push to level the playing field and allow a true voice to ring out in our democracy. We can start to repair the corrosive effect of big money in politics. We cannot wait for Congress, we must do this in a timely fashion. I am hopeful that Hawaii can play a principal role in restoring a true representative democracy for all, and set the example for other states.

In closing, I would like to say a big mahalo to my district representative, Joy San Buenaventura, for co-sponsoring HCR50. She is a wonderful example of a politician who listens to her constituents, and works with them toward creating a thriving, safe, and happy community. Also, thank you to Chairman Nishimoto and all committee members for their great work to stand up to our federal government and for we the people.

Aloha,
Jenifer Mantupar
PO BOX 7727
Hilo, HI 96720
House District 4
Senate District 2

LATE

Courtney Viernes
4146 Guadalcanal Circle Apt C
Kapolei, HI 96707
(808) 779-8158
District 42 Rep. Sharon Har

I, Courtney Viernes, am opposed to HCR3. I would support it if it is amended to reflect the intentions of our founding fathers, which is to have two clear, democratic options for amending the Constitution and I would like to see the language amended to reflect HCR50. HCR50 is for Free and Fair Elections which I support.

I would like to thank vice chair San Buenaventura for being a co-sponsor of HCR50. Her courage to stand for the people truly touches my heart. I am a victim of a for-profit college, Heald, that used my name to steal close to \$90,000 from the federal government. It has caused me to go into a deep depression and it came close to taking my life. I got help thankfully for both my depression and the victimization I and many other students in this state and country face.

Unfortunately, I am still in debt of close to \$40,000 after part of the fraudulent loan was forgiven; but the fact remains that the people responsible for ruining my education are walking free. This is why I support the language of HCR50 and why it should replace HCR3. HCR50 is the cornerstone for our country to begin to regulate how money goes to our leaders so they can protect the people from predators like Heald College.

Free and Fair Elections would help us with problems that face the people. This why we cannot wait for Congress to act. It is up to the states to take a stand and for Hawaii leaders to have the courage and the heart to do just that. This all starts with you, the Judiciary Committee chair, vice chair, and members.

Sincerely,

Courtney Viernes

Testimony presented by:
Ryan I. Kaha'i'ōlelo Sueoka
803 Isenberg Street, Honolulu, HI 96826 • State House District 21
ryansueoka@gmail.com
(808) 372-3453



HOUSE COMMITTEE ON JUDICIARY

Thursday, March 23, 2017, 2:15pm
Conference Room 325

OPPOSITION TO HCR 3

Aloha nui mai kākou e Chair Nishimoto, Vice Chair San Buenaventura and Committee Members!

I am writing to you as a current resident of Mō'ili'ili, with roots firmly planted in Pāhoa and Kāne'ōhe, to STRONGLY OPPOSE HCR 3 which I believe threatens the democratic process intended in Article V of the United States Convention. I urge you to demonstrate Hawai'i's commitment to being leader in democracy by amending this resolution to uphold the intentions of our founders, which is to have two, clear democratic options for amending the Constitution. Further, I would strongly support HCR 3 if the language is amended to reflect HCR 50, which is our clearest path to reclaim democracy by getting big money out of politics and securing Free and Fair Elections.

I would like to mahalo Vice Chair San Buenaventura and Representative Chris Lee for being co-sponsors of HCR 50. The democratic process called for in HCR 50 to combat the influence of big money in politics gives me renewed hope in government. Frankly, I have become increasingly disenchanted with government as I see policy making controlled by an oligarchy of campaign contributors. I am disenchanted but I choose not to disengage, but I fear the majority of maka'āinana, — my family, my friends, my neighbors and yours — no longer believe their voice matters.

We should all be embarrassed that in 2016 Hawai'i ranked dead last in voter turnout. But should we be surprised? Only when Hawai'i stands for Free and Fair Elections can we hope to re-engage voters and regain a true democracy.

I truly believe that all of you work hard to serve your constituents; that's the reason I believe change will come through state legislatures passing resolutions like HCR 50. You have the power to make Hawai'i voters believe in democracy, to empower them and to make them feel like their voices matter. I ask you, with aloha, to use that power now in amending HCR 3 to reflect the language of HCR 50.

Mahalo nui!

LATE

Testimony Regarding HCR 3

Aloha,

My name is Nels Romerdahl and I am a concerned citizen writing today in opposition to HCR 3. The founding fathers realized the importance of amending the constitution. Constitutional amendments have helped create a foundation of what it means to be a free American. States calling for an Article V Convention has helped push congress in the correct direction towards issues that matter to the general public.

The bill of rights introduced some of the most critical amendments to the constitution. Imagine a country where freedom of speech was controlled fully by congress, or not being entitled to a fair and speedy trial. In the early 20th century, the 17th amendment was ratified – giving control of senate elections to individuals. The 21st amendment marked the end of prohibition. The 22nd amendment insures that no president is capable of being in power for decades at a time. Lastly the 27th amendment prevents congress from rapidly increasing their own pay.

What's important about these amendments is that they all have one thing in common: They started out as a call for an Article V Convention. Eventually, enough states had called for a convention that it pressured congress to move forward. The 1st, 17th, and 27th amendments delegated power to the people when it was needed. The founding fathers believed in a check and balance system of the federal government. They believed in separation of duties in order to preserve the belief that America is a democratic republic.

While I strongly oppose HCR 3 in its current form, I am in favor of progressing HCR3 with replaced language that reflects HCR 50. I would also like to thank San Buenaventura for being a co-sponsor of HCR 50.

Hawaii state school curriculum requires that high school students take a class revolving around participation in democracy. Growing up in Hawaii, I've learned about how sacred an open dialogue is regarding democracy and diplomacy. While you may or may not support the Hawaiian sovereignty movement, there is one thing that you can take from the conversation: The right to self-govern and the right to an open dialogue is critical to the democratic process.

Mahalo,
Nels Romerdahl
contact@nelsr.net
425-243-3509

LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

My name is Ian Nishimura and I want to submit my testimony to OPPOSE HCR3. However, I would support it if some amendments were added. Specifically, I would like to see the language of HCR3 amended to reflect the language in HCR50 as I believe it would reflect the intentions of our founding fathers. Speaking of HCR50 I would like to thank the Vice Chairwoman San Buenaventura for being a co-sponsor of HCR50 as I am in full support of that resolution.

I want to also urge that this is an issue that cannot wait. We must correct this issue of big money in politics as soon as possible. I believe that it is important that we have free and fair elections in America and the only way that can be possible is if we get rid of big money in our politics. I think that the state of Hawaii should lead the charge on this issue and that opposing HCR3 while amending it to reflect the language of HCR50 would be a big step in the right direction.

While I have faith in our leaders who represent us in Congress, I do not trust Congress as a body to fix this very urgent issue. I do believe that most members of Congress are caught in this web of bribery and that they are just too comfortable with the current system. I believe that going through the states is our only hope of restoring free and fair elections here in the United States of America.

I am a concerned constituent of Representative Sylvia Luke and Senator Karl Rhoads. I live in House District 25 and Senate District 13. I want to thank the Chair Nishimoto, Vice Chair San Buenaventura and the committee's time and consideration on this issue. I want to stress that it is a very urgent matter and we need to get rid of big money in politics. I oppose HCR3 while wanting it amended to reflect the language of HCR50. Thank you

Sincerely,

Ian Nishimura

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 22, 2017 10:03 PM
To: JUDtestimony
Cc: bfdorn@gmail.com
Subject: Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

HCR3

Submitted on: 3/22/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Dorn	Individual	Comments Only	No

Comments: I, with all due respect, oppose this measure because it is anti-democratic. Conventions are important deliberative bodies to democracy. I would, however, support this measure if it can be amended to the following language because we need to keep Article V of the Constitution as it was originally written and intended. To use HCR50 and the convention as an amendment that will address Citizens United and related cases. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Submitted testimony for HCR3 on Mar 23, 2017 14:15PM

mailinglist@capitol.hawaii.gov

Thu 3/23/2017 10:17 AM

LATE

To: JUDtestimony <judtestimony@capitol.hawaii.gov>;

Cc: coletteandkaipo@gmail.com <coletteandkaipo@gmail.com>;

📎 1 attachment

Testimony HCR3.rtf;

HCR3

Submitted on: 3/23/2017

Testimony for JUD on Mar 23, 2017 14:15PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Colette Faris	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura and committee members,

It has gotten progressively worse each election with candidates who have been bought by big money to uphold the agenda of Wall Street to the detriment of most of the rest of us. My wellbeing and hope for an intact planet are threatened like never before. Because corporations want EVERYTHING. I oppose this amendment because it takes away a vital process within a Democracy of checks and balances and the democratic deliberation that a convention provides, and instead puts all the decision making into the hands of Congress and controlled state legislatures. This is the first step to an Authoritarian government. PLEASE replace this bill with HCR50 which leaves in place those checks and balances and demands an amendment that addresses the critical issue of getting big money out of politics so that we can return this country into the hands of we the people.

Thank you Vice Chair San Buenaventura for being a co-sponsor of HCR50 in our mutual effort to restore free and fair elections.

Thank you,

Colette Faris

47-434 Waihee Road

Kaneohe HI 96744

808 729-8215

House Dist. 48 Rep. Jarrett Keohokalole

LATE

Testimony Regarding HCR 3

Aloha,

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Mahalo,
Nels Romerdahl
contact@nelsr.net
425-243-3509

doc (1)

LATE

Courtney Viernes
4146 Guadalcanal Circle Apt C
Kapolei, HI 96707
(808) 779-8158
District 42 Rep. Sharon Har

I, Courtney Viernes, am opposed to HCR3. I would support it if it is amended to reflect the intentions of our founding fathers, which is to have two clear, democratic options for amending the Constitution and I would like to see the language amended to reflect HCR50. HCR50 is for Free and Fair Elections which I support.

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Sincerely,

Courtney Viernes

LATE

Testimony presented by:

Ryan I. Kaha'i'ōlelo Sueoka

803 Isenberg Street, Honolulu, HI 96826 • State House District 21

ryansueoka@gmail.com

(808) 372-3453

HOUSE COMMITTEE ON JUDICIARY

Thursday, March 23, 2017, 2:15pm

Conference Room 325

OPPOSITION TO HCR 3

Aloha nui mai kākou e Chair Nishimoto, Vice Chair San Buenaventura and Committee Members!

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We should all be embarrassed that in 2016 Hawai'i ranked dead last in voter turnout. But should we be surprised? Only when Hawai'i stands for Free and Fair Elections can we hope to re-engage voters and regain a true democracy.

I truly believe that all of you work hard to serve your constituents; that's the reason I believe change will come through state legislatures passing resolutions like HCR 50. You have the power to make Hawai'i voters believe in democracy, to empower them and to make them feel like their voices matter. I ask you, with aloha, to use that power now in amending HCR 3 to reflect the language of HCR 50.

Mahalo nui!

Testimony in Opposition to HCR 3

House Committee on Judiciary

March 23, 2017

2:15 PM

Room 325

LATE

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

As a concerned private citizen, I strongly oppose HCR 3 as it would strip all of Hawaii's citizens of their constitutional right to democratically improve upon our country's governance. It would be in the best interest of all citizens of Hawaii if this resolution was amended to reflect the language of HCR 50. I am personally optimistic and grateful for Vice Chairwoman San Buenaventura for taking the action to co-sponsor HCR 50.

Every citizen should have an equal voice, regardless of race, creed, or wealth. Just because certain individuals are able to contribute large sums of money should not allow them to have undue influence over the decisions made by our government.

Enough is enough. In order to save our country, each state must do their part to cure the cancerous disease that is big money in politics. Return the power to the people by providing free and fair elections. This is Hawaii's opportunity to lead the way and join the first five states (California, Illinois, New Jersey, Rhode Island, and Vermont) that have already taken a stand and are demanding an amendment to the U.S. Constitution to get big money out of politics, for good.

We simply cannot rely on Congress to make this change. Since big money is currently in our country's politics, many members of Congress are unsurprisingly unwilling to make any change to the status quo. The founding fathers were wise to include in Article V of the U.S. Constitution that the states be empowered to call an Article V Convention to debate and ratify an amendment, debate being the operative word. An Article V Convention, should it ever convene and not just pressure Congress into action, is a deliberative, democratic process. Why would we want to strip away our democratic rights? We must not be fooled by the fear-mongering around a convention, and instead focus on the facts. If we can amend HCR 3 to reflect that of HCR 50, this is our best hope to restoring our country to a true representative democracy so that the federal government will be held accountable before it's too late. We have no time to waste.

Please do not miss this opportunity to provide truly free and fair elections. Thank you for your time and consideration.

Sincerely,
Mark Rau
513 Paopua Place
Kailua, HI 96734
808-428-4997

House District 50 - Representative Cynthia Thielen (Committee Member)
Senate District 25 - Senator Laura Thielen

HCR 3 Testimonial - Matthew Nelms



Matthew Nelms <nelmsma@gmail.com>

Thu 3/23/2017 9:37 AM

To: JUDtestimony <judtestimony@capitol.hawaii.gov>;

📎 1 attachment

Matthew Nelms Testimonial HCR 3.docx;

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Matthew Nelms

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Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members,

I've grown up on different sides of the island. I'm a combination of various ethnicities and started in public school and then graduated from a private school. I moved to the mainland for college and a career like most but came back for one reason, Hawaii.

The people, the aina, whatever is on our diverse list of favorites, I hope you're as proud of yours as I am of mine.

Now as diverse as we are, I suspect you may have found a commonality with others during your journeys abroad. That's pride for one's hometown. HCR 3, that's something I will not be proud of in its current form. It does not represent me nor the foundations of this country.

Our family, our friends, our peers, whether they're somewhere out in the world or here, they're voicing their pride for your positive impacts. We're seeing it on television, print and social media. I've personally received admiration on my last trip to the mainland simply for being from Hawaii.

We're ahead of the curve. Let's stay there.

Hawaii is gaining favorable attention on the national political stage. Let's ride the momentum and lead this movement for true reform, for true courage, for true representative democracy. For us.

I'm thankful for you, Representative San Buenaventura, for being a co-sponsor of HCR 50. Let's amend HCR 3 with language of HCR 50 so that we can continue a growing legacy of strong, democratic, leadership.

I thank all of you.

LATE

March 23, 2017

Dear Chairman Nishimoto, Vice Chairwoman San Buenaventura, and committee members:

Please amend HCR3 to reflect the language in HCR50, the Free and Fair Elections resolution.

Too much money in politics is the root cause of so many of our nation's problems. HCR50 provides us with the best protection against big money in politics.

Sincerely,

Randall Imada
2543 Kekuanoni St.
Honolulu, HI 96813
(H) (808)536-3890
Rep. Sylvia Luke
House District 25

From: barbara belloovich [<mailto:lava-gal@hotmail.com>]
Sent: Wednesday, March 22, 2017 1:32 PM
To: Rep. Joy San Buenaventura <repsanbuenaventura@capitol.hawaii.gov>
Subject: HR6 HCR3

Please do not give up Hawaii's right to be represented at any national decision making process.

Vote NO HR6 and HCR3

Barbara Bellovich

Objections to Hawaii HR6 & HCR3

Susan J Santangelo, Hawaii volunteer, Convention of States Project

As a grassroots volunteer of Convention of States I and my colleagues have worked tirelessly since before last legislative session to get resolutions in favor of a Convention of States filed & passed. This bill will eliminate citizens' ability to more actively participate in our state & federal government.

I oppose passage of HR6 & HCR3.

Article V of the US Constitution was specifically included (and voted on by the founders unanimously!) to give citizens far removed from the federal government machinations a way to reign in the federal government. I strongly believe that government is best that is closest to the people and Hawaii needs to be a part of bringing power back from Washington D.C.

Furthermore, a Convention of States is NOT a "Constitutional Convention" (NOT a Con-Con opening up the entire Constitution for review and amendment) as is falsely described in HR6 &/or HCR3.

Since the passage of the 17th Amendment, state governments are no longer represented in Congress and do not have authority to compel action from any member of Congress. Article V allows for two methods to amend the Constitution. Under Article V as written, either Congress or an assembled Convention of the States can directly propose an amendment or amendments to the Constitution. At this point in our history with nearly 20 trillion in debt and no clear intention to reduce spending it pretty clear Congress will never control itself, and yet no changes to the constitution can be made by a convention of states and no amendment can be adopted without the consent of 38 states. I cannot imagine our state wishing to usurp the US Constitution provisions!