



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 33 and S.R. NO.16, URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

DATE: Thursday, March 8, 2018 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Deirdre Marie-Iha, Deputy Attorney General

Chair Nishihara and Members of the Committee:

The Department of the Attorney General opposes this resolution. This resolution is potentially of great legal significance and operates in a highly uncertain area of law. This resolution would be the Hawaii Legislature's application for a constitutional convention under Article V of the United States Constitution. It would request that the convention propose amendments to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

The Department submits this testimony both to advise the Legislature of the significance of this resolution and to identify some of the unresolved questions about federal constitutional conventions. Most significantly, we advise the Legislature that a federal constitutional convention called with this resolution could potentially open up *each and every* provision of the United States Constitution to amendment or repeal. In other words, a federal constitutional convention could propose amendments to eliminate the protections of free speech; the protections against racial discrimination; the

protections of freedom of religion; or any of the other myriad provisions that presently provide the backbone of American law.

The unknowns that would surround a federal constitutional convention are significant. The reach of such a convention could extend to a complete re-drafting of the Constitution of the United States. That risk informs our position. Under Article V of the federal constitution, amendments may be proposed by Congress or by constitutional convention. All twenty-seven of our current constitutional amendments were proposed by the first method. U.S. Const., Amend. I – XXVII; 2 Ronald D. Rotunda, *Treatise on Constitutional Law* § 10.10(b). Both methods require a ratification vote by three-quarters of the states. U.S. Const. art. V. The second method has never been used to propose a constitutional amendment and there is no controlling and relevant case law.

Proposing constitutional amendments using a convention was included to allow the states to act when Congress would not. See 2 Rotunda at § 10.10(b)(iii) ("The framers provided for the alternative route of allowing the state legislatures to call for amendments as a political check in case Congress was unresponsive to any felt need for change."); Alexander Hamilton, *The Federalist No. 85* (describing the convention mechanism as necessary to "erect barriers against encroachments of the national authority."). Because no federal constitutional convention has been held in more than two hundred years, how it would operate is largely unknown. It is not known, for example, how the states would be represented at a convention; how those representatives would be chosen; or whether Congress could enact legislation that would control the procedures at such a convention. 2 Rotunda at § 10.10(b)(iii). The federal constitution offers no guidance on these questions. U.S. Const. art. V.

Most importantly, it is not known whether an Article V convention can be limited to one topic or must be a general convention, which could hypothetically propose amendments for *any* provision of the federal constitution, or propose a totally novel amendment unrelated to existing constitutional provisions. See, e.g., 2 Rotunda at § 10.10(b)(iii) at n.10 and the authorities cited there; James Kenneth Rogers, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*, 30 Harv. J. L. & Pub. Pol'y 1005 (2007), and authority cited there;

Constitutional Convention—Limitation of Power to Propose Amendments to the Constitution, 3 U.S. Op. Off. Legal Counsel 390 (1979), 1979 WL 16606, and authority cited there. Because there has never been an Article V convention, these and many other questions remain unanswered. We also note that other states have recently adopted resolutions calling for a federal constitutional convention on similar or related topics. See, e.g., Ariz. H.B.2226 (2017); Tex. Sen. J. Res. No. 2 (2017). Other states, in contrast, have called for a federal constitutional convention to propose an amendment to address Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010). See, e.g., Calif. Assem. Joint Res. No. 1, Res. Ch. 77 (2014); Vt. Joint Res. No. R-454 (2014). Resolutions on that topic have been considered in Hawaii in the past but were not adopted. See, e.g., H.C.R. No. 50, H.D. 1 (2017).

As to the topics identified, this resolution appears to be based in part on the model resolution put forth by an organization called Citizens for Self-Governance. This resolution contains wording expressing the state's understanding that the convention would be limited to those specific topics. This is certainly advisable, but whether a constitutional convention could be effectively limited in this way is unknown. We also note that one of the topics identified—the jurisdiction and power of the federal government—is so broad that it would not serve as a functional limitation at all.

We note that concerns about the potential to open the entire federal constitution up for debate have prompted several states to recently *rescind* their calls for a convention. This includes Maryland, New Mexico, and Nevada. Md. Sen. J. Reso. 2 (2017); N.M. Hse. J. Reso. 10 (2017); Nev. S.J.R. 10 (2017).

We respectfully urge this Committee to defer this resolution. Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
The Senate
Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony by
Hawaii Government Employees Association

March 8, 2018

S.C.R. 33/S.R. 16 – URGING THE
CONGRESS OF THE UNITED STATES TO
CALL A CONVENTION FOR PROPOSING
AMENDMENTS PURSUANT TO ARTICLE
V OF THE UNITED STATES
CONSTITUTION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of S.C.R. 33 and its companion S.R. 16 which urges the Congress of the United States to call for an amendment Convention of the States.

As drafted, S.C.R. 33 and S.R. 16 represent our state's formal application to convene a Constitutional Convention under Article V of the U.S. Constitution. A matter of this magnitude deserves much more robust discussion and conversation with all residents in Hawaii. Additionally, we raise grave concerns over the vast, unforeseen negative consequences of convening a national Constitutional Convention. While we can understand the want to address fiscal restraints on the federal government and limit the terms of office of elected officials, wholly opening our Constitution for amendment and repeal is not in the best interests for citizens. Convening a Constitutional Convention does not guarantee resolution for any singular issue, rather there is the potential for a Convention to be much more devastating than what this resolution seeks to accomplish.

Our country has not convened a Convention of this magnitude in its 200 year history and no one can predict how it would operate, who would be represented, and what the immediate and long term impacts will be. Due to this uncertainty and risk, we urge extreme caution and full vetting of the consequences of S.C.R. 33 and S.R. 16, and respectfully request the Committee defer this measure.

Thank you for the opportunity to testify in strong opposition to the aforementioned resolutions.

Respectfully submitted,

Randy Perreira
Executive Director

SCR-33

Submitted on: 3/6/2018 7:15:25 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark White	Testifying for Convention of States	Support	Yes

Comments:

Aloha PSM Committee Chair, Vice Chair, and Members,

Thank you for holding a public hearing for the vitally important Convention of States Resolutions SCR33. As the Hawaii State Director for Convention of States Action, I fully support the passage of this resolution that when enacted by enough states, serves to rein in the power of our intrusive federal government and return that power back to the States for greater local decision making personal liberty. I believe this is the most important measure you as a legislator will consider. Here's why: this effort is nothing short of a second American revolution; a peaceful one, authorized in the Constitution!

States have lost their power and a Convention of States will work to restore true federalism: the balance of power between the federal government and the States. After all, the States created the federal government not the other way around. If you lived in Virginia in 1789 and sought a redress of grievance from a government you would naturally turn to your State for solutions. At that time in America, the central government was a small group of legislators meeting in New York having little impact on daily life in your state. Sadly today, the situation is completely reversed.

Since the 1913 ratification of the 17th amendment eliminating the election of US Senators by state legislatures, the States have lost their institutional representation at the federal level. Over the ensuing 100 years, the States have gradually been turned into the equivalent of regional agencies working to meet the demands of federal policies and programs. Consider that nearly 50% of Hawaii's annual state budget is either directly controlled or indirectly driven by Washington DC. The federal government takes citizen's tax dollars and forces the States to strike deals to get a limited return on that investment. A Convention of States will reverse this liberty killing trend.

Unlike any other nation today, the States of the United States have the ability to curtail the abusive intrusion of federal bureaucracies into local decision making, to stop the budgetary mismanagement that has incurred a \$20 Trillion national debt, to reverse unconstitutional centralized authority, and regain the level of state sovereignty intended by our founders. Today the only way left to the States to achieve this restoration of institutional and personal liberty is by asserting the authority granted States in Article V-- calling a 'convention for proposing amendments" a Convention of States.

Now more than ever, this approach to restoring our American Republic is available to those with the courage to use it. As our nation begins to decline into the same obscurity suffered by every other republic, We The People, working with you our state legislators, can reverse this trend of history and restore the greatest, most free nation mankind has ever had.

I urge your vote for passage out of committee for SCR33 and recommend adoption in Hawaii's Senate.

Yours in Freedom,

Mark White
State Director, Hawaii
Convention of States Action
(808) 753-5323
94-217 Oluia Place
Waipahu HI 96797

SCR-33

Submitted on: 3/7/2018 8:39:14 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Wilmarth	Testifying for Small Business- Surveyors Supply Co. Inc.	Support	No

Comments:

As a small business owner in Hawaii I support SCR33. It's time to give our local Representatives the power to make the changes our State needs. Our Founding Fathers had enough foresight to see our Federal Government may get too large and they provided us with the 10th Amendment. Time for us to take action and use it. Career politicians should also be a thing of the past and install term limits for all elected officials. Our DC Representatives have lost touch with the local people and we need to stop that. Our elected Officials work for us, our tax dollars and paying their salaries, their pensions and health care. Time for it to stop and bring back the power locally.



Randy Perreira
President

HAWAII STATE AFL-CIO

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The Twenty-Ninth Legislature, State of Hawaii
Hawaii State Senate
Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony by
Hawaii State AFL-CIO

March 8, 2018

S.C.R. 33 - URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS.

The Hawaii State AFL-CIO strongly opposes S.C.R. 33 which calls for a federal constitutional convention.

It is our understanding a federal constitutional convention cannot be limited to a single topic. A constitutional convention will no doubt open "Pandora's box" and could jeopardize civil rights, workers' rights and many other liberties we take for granted today. There is simply too much uncertainty and risk and therefore we strongly urge the Committee on Public Safety, Intergovernmental, and Military Affairs to defer S.C.R. 33 indefinitely.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Guy Archer	Jan Lubin	Cameron Sato	PO. Box 23404
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Karin Gill, Secretary	Chuck Huxel	Doug Pyle		

March 6, 2018

TO: Honorable Chair Nishihara and Members of the PSM Committee

RE: SCR 33

Opposition for Hearing on March 8

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We oppose SCR 33 for a convention proposing amendments to the Constitution of the U.S. We find the process dangerous as it could tie the hands of policy makers to support the economy through Keynesian fiscal policies or could take away seniority from some states or could restrict civil liberties. Given the political landscape, now is not the time for this idea.

Thank you for your favorable consideration.

Sincerely,

John Bickel
President

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Chair Clarence Nishihara, Vice Chair Glenn Wakai

03/08/2018 1:30 PM Room 229

SCR33 / SR16 – Urging the Congress of the United States to Call a Convention for Proposing Amendments Pursuant to Article V of the United States Constitution Limited to Proposing Amendments that Impose Fiscal Restraints on the Federal Government, Limit the Power and Jurisdiction of the Federal Government, and Limit the Terms of Office for its Officials and for Members of Congress

TESTIMONY / STRONG OPPOSITION
Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Nishihara, Vice Chair Wakai, and members of the committee:

Common Cause Hawaii **strongly opposes SCR33 / SR16** which calls for an Article V Constitutional Convention to propose amendments to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and term limits for members of Congress.

The Article V Constitutional Convention process is too ambiguous and states cannot limit the agenda of a Constitutional Convention. Convention procedures and delegate rules do not exist. The delegate selection process, how the American people would be represented in a convention, or what ethics and campaign finance rules would be applied to convention delegates remain unanswered questions.

Most concerning is that there is no language in the U.S. Constitution that limits an Article V convention to one issue. That means that a constitutional convention could easily become a free-for-all for delegates to essentially rewrite our governing document. According to one of the nation's most esteemed constitutional law scholars, Dean Erwin Chemerinsky, "no one knows how the convention would operate. Would it be limited to considering specific proposals for change offered by the states or could it propose a whole new Constitution? After all, the Constitutional Convention in 1787 began as an effort to amend the Articles of Confederation, and the choice was made to draft an entirely new document."¹

Due to the ambiguity of an Article V Constitutional Convention, over 200 organizations across the country, working across party lines and issues, have banded together to strongly urge state legislatures to oppose efforts to pass a resolution to call for a constitutional convention (attached).

We note that, even if a convention could be limited to a single topic, the amendments SCR33/SR16 are calling for are ambiguous. "Fiscal restraints" is undefined and it is anyone's guess as to which "power(s) and jurisdiction(s) of the federal government" the resolution aims to limit.

Simply put, a Constitutional Convention, would create an unpredictable Pandora's Box, and would create a constitutional crisis at time when the country is already facing enormous legal, political, and constitutional questions in the White House, Congress, courts, and state legislatures across the country. There is far too much at stake to risking putting the entire Constitution up for a wholesale re-write as part of a Constitutional Convention. We urge you to defer SCR33 / SR16.

Thank you for the opportunity to testify in **strong opposition to SCR33 / SR16.**

¹ Erwin Chemerinsky, "Is It a Good Time to Overhaul Constitution?," Orange County Register, Jan. 21, 2016, <http://www.ocregister.com/articles/constitutional-700670-convention-constitution.html>.

February 1, 2018

Constitutional Rights and Public Interest Groups Oppose Calls for an Article V Constitutional Convention

Calling a new constitutional convention under Article V of the U.S. Constitution is a threat to every American's constitutional rights and civil liberties.

Article V convention proponents and wealthy special interest groups are dangerously close to forcing the calling of a constitutional convention to enact a federal balanced budget amendment (BBA). This would be the first constitutional convention since the original convention in 1787 — all constitutional amendments since then have been passed first by Congress and then approved by three-fourths of the state legislatures. There are no rules and guidelines in the U.S. Constitution on how a convention would work, which creates an opportunity for a runaway convention that could rewrite any constitutional right or protection currently available to American citizens.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to enact amendments to the constitution. States can also rescind their calls by voting to rescind in the state legislature. Just a few states short of reaching the constitutionally-required 34 states to call a convention, Article V and BBA advocates have recently increased their efforts to call a new convention.

An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue and there is reason to fear that a convention once called will be able to consider any amendments to the constitution that the delegates want to consider. There are also no guidelines or rules to govern a convention. Due to the lack of provisions in the Constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention.

Because there is no way to limit a convention's focus, any constitutional issue could be brought up for revision by a convention. This includes civil rights and civil liberties, including freedom of speech, freedom of religion, privacy rights, the guarantee of equal protection under law, the right to vote, immigration issues, and the right to counsel and a jury trial, among others. Basic separation of executive, legislative, and judicial powers would be subject to revision as well. A convention might not preserve the role of the courts in protecting our constitutional rights. Even the supremacy of federal law and the Constitution over state laws could be called into doubt.

A 2016 *USA Today* editorial² correctly stated that calling for a constitutional convention is “an invitation to constitutional mayhem” and “could further poison our politics and hobble American leaders at moments of crisis.” Notable legal scholars across the political spectrum agree. One of the

² USA Today, “Marco Rubio's very bad idea: Our view,” January 6, 2016, available at <http://www.usatoday.com/story/opinion/2016/01/06/marco-rubioconstitutional-convention-balanced-budget-editorials-debates/78328702/>

nation's most esteemed constitutional law scholars, Professor Laurence Tribe of Harvard Law School, has said a constitutional convention would put "the whole Constitution up for grabs."³

Georgetown University Law professor David Super wrote "a constitutional convention would circumvent one of the proudest democratic advances of the last century in America: one-person, one-vote. Without a precedent, no one really knows how a convention would unfold, but proponents predict that each state would have an equal vote in whatever they got up to."⁴

Former Supreme Court Chief Justice Warren Burger shared similar concerns, writing, "[T]here is no way to effectively limit or muzzle the actions of a constitutional convention. The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the convention would obey."⁵

The late Supreme Court Justice Antonin Scalia also warned of the dangers of a constitutional convention. "I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?," Scalia said in 2014.⁶

The undersigned organizations strongly urge state legislatures to oppose efforts to pass a resolution to call for a constitutional convention. We also strongly urge state legislatures to rescind any application for an Article V constitutional convention in order to protect all Americans' constitutional rights and privileges from being put at risk and up for grabs.

³ Michael Leachman & David A. Super, "States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment and Other Issues," Center for Budget and Policy Priorities, July 6, 2014, available at <http://www.cbpp.org/sites/default/files/atoms/files/7-16-14sfp.pdf>.

⁴ David Super in The Chicago Tribune, "Don't even think about 'updating' the Constitution," March 19, 2017, available at <http://www.chicagotribune.com/news/opinion/commentary/ct-constitutional-convention-amendments-20170319-story.html>

⁵ v Letter from Chief Justice Warren Burger to Phyllis Schlafly, June 22, 1988, available at <http://constitution.i2i.org/files/2013/11/Burger-letter2.pdf>

⁶ Marcia Coyle, "Scalia, Ginsberg Offer Amendments to the Constitution," Legal Times, April 17, 2014, available at <http://www.nationallawjournal.com/legaltimes/id=1202651605161/Scalia,-Ginsburg-Offer-Amendments-to-the-Constitution?slreturn=20140421101513>

National organizations:

African American Health Alliance
African American Ministers In
Action AFSCME Retirees
Alliance for Justice
American Federation of Labor and Congress of
Industrial Organizations (AFL–CIO) American
Federation of State, County and Municipal
Employees (AFSCME)
American-Arab Anti-Discrimination
Committee Americans for Democratic Action
(ADA)
Asian and Pacific Islander American Vote
Bend the Arc Jewish Action
Brennan Center for Justice
Campaign Legal Center
Center for American Progress
Center for Community Change
Center for Law and Social Policy (CLASP)
Center for Media and Democracy
Center for Medicare
Advocacy Center for Popular
Democracy
Center on Budget and Policy
Priorities Children's Defense Fund
Citizens for Responsibility and Ethics
in Washington (CREW)
Coalition on Human Needs
Common Cause
Communications Workers of America
(CWA) Community Advocates Public Policy
Institute Daily Kos
Democracy 21
Dream Defenders
Earthjustice
Eclectablog
Economic Policy Institute
EMILY's List
Every Voice
Fair Elections Legal
Network Faith in Public
Life
Family Values at Work
Food Research & Action Center
(FRAC) Franciscan Action Network
Greenpeace USA
International Association of Fire
Fighters Jobs With Justice
League of Women Voters of the United
States Main Street Alliance
Mi Familia Vota

NAACP
National Asian Pacific American Families
Against Substance Abuse
National Association of Social Workers
National Council of Asian Pacific
Americans (NCAPA)
National Council of Jewish Women
National Council of La Raza Action
Fund National Disability Institute
National Disability Rights Network
National Education Association (NEA)
National Employment Law Project
(NELP)
National Fair Housing Alliance
National Korean American Service &
Education Consortium (NAKASEC)
National Partnership for Women & Families
National WIC Association
National Women's Law Center
People Demanding Action People
For the American Way
ProgressNow
Service Employees International Union (SEIU)
Sierra Club
Sisters of Charity of Nazareth Congregational
Leadership
Social Security Works

State and local organizations:

Alabama

Fair Housing Center of Northern Alabama

Alaska

Alaska AFL-CIO

Arkansas

OMNI Center for Peace, Justice & Ecology

Arizona

AFSCME 2960
AFSCME Retirees Chapter 97
Arizona Advocacy Network
Phoenix Day
Southwest Fair Housing Council

California

California Common Cause
City of Chino Housing Division
Courage Campaign
Fair Housing Advocates of Northern California

Colorado

ACLU of Colorado
America Votes Colorado
Colorado AFL-CIO
Colorado Common Cause
Colorado Ethics Watch
Colorado Fiscal Institute
Colorado People's Alliance
Colorado Sierra Club
Colorado WINS
New Era Colorado
League of Women Voters of Colorado
Progress Colorado
SEIU Colorado
State Innovation Exchange
The Arc of the United States
The Forum for Youth Investment
The Public Interest
The Voting Rights Institute
UNITE HERE
United Food and Commercial Workers
(UFCW)
Voice for Adoption
VoteVets Action Fund
Women's Voices Women Vote Action Fund
Working America

Connecticut

Common Cause Connecticut
Connecticut Fair Housing Center, Inc.
Planned Parenthood of Southern New
England Holy Family Home and Shelter, Inc

Delaware

Common Cause Delaware

Florida

Common Cause Florida
Faith in Florida
Florida Consumer Action Network
Progress Florida

Georgia

Common Cause Georgia

Hawaii

Americans for Democratic Action Hawaii
Hawaii Alliance for Progressive Action
Hawaii Appleseed Center for Law &
Economic Justice
Hawaii Government Employees Association

Common Cause Hawaii
League of Women Voters of Hawaii
League of Women Voters of Honolulu
League of Women Voters Hawaii Island
Life of the Land

Idaho

ACLU of Idaho
Better Idaho
Idaho AFL-CIO

Illinois

Common Cause Illinois
Oak Park River Forest Food Pantry
Project IRENE

Indiana

Common Cause Indiana
Fair Housing Center of Central Indiana

Iowa

AFSCME Iowa Council 61
Congregation of the Humility of Mary
Iowa AFL-CIO

Kansas

Kansas AFL-CIO

Kentucky

Common Cause Kentucky
Kentucky AFL-CIO

Louisiana

Greater New Orleans Fair Housing Action
Center

Maine

Disability Rights Maine
Maine AFL-CIO

Maryland

ACE-AFSCME Local 2250
AFSCME Council 3
AFSCME Council 67
Baltimore Neighborhoods, Inc.
Benedictine Sisters of Baltimore
Common Cause Maryland
Disability Rights Maryland
Maryland Center on Economic Policy
Public Justice Center
The Xaverian Brothers

Massachusetts

Massachusetts AFL-CIO

Michigan

Common Cause Michigan
Fair Housing Center of West Michigan
Progress Michigan

Minnesota

Alliance of Chicanos, Hispanics and Latin
Americans (Rochester, MN)
Common Cause Minnesota
Indivisible Minnesota Local
League of Women Voters of Minnesota
Minnesota AFL-CIO
Minnesota Citizens for Clean Elections
TakeAction Minnesota
Women & Advocates Minnesota

Mississippi

Mississippi AFL-CIO

Missouri

Vision for Children at Risk

Montana

Montana AFL-CIO

Nebraska

Common Cause Nebraska
Nebraskans for Civic Reform

New Hampshire

New Hampshire AFL-CIO

New Jersey

CWA Local 1081
New Jersey Association of Mental Health and
Addiction Agencies, Inc.
Monarch Housing Associates

New Mexico

ACLU of New Mexico
AFSCME Council 18
Common Cause New Mexico
League of Women Voters of New Mexico
New Mexico Hospital Workers Union
(1199NM)

New York

CNY Fair Housing, Inc

Common Cause New York
Disabled in Action of Greater Syracuse Inc.
Long Island Housing Services, Inc.
Schenectady Inner City Ministry
Solidarity Committee of the Capital District

Nevada

AFSCME 4041
Culinary Union

North Carolina

Common Cause North Carolina
Disability Rights North Carolina
Independent Living Resources (Durham, NC)

North Dakota

North Dakota AFL-CIO

Ohio

Cleveland Nonviolence Network
Common Cause Ohio
Equality Ohio
Ohio Voice
ProgressOhio
Toledo Fair Housing Center
Toledo Area Jobs with Justice

Oklahoma

Oklahoma AFL-CIO
Oklahoma Policy Institute

Oregon

Common Cause Oregon
Disability Rights Oregon

Pennsylvania

Bhutanese Community Association of
Pittsburgh
Common Cause Pennsylvania
Community at Holy Family Manor (Pittsburgh,
PA)
Just Harvest (Pittsburgh, PA)

Rhode Island

Common Cause Rhode Island

South Carolina

South Carolina AFL-CIO

South Dakota

South Dakota AFL-CIO

Tennessee

Nashville CARES

Texas

Clean Elections Texas

Common Cause Texas Harlingen Community

Development Corporation

Utah

Tabitha's Way

Vermont

Downstreet Housing & Community

Development

P.S., A Partnership

Virginia

The Commonwealth Institute

Virginia AFL-CIO

Virginia Civic Engagement Table

Washington

Conscious Talk Radio

Washington AFL-CIO

Washington Community Action Network

Fuse Washington

Wisconsin

Access to Independence, Inc. (Madison, WI)

AFSCME Council 32

AFSCME Retirees Chapter 32

Citizen Action of Wisconsin

Common Cause Wisconsin

End Domestic Abuse Wisconsin

Grandparents United for Madison Public

Schools

Independence First

League of Women Voters of Wisconsin

Madison-area Urban Ministry

Metropolitan Milwaukee Fair Housing Council

Midstate Independent Living Consultants

One Wisconsin Now

Options for Independent Living Inc.(Green

Bay, WI)

School Sisters of Saint Francis (Milwaukee,

WI)

Survival Coalition of Disability Organization

of Wisconsin

The Arc Wisconsin

The Wisconsin Democracy Campaign

Wisconsin AFL-CIO

Wisconsin Aging Advocacy Network

Wisconsin Coalition of Independent Living
Centers

Wisconsin Community Action Program

Association

Wisconsin Council on Children and Families

Wisconsin Democracy Campaign

Wisconsin Faith Voices for Justice

Wisconsin Voices

National Association of Social Workers, WI

Chapter

Dominicans of Sinsinawa - Leadership Council

West Virginia

West Virginia Citizen Action Group

Wyoming

Wyoming AFL-CIO



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Opposing SCR 33 –

Application for Convention of the States under Article V of the Constitution of the United States
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Scheduled for hearing at Thursday, March 8, 2018, 1:30 PM, in Conference Room 229

Dear Chair Nishihara, Vice Chair Wakai, and members of the Committee:

Thank you for the opportunity to testify in **OPPOSITION** to **SCR 33**, which calls on the Congress of the United States to convene a constitutional convention under Article V of the U.S. Constitution.

We urge you to be highly skeptical of claims that states could control the actions or outcomes of a constitutional convention. A convention likely would be extremely contentious and highly politicized, and its results impossible to predict.

Prominent legal scholars have warned that a constitutional convention could open up the Constitution to radical and harmful changes. The late Justice Antonin Scalia said, “I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?”¹

The only constitutional convention in U.S. history, in 1787, went far beyond its mandate. Charged with amending the Articles of Confederation, it instead wrote an entirely new governing document. It also changed the very rules of ratification, lowering the number of states needed to approve the new constitution.

A convention held today could set its own agenda under the influence of powerful interest groups and most likely shutting out the voices of everyday Americans. Many of our hard-fought civil rights, as well as labor and environmental protections, would be threatened. As former Chief Justice Warren Burger wrote, a “Constitutional Convention today would be a free-for-all for special interest groups.”²

In the current environment, any constitutional convention would be highly controversial, further dividing Americans. We ask you to be prudent and avoid the serious danger posed by a constitutional convention by rejecting this resolution. Mahalo for your consideration of this testimony.

¹ <https://www.law.com/nationallawjournal/almID/1202651605161/>

² <https://i2i.org/wp-content/uploads/2013/11/Burger-letter2.pdf>

The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.



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COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

THURSDAY, March 8, 2018, 1:45 P.M., ROOM 229

SCR 33, SR 16, URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS

TESTIMONY

Janet Mason, Legislative Co-Chair, League of Women Voters of Hawaii

Chair Nishihara, Vice-Chair Wakai and Committee Members:

The League of Women Voters of Hawaii **opposes SCR 33, SR16, a resolution calling for Congress to organize a Constitutional Convention to propose amendments to the United States Constitution and outlining certain procedures for calling such a Convention.** We acknowledge the frustration laid out in the preamble to this resolution, but we do not think convening an Article V Convention would resolve the concerns described.

The resolution urges Congress to limit convention topics to “amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of congress.” League recognizes this wording is designed to address concerns over a “run-away” topsy-turvy convention which would lack any restraints on revising our Constitution. In spite of resolutions like SCR 33, SR16, once called convention delegates would be under no obligation to limit amendments to these subjects. Though extreme there’s nothing to prevent a wholly new Constitution from being proposed and ratified during a Convention, regardless of the wording of SCR 33, SR16.

Aside from the problem of the scope of a Convention, we need procedural safeguards. Would the convention be held behind closed doors without any press coverage? League of Women Voters President Elizabeth MacNamara, explained in 2016: “The League believes that procedural safeguards must be put in place to protect democratic values and ensure that any proposed amendments reflect the concerns of citizens. Any calls for a constitutional convention must have built-in protections to ensure it is not hijacked by a small minority.” This is especially important if there were a small number of delegates.

Concerning convention procedures, Article V says nothing about procedures which would probably become contested if a convention is held: whether it would be open to states that had not called for it; what limits might be placed on its delegates; by what majority an amendment would need to pass to be proposed; etc.



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Section 3 of this resolution states that “while Congress does not have the power to set the number of delegates sent by any state to a federal Convention, the power to name delegates remains exclusively within the legislatures of the several states.” Article V does not grant state legislatures this power, and the League believes all delegates should be elected rather than appointed by state legislatures.

The League strongly opposes the assumption in Item 4 of SCR 33, SR16, which asserts that an amendment convention of the states means that there should be one state, one vote. No one would disagree that we now have a highly partisan Congress and could expect a similar makeup in a convention of states. There are no provisions in our Federal Constitution specifying the number of Convention delegates. If there were only 50 votes as SCR33, SR16 suggests, it’s easy to imagine pushing partisan legislation through a Convention which lacks the normal structural roadblock which Congress has, i.e. a two-thirds majority in each house for legislation to advance. For example, an uncompromising advocate of “the right to bear arms” could steer most delegates toward an amendment that says every American has a right to own a gun.

Representation at the Convention should be based on population rather than one state, one vote. We do not support the provision in the resolution calling for each state to have one delegate to the Convention.

We urge you to defer the resolution. Thank you for the opportunity to submit testimony.

SCR-33

Submitted on: 3/6/2018 12:03:28 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Means	Individual	Support	No

Comments:

Congress and the federal government will never curtail its own power willingly, We The People have to do that. Article 5 Convention of States is our ONLY hope of restoring the Constitutional Republic given to us by the Founder of our nation.

SCR-33

Submitted on: 3/6/2018 10:17:13 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carlton A Lane	Individual	Support	No

Comments:

The U.S.CONSTITUTION provides for a Convention of States to amend the constitution. Many FALSE fears have been used to prevent this right from being exercised. It is time this situation is changed and we make the convention, which the framers provided, a reality. With all the changes between 1776 and 2018, it is ridiculous that not even one attempt has ever been made. It's past time for the first such Convention of States. At the very least, MANDATING the BALANCING of the yearly FEDERAL BUDGET needs to be added to our constitution. The fathers of our constitution would CLEARLY have wanted to prevent the Congress from making such a huge debt for us (they didn't even provide for an income tax, IRS). The EVIDENCE is in and OVERWHELMING that the people must get our constitution amended to prevent such huge deficits (currently in the TRILLIONS). After all, the States require their budgets to be balanced and so should the Federal government. BESIDES we have a moral and ethical responsibility to STOP passing on and increasing this debt to our children. Children should get an inheritance not a huge debt to be paid from their parents. Congress will not stop their profligate federal spending; so, we must call a Convention of the States to stop the Congress from destroying our beloved country by too much debt.

WARNING: Osama Bin Laden planned to ruin us by getting us into wars to drain our money (resources), Osama must have been dancing in his grave when he saw how our President Obama added TRILLIONS to our debt (more than all Presidents before him). Our founding fathers knew that they could not cover all problems we might encounter and that's why they provided for a Convention of States. Surely they expected us to use such when the need arose. The NEED HAS ARISEN because Congress has amply shown they are not up to it; so, as the founders provided, we need to have a Convention of States to STOP profligate spending by Congress.

REMEMBER: The ratification by a super majority of the State Legislatures puts the lie to those caliming disasters that are FALSE. They insult our Founding Fathers intelligence every time they make their false claims. ALSO, the founding fathers made their living by private labor and business, not by taking money from the people. as current Congressmen do.

SCR-33

Submitted on: 3/7/2018 6:52:34 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tane Love-Noguchi	Individual	Support	No

Comments:

I support the convention of states project in order to bring power back to the states and the people where it belongs. Article 5 of the US Constitution gives states the power to call the convention of states. This will allow the states to propose amendments to limit the power and jurisdiction of the federal government and impose fiscal restraints and please term limits on federal officials. Please support the Convention of States.

sincerely,

Tane Love-Noguchi

SCR-33

Submitted on: 3/7/2018 8:51:57 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Allen	Individual	Support	No

Comments:

Aloha Senator Nishihara, Chairman, Senator Wakai, Vice Chairman, and Committee Members:

I support the passage of this resolution, SCR33, that when enacted by enough states, serves to rein in the power of our megalithic federal government and return that power back to the States for greater local decision making and personal liberty.

The sovereignty of our states has been taken over by an ever increasing federal bureaucracy that far exceeds the powers authorized by our constitution. A Convention of States will work to restore the balance of power between the federal government and the States. The federal government takes citizen's tax dollars and returns a portion to the states with costly strings attached.

In order to reverse this unconstitutional centralized control by the federal government, and to regain the powers not delegated to it, the States need to assert the authority granted in Article V to call a Convention for proposing Amendments.

SCR-33

Submitted on: 3/7/2018 9:36:36 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew	Individual	Support	No

Comments:

Our founding fathers knew that the seeds of tyranny would be sown within liberty itself. Hence, as citizens, it's important for us to be vigilant and fight against the forces that are threatening our liberty. It's difficult to know exactly how our founding fathers would perceive today's enormous federal government. But I can assure you that their intention from the onset was to keep the federal government small while leaving the independence of the states intact without dependence on the federal government.

Washington will never give up its power from within. This is why our founders gave us the power of Article 5 of the Constitution. Throughout history, the demise of free societies is rooted in progressive tyrannical rule. Our federal government is growing more and more disconnected from the needs of the states and its citizens.

The issues coming from the federal government are many. The federal budget and existing liabilities are out of control. There is no fiscal restraint, only appeasement from all parties involved. Future unfunded liabilities abound and total in the hundreds of trillions. Social security is for all intensive purposes, broke.

We would like to see Hawaii gain more freedom from the federal government and have the ability to make critical decisions on it's own.

The simple fact is that Washington DC is broken and the only way to right this ship is to use the means that have been afforded us by our founding fathers. Convention of States is the only pathway available to the states to reassert it's power over the federal government. It's time for the state of Hawaii to make a stand by joining the existing states that wish to reassert it's independence from the federal government. It's time for a revolution. Not a violent revolution, but a revolution exercised with the power of the pen.

SCR-33

Submitted on: 3/7/2018 9:42:05 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Rene Padilla	Individual	Support	Yes

Comments:

Aloha PSM Committee Chair, Vice Chair and Members,

Thank you all for your indefatigable consideration for the Convention of States Hawaii Resolutions [SCR33/SR16](#). My name is Jaime Padilla, I am submitting this testimony in my capacity as an individual American citizen and also a House District 26 (HD26) District Captain for Convention of States Action - Hawaii. There are 47 of your HD26 constituents (including myself) and thousands island-wide in **full support of SCR33/SR16**; many of whom call the great State of Hawaii their home. This resolution is needed today more than ever for Hawaii and her citizens as our federal debt spirals out of control. Washington D.C. intrudes far too much into our state's decision making authority and personal liberties; we need to act now more than ever! Please exercise your unique responsibility as a state legislator to limit the federal government and restore the balance of power between Washington D.C. and the States. This approach to restoring our American Republic is nothing short of a second American revolution; a peaceful one, authorized in Article V of the United States Constitution!

The States have lost their power and the core issue that our country is facing here in American politics today is a crisis of federalism: the reality is that the balance of power between the federal government and the States has been thrown off. The U.S. Constitution had protections ensuring that there would be retained that balance of power and those protections were predominately the Senate of the United States which was elected by the state legislators up until the adoption of the 17th amendment and Article V in the U.S. Constitution which gave the state's co-equal power to propose amendments to the Constitution. Since the 1913 ratification of the 17th amendment, the election of U.S. Senators by state legislators was eliminated; therefore, the States have lost their institutional representation at the federal level. The states cannot rely on the Senate to be a bulwark for them that they operated before. Since the states have never showed any willingness to use the Article V process through to its conclusion, that too has not put any check on the federal government. The result of not using the constitutional checks that are in our system to rein the federal government in is exactly what we have today: a federal government that has run amuck.

This resolution attempts to utilize one of the remaining constitutional checks that exist in the Constitution to put the states back at the table and to show the federal government that, We the People, working with you our state legislators mean business and that they

need to show the proper respect to the state's as the sovereign entities that they are. States have gradually been turned into the equivalent of regional agencies working to meet the demands of federal policies and programs. Consider that nearly 50% of Hawaii's annual state budget is either directly controlled or indirectly driven by Washington D.C. The federal government takes citizen's tax dollars and forces the States to strike deals to get a limited return on that investment. A Convention of States is one of the remaining pivotal check and balances we have to stop our massive and intrusive federal government. In fact, James Madison in 1830 said in a [letter to Edward Everett](#) that "the final resort within the purview of the Constitution, lies in an amendment of the Constitution according to a process applicable by the States." I believe the only way left for the States to achieve this restoration of institutional and personal liberty is by asserting the authority granted in Article V calling a 'convention for proposing amendments' a Convention of States.

This legislation establishes an interstate drafting body to curtail the abusive intrusion of federal bureaucracies into local decision making, to stop the budgetary mismanagement that has incurred a \$20 Trillion national debt, to reverse unconstitutional centralized authority and regain the level of state sovereignty intended by our founding fathers.

I urge your vote for passage out of committee for SCR33/SR16 and recommend adoption in Hawaii's Senate.

Mahalo for your time and consideration.
With open mind & heart,

-Jaime Padilla
HD26 - District Captain
Convention of States Action - Hawaii
205 S. Vineyard St #205
Honolulu, HI 96813
#: 407.235.8782
email: jaimer.padilla@gmail.com

*attached: I would like to enter for the record the 47 names of your fellow Hawaii HD26 constituents (for you consideration) who **fully support** the Article V Convention of States resolutions SCR33/SR16's passage which is essential to restore sovereignty back to the beloved people of Hawaii.

-David Muldoon 350 Ward Ave #106, Honolulu, HI 96814
-Rayn J. Kano 1550 Rycroft St #425, Honolulu, HI 96814
-Troy Simeona 1133 Alohi Way #B, Honolulu, HI 96814
-Edward Hoover 113 S King St, 117003
-Peter Factora 1561 Kanunu St, #1503 Honolulu, HI 96814
-Cindy Ahai 1238 Makaloa St, Honolulu, HI 96814
-Linus Sumbad 801 S Beretania, Honolulu, HI 96813

-Adam Ahai 1238 Makaloa St, Honolulu, HI 96714
-James Lee 1919 Citron St #913, Honolulu 96826
-Jeffrey K. Omai 801 S Bertania St, Honolulu, HI 96815
-Adams 1222 Makaloa Dr, Honolulu, HI 96814
-John Segawa 1715 Fern St #301, Honolulu, HI 96826
-Michael Niebuhr, Honolulu, HI 96815
-Peter Kwon 1624 Kanunu St #908, Honolulu, HI 96814
-Cory H. Kaaiai 785 Kinau St #204, Honolulu, HI 96813
-Abraham M. Jazmin 1234 Rycoft, Honolulu, HI 96814
-Robert M. Sohnrey 910 Ahana St #208, Honolulu, HI 96814
-Nathaniel E. Peipman 801 S Beretania St, Honolulu, HI 96813
-Raymond Sanders 710 Lunalilo St #1102, Honolulu, HI 96813
-Ronnie McCamley P.O. Box 4307, Honolulu, HI 96812
-Monty George 1050 Bishop St #263, Honolulu, HI 96813
-Criselda Violette 725 Kapiolani Blvd, Honolulu, HI 96813
-Jaime Padilla 205 S Vineyard St #205, Honolulu, HI 96813
-R Reed 735 Bishop St, Honolulu, HI 96813
-Nirole Smith 920 Kaheka St #7, Honolulu, HI 96814

SCR-33

Submitted on: 3/7/2018 9:58:35 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Santangelo	Individual	Support	No

Comments:

Ladies and Gentlemen

This is a pivotal moment in our history where we the people can reclaim some control over an over-reaching federal government. Exercising our right under our constitution, we have the opportunity to bring power back to the people (state) to make the limited decisions laid out in the Convention of States. Although limited through full agreement of the states, these are the most important issues facing our country and should be address directly by the people being governed.

Article V of our constitution is very clear and was written in our Constitution for the purpose envisioned that our government may reach before it's authority and can and should be pulled back.

Please take this step on behalf of the people of Hawaii to join the states who have already passed this resolution. Please add the people of Hawaii to state on the path to fix an out of control bureaucratic take over.

This is not a right or left, conservative or liberal issue. It is truly We The People issue.

Thank you for your most thoughtful deliberation on this resolution.

SCR-33

Submitted on: 3/7/2018 9:59:31 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Yukutake	Individual	Support	No

Comments:

I support this SCR33 to limit the power of the Federal government.

I am concerned about the Federal government debt which is concerningly high and continues to rise every year. This will have an adverse affect on my children's future and parents goal is to create a better life for your children. I believe a constitutional convention is the only way we can limit the debt and to strengthen State's rights.

Please oppose SCR33.

Todd Yukutake
Ph 808-255-3066

99-207 Mahiko Place
Aiea, HI 96701

SCR-33

Submitted on: 3/7/2018 12:09:17 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Sansone	Individual	Support	No

Comments:

To Representative Bert Kobayashi and Senator Stanley Chang

Dear Sirs,

As your constituent, I want you to vote in favor of the convention of States Action Resolution. The issue is very important to me. We need to join all the other states that have already passed the resolution to call a convention of states that can propose constitutional solutions to an overreaching federal government. I have lived in Hawaii for over 40 years now and see the need to implement this bill.

I know Hawaii does not fit the mold of any state in the nation. Each state is unique with different goals and needs and is run accordingly. However, it is supposed to be governed by the consent of the people. The huge number of federal agencies are too numerous and therefore out of control making we, the people powerless to rein them in.

Federal spending is out of control and can severely endanger our future. The federal government does not control their spending or their or their power so we must go forward with the convention of states. Only state legislature acting together per Article V of the constitution can accomplish this. Our goals are the following that can be adapted to our particular State of Hawaii to help ensure a future for our children and grandchildren.

1. Impose Fiscal restraints on the federal government
2. Limit the power and jurisdiction of the federal government
3. Limit the terms of office for the federal officials and for members of congress

I urge you to vote in favor of the Convention of States Project. Government is best that is closest to "We the People." You as Hawaii's legislators would be much more effective if you were not limited by so much "Washington" and all their red tape.

If you would like to learn more about COS resolution, please visit their website at www.conventionofstates.com or call 540-441-7227

With Aloha,

Linda Leahi Sansone

Diamondhead District

808 277-3512

SCR-33

Submitted on: 3/7/2018 12:20:49 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emil Svrcina	Individual	Support	Yes

Comments:

Aloha PSM Committee Chair, Vice Chair, and Members,

Thank you for holding a public hearing for this very important Convention of States Resolutions SCR33.

As an American citizen and as a constituent in the state of Hawaii I (and my family) fully support the passage of this resolution. I didn't have the privilege to be born and raised in America but had to escape communism 30 years ago to legally live here. Therefore America is very precious country to me. In my opinion Convention of States is **needed now more than ever**. Especially now when our nation is in decline. We have to reverse this trend of history and restore fully again the greatest, most free nation mankind has ever had. This effort is like a second American revolution; a peaceful infowar, authorized by American Constitution - Article V.

The States have lost their power and a Convention of States will work to restore the balance of power between the federal government and the States. States created the federal government not the other way around, but federal government abuses its power and takes citizen's tax dollars and forces the States through intrusion of federal bureaucracies to make deals getting only a limited return on that investment. A Convention of States will reverse this liberty killing trend, will stop the fiscal mismanagement that accumulated \$20 Trillion national debt, will reverse unconstitutional centralized authority which is now in perpetuity, and regain the level of state sovereignty intended by our founders.

Here in Hawaii you are all part of one party, which is holding power in Hawaii for 64 years. Now your party has also 100% of Hawaii's Senate. I'm sure you would rather NOT listen to president Trump telling you what to do in Hawaii.

I urge you to vote for passage of SCR33 and to recommend its adoption in Hawaii's Senate.

Emil Svrcina from Mililani

Messrs. Chair, Vice Chair and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, thank you for holding a public hearing on Senate Concurrent Resolution 33 and its companion, Senate Resolution 16 which urges the U.S. Congress to call a convention of states in accordance with Article V of the U.S. Constitution.

I am a resident of Hawaii and a strong supporter of the nationwide, 3⁺ million strong, grassroots effort calling for a convention of states for the purpose of proposing amendments to the U.S. Constitution that will impose fiscal restraints on, and limit the power and jurisdiction of the federal government and limit the terms of office for its officials and the Congress. I fully support passage of SCR 33/SR 16 out of committee and recommend adoption in Hawaii's Senate.

These resolutions are extremely important to me and my wife because we are worried about the futures of our six grandchildren. Too often, "*the children*" are used as justification by those with hidden agendas which diminish its true significance. I have no hidden agenda — my ultimate goal is to ensure that my grandchildren *and their posterity* remain free to follow their dreams and enjoy liberty as envisioned by the founders of our country.

Please allow me to briefly tell you about these six young, extraordinary American kids —

- Our oldest granddaughter, Anjelika Loreal (21) is learning what it's like to work her way through college and is already a junior.
- Our only grandson, Aaron (21) is a [speed skating Olympian](#) who proudly represented the U.S.A. in PyeongChang, Republic of Korea and is now keenly focused on the 2022 Winter Olympics in Beijing, PRC.
- Our granddaughter Asia Leilani (15) is a sophomore in high school and along with her teammates recently won soccer's coveted "[Mayors Cup International Showcase](#)" in Las Vegas. She's an honor student with A's and one B and loves to play the trumpet.
- Our granddaughter, Camille (14) is a freshman in high school and on the Varsity Tennis team. She's a member of the National Honor Society and on the Honor Roll (with all As). Her drawings seriously remind us of Norman Rockwell's work.
- Our granddaughter Chloe' (7) is a 2nd grader who is a swimmer and loves her iPad.
- And, our youngest granddaughter, Jasmine (6) is a 1st grader, and a gymnast who seems to be following in her brother Aaron's footsteps. She could one day be America's next Mary Lou Retton. Last weekend she took 1st place in the [Cascadian Team Challenge](#) in gymnastics in Seattle.

Am I a proud grandfather; certainly, but that's not why I'm telling you this. I want you to know that these young folks are meeting the challenges presented them; seizing opportunities and achieving! Their futures look very bright... but —

Unfortunately, I fear we are losing the America I knew as a child and as young serviceman. In retrospect, many changes occurred and I never even noticed. And when I did, I didn't understand the impact or ramifications of the change... that is until recently.

Think back... remember? Do you see a different America now?

A founder referred to our new government, our representative democracy, as an experiment. Now, after more than 200 years of “experimenting”, the results are in and some changes are necessary if we are to continue as a free people.

For the last nine years I’ve read, studied, researched, read some more, listened, and analyzed a lot of material, including a significant amount of historical writings and documents and now understand where we’ve gone wrong.

There are *four fundamental principles* which support our national superstructure and we’ve deviated from all four. These are:

1. *Having a written constitution*, a “first” the 18th century, provided clear wording and avoided many legal and political disputes. In 1791 our constitution was only about 13 pages... today it’s nearly 3,000 pages filled with court rulings, new law, interpretations and misinterpretations.

2. *A representative democracy* was intended to provide for self-governance through our representatives... today our representatives ignore the will of the people; factional representation is cleverly achieved through the courts; and, incumbency is the key objective of elected officials resulting in greed and corruption as by products.

3. *Separation of power* was designed to fragment power, by providing institutional checks which were specifically designed to thwart the concentration of power in any one or more branches of the national government. Today Congress has not only delegated its legislative authority but refused to exercise its mandated checking authority on the other branches. The Executive Branch chooses which laws it wishes to enforce and rules by executive fiat, implementing policy that doesn’t or won’t pass muster in the legislature. The Supreme Court legislates from the bench and has penetrated the affairs of citizens in their personal lives, their voluntary relations with their fellow citizens, the use and transference of their property and their sense of morality, safety and health; regardless of the State and people protections stipulated in the Tenth Amendment.

4. *Federalism* was the sharing of power between the federal and state governments. It was understood that the needs of citizens were best met at the state and local level. The concentration and centralization of power at the national level has almost completely stripped the States of their sovereignty and destroyed their capacity as States to serve their citizens effectively.

Over the last 100 years, the federal government has metastasized to the point that it too has nearly destroyed its own capacity to govern as the framers and ratifiers intended. The delicate balance in the design of our constitutional republic is now seriously “out of balance” because those in Washington have seen fit to violate our founding principles at will. Yet, for now, we do continue to remain somewhat of a “free people”; most likely the last vestiges of the framers original design. America is slowly killing itself; death by a 1,000 cuts.

Here’s the bottom line: Article V provides for amending the constitution when changes are necessary. Furthermore proposals for change can originate either in the Congress or in the States (in convention). The latter provision was added just two days before the end of the constitutional convention in 1787 because the framers wisely understood that eventually Congress would never

propose amendments to curtail their own usurpation of authority. That eventuality is **now**. Our U.S. Congress will never propose amendments to the Constitution that will clean up the “swamp” in Washington, let alone in their own chambers. Most importantly — Article V gives authority **specifically to the legislators of the states** to call for a “convention of states”. I now truly understand that this is the only possible solution if America is to remain free; if my grandchildren are to enjoy life as I have.

In a representative democracy, our legislators are our voice. Each of you on this committee is *my voice*. For the sake of **our posterity**, please exercise the authority given **specifically to you** by the framers and ratifiers of our constitution and pass these resolutions with your recommendation that they’re adopted by the Senate.

Respectfully,

Steven W. Crain

SCR-33

Submitted on: 3/7/2018 12:47:19 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Jeanne Carney	Individual	Support	No

Comments:

I fully support the Convention of States and SCR33, to hold elected officials more accountable to their constituents. I also believe these same restrictions/guidelines should be applied across the board to local, state and municipal elected officials.

SCR-33

Submitted on: 3/7/2018 1:20:00 PM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Devri Fuchigami	Individual	Support	No

Comments:

We need to allow the people to have the opportunity to have a say in the government. We don't feel that the people elected adequately represent us. Please agree and support!!!

SCR-33

Submitted on: 3/7/2018 8:55:30 AM

Testimony for PSM on 3/8/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
vanessa	Individual	Oppose	No

Comments:

I support and defend the constitutional method of proposing an amendment to the US Constitution through a limited article V amendment convention. However, I do not support this resolution specifically due to the language calling for general limitations of presidential and congressional powers regarding federal spending.