



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

ON THE FOLLOWING MEASURE:

S.C.R. NO. 76, and S.R. NO. 45, REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN OUR ELECTORAL PROCESS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 27, 2018

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

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

Chair Taniguchi 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 limit the influence of money in our electoral politics.

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., Calif. Assem. Joint Res. No. 1, Res. Ch. 77 (2014); Vt. Joint Res. No. R-454 (2014). Other states, in contrast, have called for a federal constitutional convention 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. See, e.g., Ariz. H.B.2226 (2017); Tex. Sen. J. Res. No. 2 (2017). Resolutions on that topic have been considered in Hawaii but were not adopted. See, e.g., S.C.R. No. 33 (2018).

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.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY
TUESDAY, March 27, 2018, 9:30 A.M., ROOM 016

SCR 76, SR 45, URGING THE CONGRESS OF THE UNITED STATES TO CALL A LIMITED NATIONAL CONVENTION UNDER ARTICLE V FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN OUR ELECTORAL PROCESS

TESTIMONY

Douglas Meller, League of Women Voters of Hawaii

Chair Taniguchi, Vice-Chair Rhoads and Committee Members:

The League of Women Voters of Hawaii **opposes SCR 76, SR45, a resolution calling for Congress to organize a Constitutional Convention to propose an amendment to the United States Constitution to limit the influence of money in politics.** 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 the convention topic to an amendment that will overturn the decision of the U.S. Supreme Court in the *Citizens United vs. Federal Elections Commission* decision. The League is deeply committed to reforming our nation's campaign finance laws to combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process.

Despite resolutions like SCR75, SR45, once called convention delegates would be under no obligation to limit amendments to the subject of campaign finance reform. 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 75, SR45.

Aside from the problem of the scope of a Convention, we need procedural safeguards. Otherwise, a convention could be hijacked by a small minority of delegates whose interests do not reflect those of most citizens. This is especially important if there were a small number of delegates. We do acknowledge that SCR 75, SR 45 attempts to address the problem of too few delegates, but we think delegates should be elected rather than being appointed because they are current State and local officials.

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. Would the convention be held behind closed doors without any media coverage?



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Until the basic rules for a convention are agreed upon by all states calling for a Constitutional Convention, we cannot support such an effort.

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



Hawaii

Holding Power Accountable

Senate Committee on Judiciary
Chair Brian Taniguchi, Vice Chair Karl Rhoads

03/27/2018 9:30 AM Room 016

SCR76 / SR45 -- REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN OUR ELECTORAL PROCESS.

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

Dear Chair Taniguchi, Vice Chair Rhoads, and members of the committee:

Common Cause Hawaii **strongly opposes SCR76 / SR45** which calls for an Article V Constitutional Convention to propose an amendment to our federal constitution to limit the influence of money in our electoral process.

While we support free and fair elections and agree that we need to address the consequences of the 2010 Supreme Court case *Citizens United v. Federal Election Commission*, an Article V Constitutional Convention is not the solution.

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, 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

Some proponents of measures similar to SCR76 / SR45 in other states have argued that a convention convened pursuant to Article V of the Constitution can be limited to a single topic

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>.

because we are not aggregating calls to convene a convention and that any proposed amendments will still need to be ratified by 38 states as a “check” on a runaway convention. We note that not aggregating calls to convene a convention has nothing to do with being able to limit a convention to a single topic. Once convened, there are no rules or procedures preventing the delegates from expanding the scope of the convention. There are also no regulations that prevents the convention from redefining the ratification process. This happened in 1787 when the convention lowered the threshold necessary for ratification.

Due to the ambiguity of an Article V Constitutional Convention, over 230 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).

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 SCR76 / SR45.

Thank you for the opportunity to testify in **strong opposition to SCR76 / SR45.**

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



Hawai'i

Committee: Senate Committee on Judiciary
Hearing Date/Time: Thursday, March 27, 2018, 9:30 a.m.
Place: Conference Room 016
Re: *Testimony of the ACLU of Hawai'i in Opposition to S.C.R. 76,
Requesting the United States Congress to Call a Constitutional Convention Pursuant
to Article V of the United States Constitution*

Dear Chair Taniguchi, Vice Chair Rhoads, and Committee Members:

The American Civil Liberties Union of Hawai'i **opposes** Senate Concurrent Resolution 76, which requests the United States Congress to call for a constitutional convention to propose amendments to the United States Constitution to limit the influence of money in our electoral process.

While the ACLU of Hawai'i supports making the U.S. government more responsive to the people and recognizes the right to amend the Constitution by convention under Article V of the U.S. Constitution, the lack of standards governing such conventions renders the *unprecedented*¹ step of calling a constitutional convention an unacceptable risk to all our hard-fought fundamental rights and liberties.

Under Article V of the U.S. Constitution, there is no mechanism to ensure that a constitutional convention would be limited in scope to address only the matters proposed in S.C.R. 76. Indeed, conservative and liberal legal scholars and Supreme Court justices agree that a constitutional convention could well result in a full rewrite of the constitution. Consequently, a convention could result in amendments, which could drastically alter our democratic and federal system of government or put our basic civil rights and civil liberties at risk. No limiting wording in the resolution can prevent this.

For these reasons, the ACLU of Hawai'i urges the Committee to defer this measure.


¹ Pursuant to Article V, the U.S. Constitution offers two vehicles for proposing amendments to the United States Constitution: either two thirds of both Houses of Congress “shall propose Amendments to this Constitution,” or on the application of two-thirds of the State legislatures, the U.S. Congress “shall call for a Convention for proposing Amendments.” Only the former method has been used to propose amendments to the U.S. Constitution, and nothing in Article V suggests that a convention may be called for the limited purpose of proposing specific amendments but not others. Additionally, the ratification process for amendments is also uncertain as the convention could redefine the ratification process to make it easier to pass new amendments, including those considered at the convention.

American Civil Liberties Union of Hawai'i
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S.C.R. 76
March 27, 2018
Page 2 of 2

Thank you for the opportunity to testify.

Sincerely,


Mateo Caballero
Legal Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

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SCR-76

Submitted on: 3/26/2018 6:41:26 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Testifying for Life of the Land	Oppose	Yes

Comments:

PLEASE

KILL

THIS

RESO

MAHALO



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Opposing SCR 76 / SR 45 –
Requesting Congress to Convene a Limited National Convention Under Article V
Senate Committee on Judiciary
Scheduled for hearing at Tuesday, March 27, 2018, 9:30 AM, in Conference Room 016

Dear Chair Taniguchi, Vice Chair Rhoads, and members of the Committee:

Thank you for the opportunity to testify in **OPPOSITION** to **SCR 76 / SR 45**, 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.

SCR-76

Submitted on: 3/25/2018 10:19:26 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Imada	Individual	Support	Yes

Comments:

Dear Chairman Taniguchi, Vice-Chairman Rhoads, and committee members;

Hello, my name is Randall Imada. I am a former nurse aid, and current caretaker of my elderly parents in Pauoa valley.

I've lived my entire life right here in Ohua. I went to Roosevelt high school in Honolulu.

My favorite store to buy groceries from is Times Supermarket. However, when I am there I often wonder how the people who shop there can survive. Rent, electricity, gas, food, medical insurance, and education are so expensive in Hawaii.

I would like to see a Hawaii that has equal opportunity for all. I believe that the Free and Fair Elections Resolution is the first step to achieving that goal. Please support SCR 76.

SCR-76

Submitted on: 3/25/2018 10:43:37 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Lum	Individual	Support	Yes

Comments:

Aloha, I am a mom of 2 young adult sons, a Special Education high school teacher at Pearl City High School and a retired Air Force Reserves Master Sergeant right here in Hawai'i. I have worked for the State of Hawai'i and the Federal government for 28 years. I feel it is my duty as a citizen to speak for myself and the those whom I serve. I serve my students. I love working with the future. My students are funny, creative and going to be the leaders of the future. I love using my leadership skills acquired through the Air Force to help guide my school it a new and modern direction. I want a better future for my students and my sons. Money in politics is trying to destroy our society. It's trying to kill public schools. As schools, we are trying to prepare our students.

I am submitting testimony to ask for your strong support in favor of SCR 76, which would urge U.S. Congress to Restore Free and Fair Elections and get big money interests out of politics. It is critical to our democracy that we no longer allow corporations to endlessly fund our politicians and the political process. We need to instead make elections fair so that elected officials are accountable to their constituents - the people - instead of corporations and their profits, and we need to make elections fair so that any citizen can run for political office and have a chance of winning.

Several years ago, the Supreme Court found that money is speech. But, the idea that "money talks" does not belong in functioning democracy. Since the ruling that money is speech, a massive influx of money has flooded the political system. The people with the most money get the most influence. The people with the most money are less than 1 percent of the actual citizens of this country. I am a teacher. I do not have a large amount of money. The amount of money I make should determine the influence my voice has in our democracy. Nearly 9 out of 10 Americans believe 'reducing the corruption in the federal government' is a top priority. A recent poll showed that 97% of Americans want to 'reduce the influence of corruption in our elections'. In recent Gallup polling, 'dysfunction in

government' became the number one issue in America, surpassing even jobs and the economy.

The Supreme Court also found that corporations are people. The idea of corporations being people is invalid. Corporations are systems. They are a means to provide goods and services. When the Constitution of the United States was written it started: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The people, in this case, were the actual individual citizens of this nation. Not individual organizations. Not businesses. Not unions. None of these qualified as people. Corporations do not have the right to vote. If the leaders of a corporation commit a crime, the entire entity is not arrested and prosecuted. The corporations do not have the rights of individual citizens. I am a citizen. I should not have less influence than any other citizen.

Therefore, there need to be safeguards in the Constitution to protect the people of the nation from the unfair influence from those who have all of the money and run the large industries. We need to amend the Constitution. This is the only way we can guarantee the legalized bribery does not continue. Regarding the amendments convention process, President Dwight Eisenhower stated that, 'Through their state legislatures and without regard to the federal government, the people can demand a convention to propose amendments that can and will reverse any trends they see as fatal to true representative government.'

On this vital American issue, it is time for Hawai'i to lead, using the powers built into the Constitution by the Founding Fathers for this very purpose. If Congress itself is the source of the problem, then it's the duty and responsibility of the states to take action to fix it. I encourage your favorable vote on SCR 76 in order to begin a real conversation about how to restore the rights of the people and so we can utilize the process that has historically resulted in amending the Constitution. Thank you.

SCR-76

Submitted on: 3/23/2018 4:44:22 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janeel Hew	Individual	Oppose	No

Comments:

SCR-76

Submitted on: 3/23/2018 9:14:26 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Comments	No

Comments:

Aloha legislators,

Please think long and hard on this one.

I am concerned because the Koch brothers and other extremely conservative billionaires also support a national convention.

The convention might not have rules regarding sunshine or conflict of interest and might end up being controlled by lobbyists.

mahalo,

Cory Harden

SCR-76

Submitted on: 3/24/2018 12:30:29 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Bishop	Individual	Oppose	No

Comments:

I am in strong opposition

ALAN B. BURDICK

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March 26, 2018

To: Senate Judiciary Committee
Senator Karl Rhoads, Chair
Senator Brian Taniguchi, Vice Chair

Re: SCR 76, SR 45 – For Article V Constitutional Convention to Overturn Citizens United Supreme Court Decision

Hearing: Tuesday, March 27, 2018, 9:30 a.m., Room 016

Position: **Strong Opposition**

We must never lose sight of the fundamental fact that the outrageous Supreme Court decision in Citizens United v. Federal Elections Commission, 558 U.S. 310 (2010), was issued by virtue of a judicial *coup d'etat*. The decision was itself an act of judicial legislation in which the right-wing majority erased the issues that were supposed to be adjudicated in that case and substituted an entirely new set of issues so that they could LEGISLATE what they wanted. *See, for example*, Jeffrey Toobin, *Money Unlimited: How Chief Justice John Roberts orchestrated the Citizens United decision*, in the New Yorker, May 21, 2012.

In attempting to overturn this bad decision, we are frustrated by the politics. The best, and safest way, to overturn a bad decision is by way of a better court decision, preferably by the judges or justices refining their thinking and realizing they made a bad decision. But with the unfortunate election of Donald Trump, that will not happen. We now have Neil Gorsuch as a worse replacement for the bad Antonin Scalia. And it appears that Anthony Kennedy, the primary author of the **Citizens United** decision, who might atone for his errors with a better decision, will soon leave the Supreme Court, and he will be replaced by someone even worse.

But a Constitutional amendment to overturn **Citizens United** will not succeed for decades to come, if ever. And a Constitutional Convention is the worst possible method to try to make it happen. These are the two fatal flaws in the proposal before you.

The advocates for a Constitutional Convention who come before you today will uniformly fail to provide any prediction whatever of the 38 State legislatures whose ratification

is needed for a Constitutional amendment. It's just not possible. Even if a large number of State legislatures flip in the 2018 and/or 2020 elections.

Moreover, there is great danger in a Con Con itself. No matter how many limitations are written into the resolution that the Con Con must be limited to overturning Citizens United and nothing else, there is no guarantee whatever that the U.S. Supreme Court will honor that limitation. Remember, this is the same court that chose to ignore its own rules and use the Citizens United case itself as a vehicle to rewrite a hundred years of campaign finance law.

With some very strong right-wing ideologues on the court, I can readily see them declare that an Article V Con Con "might as well" address a multitude of other issues – a balanced budget amendment, an anti-abortion amendment, an amendment to limit birthright citizenship, amendments to undermine voting rights, a "right to work" amendment, the whole right-wing wish-list. The argument will be that these will merely be "proposals" subject to ratification by 38 State legislatures. So there's no harm done. And the Koch Brothers and ALEC, and all the other right-wing powers, waiting in the wings, will definitely be there to ensure that their candidates will get elected in the various States to the Article V Constitutional Convention. And they will raise a Hell, the level of which progressives have not seen for a century.

For these reasons, an Article V Constitutional Convention for the ostensibly limited purpose of overturning Citizens United (1) has no chance of accomplishing its ultimate purpose; and (2) contains the seeds of a constitutional catastrophe. Please do not approve this measure. Thank you for the opportunity to testify.

Alan B. Burdick

SCR-76

Submitted on: 3/26/2018 2:01:50 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elton Johnson	Individual	Oppose	Yes

Comments:

March 26, 2018

Senate Committee on Judiciary

Hawai'i State Legislature

Re: SCR 76 / SR 45, Requesting Congress to Convene a Limited National Convention Under Article V for the Exclusive Purpose of Proposing an Amendment to the United States Constitution that will Limit the Influence of Money in our Electoral Process

Tuesday, March 27, 2018, 9:30 AM, Room 016

Dear Chair Taniguchi, Vice Chair Rhoads, and Committee on Judiciary members:

Thank you for the opportunity to testify in **strong opposition** to SCR 76 / SR 45.

I'm personally very concerned about the corrupting effect of money in politics, and I've testified on a number of measures related to this issue before our legislative committees over the years. I and my colleagues—I currently serve as chair for Common Cause Hawai'i (though I am submitting this testimony as an individual)—are always exploring and developing means to help to ensure the integrity of our democracy. I much appreciate the good intentions of those who bring, and support, SCR 76 / SR 45. However, it is clear to me that a resort to Article V of the United States Constitution as proposed by this resolution involves far too much risk.

SCR 76 / SR 45 requests an Article V convention called "**for the exclusive purpose** of proposing an amendment to the Constitution of the United States of America that will limit the influence of money in our electoral process" as specified, "as soon as two-thirds

of the several states have applied for a convention **for a similar purpose** [emphasis added].”

Many would prefer to put an Article V convention in a neat box, however, I believe that the language of Article V is clear that a convention cannot be limited to proposing amendments on any particular issue or from any position on any particular issue, any more than Congress itself could be so limited. It is clear to me that a convention called “for proposing amendments” pursuant to Article V cannot be restricted beforehand to one or more particular issues or amendments. (And even if it were possible to thus limit the scope of an Article V convention to a particular issue, when Congress calls a convention on such an issue, *e.g.*, “the influence of money,” Congress may include other applications that take a position contrary to that of the supporters of SCR 76 / SR 45 on that issue.)

Besides the dispute about how an Article V convention “for proposing amendments” could be limited beforehand to a particular issue or position, there is *no* language at all in Article V to help with myriad critical questions, including regarding convention sovereignty, involvement of Congress, state legislatures, governors, and others, election or appointment of delegates, persons in federal or state government positions as delegates, instruction of delegates if any, one-person one-vote or equal representation by the states, type of majority required for the convention to pass amendments, dispute resolution authority, and so on. The potential for an unchecked affray is real.

And the mature schemes of well-funded special interest groups to dominate an Article V convention present a real danger that such a convention may issue in threats to our democracy greater than those that occasioned the resort to Article V. Please handle our democracy with the great care it requires. Please do not support this resolution.

Mahalo Nui,

R. Elton Johnson, III

Aloha!

I am submitting testimony in support of SCR 76 calling for a limited national amendment convention under Article V of the U.S. Constitution to limit the influence of money on our political system. I am a retired U.S. Naval officer and I live with my wife and three kids in Ewa Beach. I remember how back in 1985 I landed at Naval Air Station Barbers Point for a one-night layover prior to continuing on to Japan. I fell in love with Hawai'i almost immediately and promised myself that I would return for a longer stay someday. Little did I know then that I would one day own a home just a couple of miles away from Barbers, and spend the rest of my life raising a family in these beautiful islands!

I have have lived in Hawai'i for 11 years and been retired from the Navy since 2013. Since then I have become more and more aware of how dysfunctional our political system has become because of the influence of big money from special interest groups and large corporations on our politicians. Name almost any of our country's biggest problems from gun violence to mandatory jail sentences, from the lack of affordable healthcare to ridiculously large defense spending, it is clear to me that the influence of big money is destroying our democracy. Ever since the devastating Citizens United vs. FEC ruling in 2010, through super-pacs and dark money, donors have been allowed to give unlimited amounts of money to political campaigns and they are getting their money's worth.

As a father I am doing everything I can to ensure that this horrible situation gets fixed now, so that my children will not have to suffer the long-term effects of a government that is controlled by the military industrial complex, the prison industry, big pharma, and the NRA. Even in Hawai'i, one of the "bluest" states in the country, we continue to see the effects of a lack of funding for public schools, for critical infrastructure and especially for the homeless. Unless we do something now, I feel that our situation will continue to decline and may get to a point where we simply cannot recover. I honestly feel that this issue is an existential threat to our country that must be addressed immediately. That is why we must act right now by amending the constitution to include reasonable limits on both campaign contributions and spending, and to make all transactions completely transparent. It must be an amendment, so that the rules cannot be easily changed as might be the case with regular legislation. Additionally, the supreme court cannot make changes to the Constitution, so the rules would also be protected from a "runaway" supreme court.

We have to take action now, because Congress will NEVER do this alone. History has proven over and over again that once enough states agree that an amendment to the Constitution is required, Congress correctly interprets the states' calls for an amendment convention as a national mandate, and then proposes an amendment for the states to ratify. We already have five states signed on to this resolution and Hawai'i should definitely be the sixth!

Mahalo!

Eric Schrager

SCR-76

Submitted on: 3/26/2018 7:52:29 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Schragger	Individual	Support	Yes

Comments:

Aloha!

I am writing in support of SCR76.

I've been visiting family in Hawaii for many years and finally moved here in 2012. My husband is retired Navy and we have made Hawaii our permanent home. We care very much about our community and are happy to be raising our children in the best state in the country.

The corrupting influence of money in American and even Global Politics is staggering. Everyone knows it. It's not a secret. Everyone knows that our elected officials are beholden to their Sponsors - Donors - Owners whatever you want to call them - the fact remains that they are no longer beholden to their constituents. And that's our fault. We fell asleep at the wheel. We became complacent. While we were distracted our Government (that is supposed to be for the people by the people) was sold piece by piece, legislation by legislation to the highest bidder. Bidders such as Exxon-Mobil, bidders such as the NRA and big Pharma.

My parents are in their eighties and the cost of their medication is indecent. For example, my father had a bottle of eyedrops that cost over 100 dollars! The pharmaceutical industry is ripping us off and Congress does nothing about it because they are getting so much money in campaign contributions from big Pharma!

We are fighting this fight and we will keep fighting it because it's the right thing to do - it's the only thing left TO do. Congress is never going to fix itself at this point. We have run out of time-it may already be too late but we have to at least try - don't we? We as patriots and as citizens of this country have a duty to utilize ALL the tools given to us by our Founding Fathers for this very purpose. To stop a "runaway" Congress. This is a historic moment in the history of our

country and I have faith in our distinguished Senators that they will do the right thing and pass SCR76.

Mahalo

Dear Chairman Taniguchi, Vice Chairman Rhoads, and committee members.

My name is Morgan Bonnet and I live on Oahu in Senate District 25. I am a senior mechanical engineer at the UH Institute for Astronomy. I design and build astronomical instrumentation for the Mauna Kea and Haleakalā Telescopes.

I am originally from France, but I am a naturalized U.S. Citizen and I have lived in Hawaii with my wife for 9 years. She was born and raised here in Oahu. Being raised in France but living here in the U.S. for much of my adult life, I am fascinated with studying and understanding the U.S. Constitution. As you may know, the U.S. Constitution was finalized the same year as the French Revolution, and the concept of Separation of Powers came from the French lawyer Montesquieu. His work had a powerful influence on the founding fathers, especially James Madison. Montesquieu is also notable for securing the word despotism in the political lexicon. And at this point, I believe that the corrupting influence of big money in politics is slowly bringing the U.S. in this direction, in the form of an oligarchy.

In fact, In 2014, two professors of Princeton University conducted research using an exhaustive amount of data and concluded that “organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence.”

(https://scholar.princeton.edu/sites/default/files/mgilens/files/gilens_and_page_2014_-testing_theories_of_american_politics.doc.pdf)

This isn't the way it's supposed to work, and now most of the money that flows within the political system comes from a ridiculously small amount of the population. Most politicians in Congress end up spending more time raising money than reading the legislation they vote on and talking with their constituents. Money that can come with strings attached. But that's the reality of the corrupted system they have to work with if they want a career. And I still believe that most Congresswomen and men come into politics with the right intent – to be public servants who can make a difference in people's lives.

This legislation seems very logical to me, and it makes me hopeful that we will one day be truly represented like the founding fathers intended, so that the people will be able to get more involved and play a bigger role in their democratic Republic. I also believe that the founding fathers expected that maybe one day Congress would be so unresponsive to We The People that they gave the States the option to bypass Congress to amend the US Constitution. They figured that the States would be closer to the People and that by doing so, they would have We The People as part of the checks and balances.

I trust you, committee members and good Senators of Hawaii, to make the right decision for our country and vote YES on SCR 76. Mahalo.

SCR-76

Submitted on: 3/26/2018 8:39:12 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
vanessa	Individual	Support	Yes

Comments:

Dear Senate Judiciary Committee Senator Brian Taniguchi, Senator Karl Rhoads, Senator Mike Gabbard, Senator Laura Thielen and Senator Donna Mercado Kim,

Aloha. My name is Vanessa Cass and I am resident of Honolulu, HI; in the last election I voted in SD 11. I strongly support SCR 76 for Free and Fair Elections.

I want my vote and the vote of all citizens to mean something again. I believe that our elected politicians should represent the people of the district they represent. I believe that many politicians are forced to ignore their voters in favor of pleasing their donors. This is not right. Please represent my vote in support of SCR76.

Thank you for hearing this resolution and I thank you for your support in passing the resolution.

Sincerely,

Vanessa Cass

SCR-76

Submitted on: 3/26/2018 8:52:38 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Fanene	Individual	Support	Yes

Comments:

Dear Chairman Taniguchi, Vice Chairman Rhoads, and members of the committee,

My name is Kehaulani Fanene and I live in Laie, Hawaii. While my parents met in Laie at BYU-Hawaii; neither of them ended up graduating. Instead, my older sister and I grew up in a single parent home with our mom in Idaho while my dad stayed in Hawaii until he passed away when I was 6. There were many struggles growing up in a single income household, and by the time I graduated high school, I knew there was no chance I would have the opportunity to go to college like all my friends. Instead, I worked dead end jobs until I became a single mother myself at 25. I did not want my son to endure all the trials I did in my life and knew I needed a good career to support him. By the time he was 9 months old, the two of us had moved to Laie so I could attend the same school my parents did with a determination to finish what they had not. By the time he was 3 years old, I had graduated with a bachelors in Computer Science, and today I am an Application Developer for HMSA.

My journey was not an easy one, but I know I am fortunate to have overcome the statistics most single moms face, and I know there are many out there who will be doomed to a life of poverty because of the great wealth inequality that plagues our country. I have fought for years for my son to be able to escape that life and it is a great injustice that so many of our fellow Hawaiians remain trapped.

The history of our nation, not totally unlike my own life, has been filled with obstacles and the need to overcome adversity. When American citizens encounter an injustice, such as the slavery of African Americans or the lack of voting rights for women, we've amended our Constitution to make our country and future generations better off.

Today, it is our duty as citizens, and your duty as representatives of the people to put another really bad idea into the dustbin of history through an amendment to the Constitution – the idea that those with more money should have more of a political voice than the rest of us.

As a Hawaii citizen it would make me proud to know Hawaii is a leader in this fight. Please support SCR 76, so that we can move our country forward.

Thank you,

Kehaulani Fanene

SCR-76

Submitted on: 3/26/2018 9:28:59 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Monetta	Testifying for Wolf-PAC	Support	Yes

Comments:

Aloha, Chairman Taniguchi, Vice Chair Rhoads, and committee members. I am writing to you in strong support of SCR 76, the resolution calling for a limited convention to reverse Citizens United and limit the amount of big money in our politics.

I believe that this legislation is one of the most important pieces of legislation you'll ever vote on as a representative of the people, because it goes to the very heart of what our country is all about- a democratic form of government that is dependent upon the people alone.

Hawaii was the first state to pass a resolution asking Congress to propose an amendment to reverse Citizens United 8 years ago and the country is looking to Hawaii for leadership once again.

The solution to the amount of dark, special interests money pouring into our elections is an amendment to the U.S. Constitution because only an amendment can go above our dysfunctional Congress and runaway Supreme Court to restore free and fair elections for generations to come.

Historically, SCR 76 is the right method because more than half of all U.S. Constitutional amendments have included an Article V convention campaign. Let's use history as our guide.

With regards to a convention being limited it is important for you to know that there is no legal debate on this- all of the legal reports conducted on the subject have concluded that the states do have the power to call a convention limited to a single topic and that there are multiple mechanisms in place for those limitations to be enforced.

Opposition to a convention is mostly rooted in the baseless theory of a 'runaway convention' which as the 1984 U.S. Senate Judiciary Committee concluded is not a real possibility:

"The framers did not provide an unchecked grant of power to a convention: every amendment proposed would be subject to the same conditions faced by those proposed by Congress—"... the notion of a 'runaway' convention, succeeding in amending the

Constitution in a manner opposed by the American people, is not merely remote, it is impossible.”

Further, we have found that our opposition, such as in a report put out by Common Cause titled “The Dangerous Path,” took several people out of context to try and make their case. It is unfortunate and blatantly deceptive as pointed out in “[The Honest Path to Save Democracy.](#)”

One more point our opposition has made before is that the 1787 convention is the only precedence we have for such a convention. There are many faults with this position. For one, we have had over 200 Constitutional Conventions at the state level to amend and adapt state constitutions so we know how conventions work and have used the process successfully throughout our history. Second, the convention that took place in Philadelphia in 1787 was not called under Article V of the U.S. Constitution because it did not then exist, so they are not comparable conventions. Third, The 1787 convention was not a runaway convention. It was convened “for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall... render the federal constitution adequate to the exigencies of Government & the preservation of the Union.” That was the mandate from Congress and that’s precisely what it did. It sent the new Constitution to Congress, which debated it before sending it on to the States. The States were bound only by a treaty, not a proper Constitution, and so they were free in their inherent authority to pull out of the treaty. No State was bound by the new Constitution without ratifying it. Rhode Island and North Carolina were briefly independent nations, as neither had ratified the Constitution before it was put into effect. Rhode Island even sent a letter to the first Congress requesting good foreign relations.

That vision of a country dependent upon the people alone is still possible, but it’s up to us to take responsibility for getting us there. We can’t wait for Congress no matter which political party is in power. This movement must be the states and the people working together to fix our dysfunctional federal government so that we may reach our full potential as a nation.

Thank you. Please prioritize SCR 76 so that it passes in this legislative session.

SCR-76

Submitted on: 3/24/2018 6:20:17 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin medigovich	Individual	Support	No

Comments:

My name is Karin Medigovich and I strongly support fair elections. This is the most important bill to me at this time. Please support fair elections free from corruption that damages our society and most importantly our citizens. Thank you for supporting fair elections.

SCR-76

Submitted on: 3/25/2018 10:21:58 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johanna Park	Individual	Support	No

Comments:

Dear Legislators,

I am a Hawaii resident, mother of 5, and work in social services on the island of Hawaii. I am writing to encourage you to support SCR76 to consider a constitutional amendment limiting the influence of money in our electoral process. Working in social services and within the Hawaii DOE system, it is clear that the needs of the majority of Americans are not a priority in government due to the influence of money being funneled to those in power. Powerful interest groups are pouring money into the campaigns of people who will represent their interests at the expense of those without money and our elections no longer represent the will of the people. Candidates who do represent the vast majority of Americans are unable to compete with those who accept tens of millions from lobbyist groups representing special interests. Please support democracy and pass SCR76 to allow congress to consider an amendment limiting the influence of money in our elections.

Thank you for your time and consideration.

SCR-76

Submitted on: 3/25/2018 10:33:59 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support.

EVERYTHING has gone downhill since Citizens United. This is the biggest issue of our times - if you can't afford to buy your own Congressman.

SCR-76

Submitted on: 3/25/2018 1:16:40 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Sparks	Individual	Support	No

Comments:

I am writing in strong support of SCR76. Ultimately, this bill would allow the overturn of Citizens United which would keep big money out of politics. Whatever your political leanings may be this is an issue that both sides can agree on. Elections were meant to allow the people to have a voice but the people have been silenced and shouted out by money from organizations, big corporations and private interests. This Resolution would be the first step in giving elections back to the people as originally intended.

SCR-76

Submitted on: 3/25/2018 6:18:17 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Evette Allerdings	Individual	Support	No

Comments:

To: Senate Judiciary Committee: Sen. Brian Taniguchi (Chairman), Sen. Karl Rhoads (Vice-Chair), Sen. Mike Gabbard, Sen. Laura Thielen and Sen. Donna Mercado Kim

Re: Bill#: SCR76

Hearing: Tuesday, March 27 @ 9:30am, at Capital Conf. Room 016

I support this bill.

My name is Evette Allerdings. I am a Hawaii citizen, born, raised and have lived here for 60 years. I am a mother of 3 and grandmother of 2. I work as a medical secretary. I have seen and learned to my disgust and disappointment during my 60 years how big money influences what happens in our government. The last election was a catalyst for me to finally take action. I will now only support candidates who only accept contributions from small donors. I want our representatives to represent the voters (me) and not be beholden to the big money contributors. Enough is enough. This bill is my hope that there will be a future for my children and grandchildren to afford to stay in Hawaii and we can depend on our representatives to make thoughtful and just decisions without the pressures of owing some big contributor.

Respectfully,

Evette Allerdings

SCR-76

Submitted on: 3/25/2018 8:48:24 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse Francis	Individual	Support	No

Comments:

Hon Senators,

My name is Jesse Francis and I am a Hawaii State resident.

I live in Haiku on Maui in Hawaii.

I have lived in Hawaii since 1986.

SCR76 - The Free and Fair Elections Resolution is very important to me, not only for myself but for my family and our children and their children. Indeed for the country and world.

You can help finally stop the corporate buyout of our country and hand the keys to elections and thereby legislation back to the voters who deserve it.

You can stop the nation and world from being ravaged by the monied interests who seek to deregulate industries from the protections that have made the country and world a better place to live.

But we' are fighting a devious and powerful machine. We cannot do it without your help.

Please bring the power of the electorate back into force in this country by denying monied interests an unfair advantage over the working poor and middle class of this great land.

Wall Street, corporate power, and foreign interests have been weakening the will of The People for a very long time.

The great amount of money that commercial and other interests are now allowed to spend on political campaigns and to spend on lobbyists and politicians is not only alarming.

It is having a demonstrably grievous effect on our nation.

Please, help us get commercial and excessive monied interests out of our political system and restore the great powers of the our long historied electorate.

Please bring SCR76 to a vote and then pass it to make Hawaii the 6th state electing to lift the people of this nation to victory over heartless corporate profit.

Pass SCR76 The Free and Fair Elections Resolution.

This is urgent for our democracy.

I thank you for your time and consideration.

Mahalo and aloha,
Jesse Francis
2599 Poko Pl.
Haiku HI, 96708

SCR-76

Submitted on: 3/25/2018 11:08:30 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tristan Schragar	Individual	Support	No

Comments:

We must end the ridiculous influence of big money on our nation's lawmakers. Citizens United made it so that lobbyists and corporations can give as much money as they want to politicians and now they basically have to get permission from them to pass legislation. That is why we don't have reasonable gun laws, decent affordable healthcare, funding for public education etc. Businesses control our government. If we amend the constitution and limit the amount of money donated and spent and make it totally transparent, then maybe Congress will act according to the people's wishes and not big business's!

SCR-76

Submitted on: 3/26/2018 12:56:27 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Weaver Mann	Individual	Oppose	No

Comments:

[HERE](#) and attached is a flyer explaining why Hawaii should defeat any A5C resolution.

[HERE](#) and attached are words from brilliant men who warned against an A5C.

This article shows why [State Legislatures can't control their Delegates](#) or prevent a runaway convention.

Please vote **"No!"** on **SCR76, SR45, SR16, SCR33**, or any other resolutions asking Congress to call an Article V Convention.

"Who knows what would come out of it!"

Sincerely,

Mary

[Preview attachment Hawaii Flyer r1.pdf](#)



[Hawaii Flyer r1.pdf](#)

[231 KB](#)

[Preview attachment Brilliant men quotes & links 1-19-18-2.pdf](#)



[Brilliant men quotes & links 1-19-18-2.pdf](#)

[214 KB](#)

SCR-76

Submitted on: 3/25/2018 11:17:03 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amia Batoon	Individual	Support	No

Comments:

There is only one way to end the stranglehold that big money has on our federal legislators - pass an amendment to the constitution limiting the amount of money that may be donated or spent by politicians on political campaigns. It has to be an amendment because legislation can be changed fairly easily and the courts may be comprised of people willing to interpret the Constitution as their party and donors to it see fit in the future. The framers of the Constitution wisely gave us this method of amending the Constitution in anticipation of a time when Congress might fail to execute the people's mandate. A limited amendment convention allows state legislatures to bypass Congress and keep it in check in situations like the one we face today. We MUST use this method NOW before too much more damage is done by lawmakers who are willing to sell us out!

SCR-76

Submitted on: 3/26/2018 12:29:25 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heath Sifuentes	Testifying for wolf pac	Support	No

Comments:

Dear Chairman Taniguchi, Vice Chairman Rhodes, and Committee members.

My name is Heath Sifuentes, I live in Waialua, on the Northshore of Oahu. I work at the Queens Medical Center As Supervisor of Sterile Processing. My wife and I are originally from Harlingen, Texas and we've been calling Hawaii are home for the past 14 years.

I am submitting testimony to ask for your strong support in favor of SCR76, which would urge U.S. Congress to Restore Free and Fair Elections and get big money interests out of politics. The more I look at the root cause of many of these issues I care about, the more I realize that at the end, it always comes back to the influences of corporate interests in our political process. Most of the time, laws are written by and for large corporations or their lobbying arm, not for We The People. We no longer have a voice, because we dont have the financial pull to have one.

It is becoming clear when it comes to Gun Laws. The NRA runs the show.

It is clear when it comes to the enviroment. We don't invest in renewable energies because the Big Oil industry runs the show.

Drugs are way more expansive in the rest of the world because Big Pharma runs the show. People become homeless due to medical bills in the richest country in the world because the Health Insurance lobbies run the show.

People loose there homes because of the predatory and poorly regulated Banking industry. Wall Street runs the show.

Please take the lead by voting 'Yes' on SCR76 and help Hawaii become the 6th State in the Nation to truly join in the fight in restoring our democracy. Mahalo for your time and consideration.

SCR-76

Submitted on: 3/26/2018 2:24:24 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan I. Sueoka	Individual	Support	No

Comments:

COMMITTEE ON JUDICIARY

Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
And Members of the Senate Judiciary Committee

Re: SCR76/SR45 Relating to Constitutional Amendment that will Limit the Influence
of Money in our Electoral Process

Tuesday, March 27, 2018, 9:30 am
Conference Room 016

Position: Support

Aloha and thank you for the opportunity to offer written testimony on
SCR76. I am in strong support of getting dirty money out of politics.

The question of whether we need a Constitutional Amendment to do this is
my question. Perhaps overturning Citizens United would be sufficient and would not
open Pandora's box or a can of worms.

It's time to demand elected officials stop accepting dirty money and start
doing as their constituents want. We have seen what the influence of dirty money
can do and we must correct this ASAP. It's past time to get corruption out of politics.

Thank you for your kind consideration in this matter,

Mary Hackney, RN
1185 Mokuhano Street
Honolulu, HI 96825
8083835158

maryh1955@gmail.com

SCR-76

Submitted on: 3/26/2018 9:30:29 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
mark o koller jr	Individual	Support	No

Comments:

Dear Senate Judiciary Committee Senator Brian Taniguchi, Senator Karl Rhoads, Senator Mike Gabbard, Senator Laura Thielen and Senator Donna Mercado Kim,

My name is Mark Koller and I am resident of Honolulu, HI. I strongly support SCR 76 for Free and Fair Elections.

We are no longer truly living in a democracy where politicians represent their constituents. Corporations have unfair access to politicians over ordinary citizens due to their ability to donate large sums of money. When politicians accept money from corporations, political actions are swayed in favor of the donor (whether intentionally or not) and constituents are ignored. We need elected politicians to represent their constituents again. Please support resolution SCR76 for Free and Fair Elections.

Thank you for your support on SCR76 for Free and Fair Elections.

Mahalo,

Mark Koller

To: Sen. Brian Taniguchi (chair), Sen. Karl Rhoads (vice-chair), Sen. Mike Gabbard, Sen. Laura Thielen and Sen. Donna Mercado Kim

RE: SCR76

March 27, 2018

9:30 a.m., at the State Capitol, Room 016

I am a current resident of McCully, Honolulu. I grew up in Makakilo and Lower Manoa and I am testifying in support of SCR76.

Corporations, billionaires, and special interest groups have too much influence on the laws being written in Congress. The unlimited amount of money that they can donate through Super PACs to elections are making it so that candidates cannot compete unless they have millions of dollars themselves, and the logical end result is that the elected official must curry favor with big donors in addition to their constituents.

This reality hit home for me when the Tax Cuts and Jobs Act of 2017 passed. It gave a lower tax rate to corporations permanently, while individual tax rate expires in 2027, and middle income people like me may have to pay more in taxes after that. This bill passed even though most Americans did not support it. To me, it was a blatant giveaway to corporations and the wealthy, and scared me to think that our democracy, that is supposed to be representing its citizens, is now having its laws written by corporations.

I am supporting SCR76 because I think as a country, we need to do something to protect the integrity of our elections, which is being delegitimized from within by the influence of money, and causing Americans to think that our system is corrupt.

Thank you for this opportunity to testify.

Katherine Tokuda

751 Hoawa Street, Apt 2, Honolulu, Hawaii 96826

Telephone: (808) 386-0503

Written Testimony in **Opposition** to SCR76 (WP) to the Members of the Senate Judicial Committee:

Honorable Senators:

We are American citizens, born under the Rule of Law: the **United States Constitution**, which guarantees us certain unalienable [God-given] rights:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

http://www.archives.gov/exhibits/charters/declaration_transcript.html

And now, in the 50 states, we see **legislators** are being convinced **they** can **vote away** our constitutional compact with the *United States of America*!

How is it possible that our country, through its elected officials, has come to such a **gross misunderstanding** of the limits government was given over the rights of “We the People”?

Please listen to why on February 15, 2017, **Montana Representative Brad Tschida, a COS sponsor, testified against his own legislation after getting the facts:** <https://www.youtube.com/watch?v=WmkgmvRr4I>

Where were we when 300 million people asked for state legislators to **take away** their birthright protections afforded by the *U.S. Constitution*? Asking citizens *hasn't* happen, and it *isn't* happening now!

Promoters of an Article V constitutional convention have created an ever growing **mirage** of excuses to justify opening our *U.S. Constitution*, saying edits and amendments can be safely made! The historic facts could not be further from the truth, as seen in the voiding of the *Articles of Confederation*, in order to replace it with the *U.S. Constitution in 1787*!

WHAT is the “elephant in the room” about opening our *U.S. Constitution*? WHO are these “delegates”, who will **by federal law** hold *plenipotentiary* powers within a constitutional convention?

ANSWER: The Article V constitutional convention “delegates” will exercise *sovereign power*, which is **superior to the states and the federal government**, to proceed with their **own rules of law**! Once called by the *U.S. Congress*, the constitutional convention “delegate body” is **unencumbered by government, thereby legally empowered to supersede all laws existing before its assembly.**

QUESTION: WHO will be “given the keys” to opening the *U.S. Constitution*? WHO will decide the persons, **now unknown to us**, who will be given the *most extraordinary powers on earth* over the American people?

WHO are YOU giving **all your rights** away to? WHO do YOU **trust** with the power to **irreversibly** change the rest of your life and that of generations to come? What **price** will

YOUR freedom pay to chase the promised return for giving up your cherished constitutional compact with the *United States of America...?*

We implore you to carefully consider your position. Our children's future to live in a free society and the greatest nation on earth is in your hands.

"Abide By The Constitution, Not Change It"

Respectfully,

Betty & Bill Lucas
Mechanicsville, Virginia 23111

SCR-76

Submitted on: 3/26/2018 5:56:56 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Martin	Individual	Oppose	No

Comments:

LATE

Good afternoon Senators,

I want to thank Senator Taniguchi, and the fellow Judiciary committee members for permitting a hearing today regarding SCR 76.

As you already know the resolution addresses the most critical issue facing our generation today; the corrupting influence of money in politics. We seek today, to end the disproportionate influence money plays in our democracy.

Passing this resolution would be met with nationwide applause from the general public as assuredly as it will be met with the enmity and condemnation of those who profit from our currently broken political system

My Name is Justin Vasquez, active duty Sailor, die hard progressive, and steadfast patriot. I need to pause here and clearly state that my support and advocacy of SCR 76 DOES NOT reflect the views or stance of the U.S. Navy; Rather, my support represents my life long belief in a free, fair, and open democracy as a private U.S. citizen. I grew up accepting corruption and corporate bribery of politicians as a matter-of-fact, thinking that one day my generation would be the one to right the wrongs of our ancestors in order to make a more perfect union.

I've included a graph (seen on the final page) that Princeton University Professor, Martin Gilens, and Northwestern University Professor, Benjamin L. Page, published in 2014 after Sampling 1779 policy issues, against the opinions of 2000 Americans over a 20-year time period.[1] What they found is disheartening and all the more reason that we need to take action TODAY, in order to excise this cancer from our democracy. What they found indicates "***The preferences of the average American appear to have only a miniscule, near-zero, statistically non-significant impact upon public policy.***"

For a real world example which supports Gilen's findings one need only consider the disastrous tax-cut of 2018, and the GOP Health Care proposal of 2017. Both wildly unpopular in the public eyes, one became law, and the other one narrowly missed the mark because of Senator McCain's surprising break from party lines.

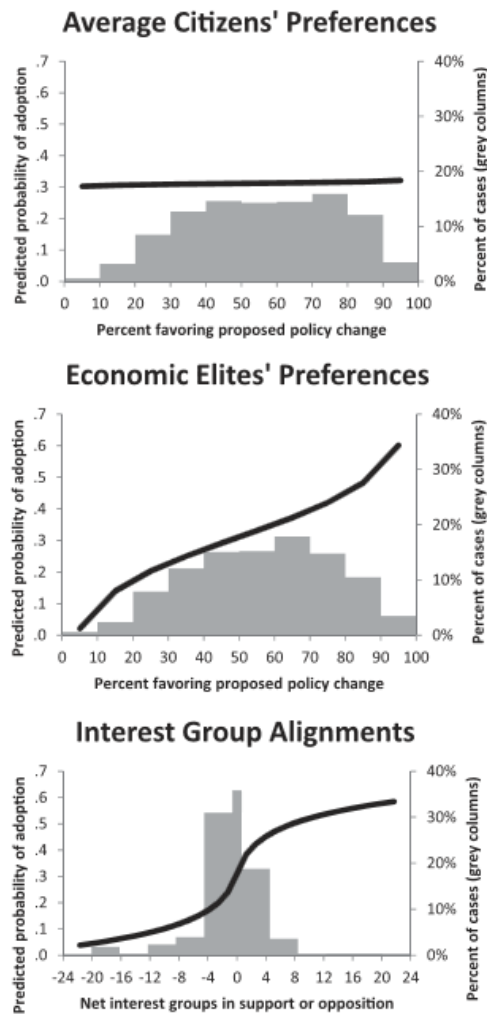
I could go on, but i'm certain every American, Liberal and Conservative, knows just how seriously money influences our national discourse and every true American sees money in politics for what it is: corruption, and bribery. Ultimately we the people view aforementioned corruption with contempt, and can only classify it as the single greatest threat to our democracy.

I urge you to please, on behalf of our country, for the sanctity of our democracy- PASS SCR 76. Be on the right side of history and let us take the steps necessary, today to end this corruption.

[1] Graph Citation: Gilens, Martin. "Testing Theories of American Politics: Elites, Interest Groups, and Average

Citizens." Scholar.princeton.edu, Princeton, 0AD,
scholar.princeton.edu/sites/default/files/mgilens/files/gile
ns_and_page2014-
testing_theories_of_american_politics.doc.pdf.

Figure 1
Predicted probability of policy adoption (dark lines, left axes) by policy disposition; the distribution of preferences (gray columns, right axes)



Testimony Submitted by Justin Vasquez 26 March 2018

Steven

LATE

SCR-76

Submitted on: 3/27/2018 1:31:36 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Schuster	Individual	Support	Yes

Comments:

Senate Judiciary Committee:
Chairmen Sen. Brian Taniguchi
Vice-chair Sen. Karl Rhoads
Sen. Mike Gabbard
Sen. Laura Thielen
Sen. Donna Mercado Kim.

Greg Schuster
Individual Testimony
2106 Kuhio Ave
Honolulu, HI 96815
Thursday, March 27, 2018

Support for SCR76, Request for a Convention to Propose a Constitutional Amendment

My name is Greg Schuster. I was born in Elgin, Illinois, but have lived in Hawaii for over 9 years now. I am writing to strongly express my support of SCR76. In short, this resolution's goal is a 28th amendment to restore free and fair elections and to ensure anyone has the opportunity to run for public office by limiting the corruption of money and legalized bribery in political campaigning. Only then will we be living in what we can call a true democracy.

As you may already know. The last presidential candidate who spent the most money in the election did not win recently. Which you may argue is a case against getting money out of politics. But if you look at the most recent cabinets appointments that argument does not hold up.

For example Betsy Devos was appointed Secretary of Education despite never attending, sending her children to or working in public schools.

Instead what she does have experience in is funding elections. According to a report filed by the Center for Responsive Politics stated that "Betsy DeVos and her relatives have given at least \$20.2 million to Republican candidates, party committees, PACs and super PACs" since 1989. In addition, the senators that confirmed her had received a total of almost a million dollars in contributions.

Are you really willing to entrust this nation's children's education future on those who can give the most money in campaign contributions?

Calling for an Article V convention in order to amend the constitution may seem like an extreme option, but unfortunately we are out of options. The Supreme Court's ruling on Citizens United shows that they have no interest in limiting money in politics and Congress has also been unwilling to address the issue. This means, it is up to the states to find a way to correct the corruption that money has brought to our political system.

This is why I strongly urge you to vote "aye" on SCR76 and begin the process of having Hawaii join four other states in calling for an Article V convention.

Mahalo,
Greg Schuster



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

LATE

The Twenty-Ninth Legislature, State of Hawaii
The Senate
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

March 27, 2018

S.C.R. 76 and S.R. 45 – REQUESTING
CONGRESS TO CONVENE A LIMITED
NATIONAL CONVENTION UNDER ARTICLE V
FOR THE EXCLUSIVE PURPOSE OF
PROPOSING AN AMENDMENT TO THE
UNITED STATES CONSTITUTION THAT WILL
LIMIT THE INFLUENCE OF MONEY IN OUR
ELECTORAL PROCESS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO conceptually supports the intent of S.C.R. 76 and S.R. 45 which urges the United States Congress to restore free and fair elections in light of the Citizens United v. Federal Election Commission ruling in 2010, however **we strongly oppose** the convening of a federal Constitutional Convention as the apparatus to make these necessary changes.

As drafted, S.C.R. 76 and S.R. 45 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. Should the Legislature proceed in considering to file an application for a Constitutional Convention, it should not be done under the guise of addressing a singular component such as fair elections, but rather should be considered holistically.

Additionally, we raise grave concerns over the vast, unforeseen negative consequences of convening a national Constitutional Convention. While we can fully agree that the Citizens United ruling is contrary to a healthy democracy and citizen driven elections, 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 fair elections, 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. 76 and S.R. 45 and respectfully request the Committee defer this measure.

Thank you for the opportunity to testify in opposition to S.C.R. 76 and S.R. 45.

Respectfully submitted,

Randy Perreira
Executive Director

SCR-76

Submitted on: 3/27/2018 9:55:29 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kristi Doran	Testifying for Wof Pac	Support	No

Comments:

Aloha,

I am writting in support of SCR76. I feel this bill represents me, as would allow my voice to be heard as the same level as those with money. Please pass this bill so that a regular person like myself can have a voice in our goverment again.

Thank you,

Krist Doran

LATE

SCR-76

Submitted on: 3/27/2018 9:48:36 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Oppose	Yes

Comments:

SCR-76

Submitted on: 3/27/2018 12:19:17 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Marti Townsend	Testifying for Sierra Club of Hawai'i	Oppose	No

Comments:



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

LATE

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Twenty-Ninth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary

Testimony by
Hawaii State AFL-CIO

March 27, 2018

S.C.R. 76 - REQUESTING CONGRESS
TO CONVENE A LIMITED NATIONAL
CONVENTION UNDER ARTICLE V FOR
THE EXCLUSIVE PURPOSE OF
PROPOSING AN AMENDMENT TO THE
UNITED STATES CONSTITUTION
THAT WILL LIMIT THE INFLUENCE OF
MONEY IN OUR ELECTORAL
PROCESS.

The Hawaii State AFL-CIO strongly opposes S.C.R. 76 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 Judiciary to defer S.C.R. 76 indefinitely.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President

LATE

SCR-76

Submitted on: 3/26/2018 7:13:17 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Jenkins	Individual	Support	No

Comments:

Please support this amendment for a Free and Fair Elections Resolution. We must stop corruption and big money from continuing to take over our democracy. Please help us fight for the citizens and not big business!

SCR-76

Submitted on: 3/26/2018 8:02:46 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Char	Individual	Support	No

Comments:

I support this change!!

LATE

SCR-76

Submitted on: 3/26/2018 8:09:12 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rodney Char	Individual	Support	No

Comments:

I support this bill. Money should not be a powerful influence. Politicians should put constituents over campaign contributors.

Current youth protest about gun violence is the perfect example of how money can override the clear desires of our citizens. Leadership of the NRA buy politicians vote, and forfeit their ethical obligations to constituents.

LATE

LATE

SCR-76

Submitted on: 3/26/2018 9:56:43 PM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chuck defrancis	Individual	Support	No

Comments:

I strongly support bill SCR 75. Thank you .

SCR-76

Submitted on: 3/26/2018 8:26:13 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

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

Comments:

Dear Chairman Taniguchi, Vice Chairman Rhoads, and Committee members.

I am writing to you on behalf of my children, my community, and my country. I work for State Highways DOT on the Big Island. I have been involved trying to make Free and Fair elections a reality for a while now. Its obvious to me there is something terribly wrong with our electoral system when politicians can run for and get elected into office under false promises and then use there position to further their career by answering only to big money interests instead of the people that got them, in most instances, elected. I am in support of SCR76 the resolution for Free and Fair elections. It is so critical to take the corrupting influence of special interest money out of our politics. This will be the first step in a very positive transformation of our country towards empowring WE THE PEOPLE. If we can just take this first step without the fear of a "runaway convention" we will be better for it.

With tons of Aloha,

Bryan

LATE

SCR-76

Submitted on: 3/26/2018 10:31:49 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Martin	Individual	Support	No

Comments:

Dear Chairman Taniguchi, Vice-Chair Karl Rhoads, and Committe Members:

My father was born and raised on the Big Island and after his service in the Army moved our family back to Hawaii in the '70's. I am a Realtor and through the years have seen the Island go through tremendous growth and change. In this current administration, we are, to our detriment, being thrust toward an unprecedented shift in the separation of political parties and an uncertain future. Exposing egregious abuse of power through bad money in politics.

What an honor it would be for Hawaii to show their Aloha in support of SCR 76. We care about our future for our country and to bring our parties together for a better cause. This is a call for all Realtors to stand in support of SCR 76.

Aloha, Diane Martin (RA)
House District 32, Senate District 15

SCR-76

Submitted on: 3/27/2018 12:19:23 AM
Testimony for JDC on 3/27/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
John Miller	Individual	Support	No

Comments:

On March 21st, 2001 I stood before the American Flag and solemnly swore (or affirmed) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.

Through almost 11 years of active duty service to my country and over three deployments to the middle east I never wavered from my obligations to my oath. Even after my Honorable discharge I still stand by my oath to this country and will continue to do so until the day that I die.

While most of my career was focused on foreign threats it wasn't until the 2010 Supreme Court decision in Citizen's United vs FEC that I realized that our Constitution was under attack from domestic threats such as corporations and special interests looking for ways to circumvent campaign finance laws and campaign donation limits. In the majority opinion the SCOTUS decided in short that, 1) Money is speech, 2) Corporations are people, and 3) therefor, under the First Amendment, the government can't stop corporations from spending unlimited amounts of money on politics to sway voters. This was the fundamental ruling that in one strike directly attacks the legitimacy of our elections, opens the door to foreign corporation influence in our elections, and allows money to determine how much of a first amendment right that you have. In the dissenting opinion, Supreme Court Justice Stevens made it clear that we are not following the foundation of our Constitution when we are giving rights to non-voting entities that can be created at will. He went further to state:

" . . . corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of "We the People" by whom and for whom our Constitution was established."

~Supreme Court Justice Stevens, January 2010

Even worse, as we now start to see foreign governments and entities meddling in our election process it was made evident that this ruling could open a fatal flaw in their logic. Supreme Court Justice Stevens wrote that the logic of the Court's opinion in Citizens United extends to permitting foreign corporations to make independent expenditures to influence U.S. elections. This is just one of the many reasons we must

stop dark and unlimited spending for US elections or we are at threat of losing the legitimacy of our democracy.

Unfortunately, I can't fight the fight to make these changes needed to amend the constitution and this is why I'm calling on you. You, who have also sworn the same oath to defend "We the People" and our Constitution from enemies both foreign and domestic. We can't rely on an ineffective congress anymore that hovers around an abysmal 15% approval rating. Instead, we are calling on our state Senators and Representatives to heed the call and fight the fight with us and for us.

What we are asking is simple and the basis is simply to protect "We the People". We ask you to amend our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

Can I count on you to help defend the Constitution and uphold your oath to this country?

Can I count on you to vote Yes on SCR 76?

Mahalo nui loa and Malama pono.

LATE

SCR-76

Submitted on: 3/27/2018 6:41:49 AM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zack Stoddard	Individual	Support	No

Comments:

The influence of money in American politics skews power to the wealthy and this is evident throughout our government system. Elected officials no longer represent their constituents equally as our founding fathers intended. Inequality is still the biggest problem in our county, despite recent distractions. Inequality is especially evident in Hawaii. Please take this step toward ending corruption and returning power to the people and pass this bill.