



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

SR-45

Submitted on: 3/23/2018 4:58:46 PM

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

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

Comments:

SR-45

Submitted on: 3/26/2018 12:57:05 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](#)

**An Article V convention can't be limited to specified amendments!
So vote against SCR76, SR45, SR16, SCR33 applications for a convention**

Testimony of Joanna Martin, J.D.

<http://www.renewamerica.com/columns/huldah>
publiushuldah@gmail.com

Dear Senator,

It is impossible to control what Delegates to an Article V convention do. **James Madison, Alexander Hamilton, 4 US Supreme Court Justices (Chief Justice John Jay, Justice Arthur Goldberg, Chief Justice Warren Burger, & Justice Antonin Scalia), and other eminent jurists and scholars, all warned that an Article V convention can't be controlled.**

Please see the Brilliant Men quotes: <http://caavc.net/wp-content/uploads/2018/01/Brilliant-men-quotes-links-1-19-18-2.pdf>; and the Flyer for Hawaii: <http://caavc.net/wp-content/uploads/2018/03/Hawaii-Flyer-r1.pdf>

Furthermore, the BIG CORPORATE INTERESTS are behind the push for an Article V convention. See this article talking about the large sums which have been paid to Republican politicians in Texas to get them to support an Article V convention.

<http://www.dallasnews.com/news/texas-legislature/2017/03/01/major-conservatives-piggy-banks-behind-texas-obsession-amending-constitution>

Please also see this article which discloses how the Koch Brothers are behind this push for an Article V convention. They want a new Constitution which caters to them and their interests.

<http://www.prwatch.org/news/2017/03/13229/koch-brothers-bankroll-constitutional-convention>

Article V of our Constitution doesn't permit States to submit "limited" applications for an Article V convention. Please also see this excerpt from Judge Van Sickle's Law Review article: <https://publiushuldah.files.wordpress.com/2017/03/van-sickle03192017.pdf>

*So please vote **against all Applications for an Article V convention. Because no matter what the ostensible purpose of the convention, the Big Money interests can take it over by bribing the Delegates to do what Big Money wants.***

So a convention can't be limited to considering only an amendment providing for free and fair

elections. If the People of Hawaii want an Amendment to our federal Constitution addressing elections, then PLEASE do it the old-fashioned way: draft the Amendment you would like and ask your Congressional Delegation to Congress to propose it in Congress. This is the method we used for our existing 27 Amendments.

Don't give Big Money the opportunity to replace our Constitution!

Thank you for your time.

Joanna Martin, J.D.

<http://publiushuldah.wordpress.com/>

Written Testimony in **Opposition** to SR45 (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



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.543.0012

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

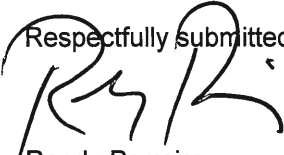
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO conceptually supports the intent of S.C.R. 76 and S.R. 45 which urges the United States Congress to restore free and fair elections in light of the Citizens United v. Federal Election Commission ruling in 2010, however **we strongly 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