



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

LATE

ON THE FOLLOWING MEASURE:

S.R. NO. 100, REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 19, 2019

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Valri Lei Kunimoto, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments. This resolution operates in an uncertain area of law insofar as it urges the United States Congress to call a constitutional convention under Article V of the United States Constitution. The resolution seeks a constitutional convention for the sole purpose of proposing an amendment to limit the influence of money in the electoral process, by overturning the decision in Citizens United v. Federal Elections Commission, 558 U.S. 310 (2010) and related cases. And the resolution further urges that a convention be called as soon as two-thirds of the states have applied for a convention for a similar purpose.

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 have been 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, contemplated by this resolution, has never been used to propose a constitutional amendment, and there is no controlling and relevant case law to govern the

proceedings. Because no federal constitutional convention has been held, there is no historical or legal precedent as to how it would operate. 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. 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. Because there has never been an Article V convention, these and many other questions remain unanswered.

The Department therefore cautions that despite the resolution's limited purpose of overturning Citizens United, this resolution, together with applications from two-thirds of the states, has the potential to expose *all* provisions of the United States Constitution to amendment or repeal. This could possibly jeopardize protections of free speech; the protections against racial discrimination; the protections of freedom of religion; or any of the other myriad provisions that are presently provided in the United States Constitution.

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

SR-100

Submitted on: 3/16/2019 1:08:14 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa H. Gibson	Testifying for Indivisible Hawaii	Oppose	Yes

Comments:

SENATE JUDICIARY COMMITTEE

TUESDAY, MARCH 19, 2019, 9:00AM Room # 016

SR100

ARTICLE V NATIONAL CONVENTION; CAMPAIGN FINANCE CONSTITUTIONAL AMENDMENT; CITIZENSUNITED V FEDERAL ELECTIONS COMMISSION

TESTIMONY IN STRONG OPPOSITION

Lisa H. Gibson, Indivisible Hawaii

Dear Chair Rhoads and Vice-Chair Wakai:

On behalf of Indivisible Hawaii I am writing in **STRONG OPPOSITION TO SR100** which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process. Indivisible Hawaii is one of nearly 6,000 Indivisible Chapters from across the country which formed with the mission to fight the Trump agenda of misogyny, racism and authoritarianism by holding Members of Congress accountable.

Holding a constitutional convention brings with it existential threats to our democracy including but not limited to the threat of a runaway convention, the influence of deep sources of dark money, the silence of Article V on any rules governing such a convention, anticipated lengthy legal disputes with the potential to create long term chaos and uncertainty as well as a litany of other dangers well-articulated from a diverse set of sources.

Again, Indivisible Hawaii is in **STRONG OPPOSITION to SR100** or any other bill which proposes such a convention. As engaged activist groups like Indivisible seek to build on

the Democratic Party's successful Blue Wave midterm election, the focus for 2020 needs to be on results not chaos.

Thank you for the opportunity to submit testimony.

Lisa H. Gibson

Nuuanu

808-753-5475

Indivisible Hawaii - indivisiblehawaii@gmail.com

SR-100

Submitted on: 3/16/2019 8:47:02 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

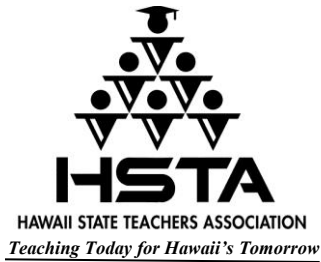
Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Basha	Individual	Oppose	No

Comments:

Senators, I strongly oppose SR100, not for its proposed reforms of our election system in the US, but because there are no checks and balances to a constitutional convention which may be railroaded in a way which actually reduces and impedes our rights and liberties. When someone can speak intelligently about how the process of a convention can protect itself from a hostile takeover, and what measures are available to the general public to appeal the decisions of a hostile or railroaded convention, only then will consider supporting this measure.

Lawrence Basha

Indivisible Hawaii



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Corey Rosenlee
President
Osa Tui Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: SCR 131/SR 100 - REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

TUESDAY, MARCH 19, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads, and Members of the Committee:

The Hawaii State Teachers Association **opposes** SCR 131/SR 100, requesting Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of the money in the electoral process.

The Hawaii State Teachers Association and the National Education Association agrees that ‘we the people’ need to overturn “Citizens United” **but calling for a national convention is not the way, especially given our current political climate.**

There are no guarantees that there this would be a “limited” national Constitutional Convention. This convention could open the entire United States Constitution to amendments, including taking away amendments that were hard fought for and have created rights for those who didn’t have right before. There is too much we all could lose if that were to happen.

The Hawaii State Teachers Association asks that your committee to **oppose** SCR 131/SR 100.

Senator Karl Rhoads, Chair; Senator Glenn Wakai, Vice-Chair; and members of the Hawaii Senate Judiciary Committee:

Thank you for the opportunity to submit written testimony against **SCR131** and **SR100**.

My name is Judi Caler, and I'm president of Citizens Against an Article V Convention.

Hawaii is the only state that has had the good sense *never in its history* to have asked Congress to call an Article V convention.

Article V Convention applications are akin to a [magician's trick](#) of drawing audience attention to one thing (the subject of the amendments) while distracting it from another (the dangers of a convention).

It's not about the subject of the application—it's about the convention process!

[Conventions can't be limited to the issue or issues for which it was called.](#) A convention that you think would be called for the *exclusive* purpose of proposing an amendment to limit the influence of money in the electoral process, can just as easily propose a Balanced Budget Amendment, abolish fundamental constitutional rights, or even replace our Constitution.

Delegates to the federal convention, as sovereign Representatives of "We the People," have the inherent right "to alter or to abolish" our "Form of Government," as expressed in the Declaration of Independence, paragraph 2. And we don't know who those Delegates would be or who would select them! See this [FLYER](#).

That's why [brilliant men](#) like our Framers, former Supreme Court Justices Warren Burger, Arthur Goldberg, Antonin Scalia, and other luminaries have warned that convention Delegates can't be controlled. We are fools if we don't heed their advice.

We are dangerously close to Congress's calling an Article V Convention. **Please VOTE "No" on SCR131, SR100, SCR36** and any other applications from Hawaii asking Congress to call an Article V convention.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

March 19, 2019

S.C.R. 131/S.R.100 – REQUESTING CONGRESS TO CONVENE
A LIMITED NATIONAL CONVENTION UNDER ARTICLE V
OF THE UNITED STATES CONSTITUTION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of S.C.R. 131 and its companion S.R. 100 which requests the Congress of the United States to convene a limited National Convention under article V of the U.S. Constitution.

As drafted, S.C.R. 131 and S.R. 100 represent our state's formal application to convene a Constitutional Convention under Article V of the U.S. Constitution. A matter of this magnitude deserves much more robust discussion and conversation with all residents in Hawaii. Additionally, we raise grave concerns over the vast, unforeseen negative consequences of convening a national Constitutional Convention. While we can understand and support the want to address limiting the influence of money in 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 any singular issue; rather there is the potential for a Convention to be much more devastating than what this resolution seeks to accomplish.

Our country has not convened a Convention of this magnitude in its 200 year history and no one can predict how it would operate, who would be represented, and what the immediate and long term impacts will be. Due to this uncertainty and risk, we urge extreme caution and full vetting of the consequences of S.C.R. 131 and S.R. 100, and respectfully request the Committee defer this measure.

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

Respectfully submitted,


for Randy Perreira
Executive Director

SR-100

Submitted on: 3/16/2019 12:16:24 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Rosenthal	Individual	Oppose	No

Comments:

Aloha. I am a political scientist and long time resident of Hawaii. I write in opposition to this proposal. Although I share the frustration with the flaws in our political system and Constitution, almost all political scientists and Constitutional law experts rightly agree that a Constitutional convention is a risky and inefficient approach to resolving the problems we face. It is heavily supported by groups seeking to restrict individual rights and protect the interests of those who are already wealthy and powerful. It would almost certainly exacerbate the divisions in our already fragmented political culture and there's a real risk we will end up even worse off than we are now. Please explore other routes the state can take to improve the fairness of our elections (there are many). I regret that I cannot be there in person and thank you for considering my testimony.

SR-100

Submitted on: 3/16/2019 6:41:30 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maya Maxym	Individual	Oppose	No

Comments:

Aloha, and thank you for allowing me to testify, despite being unable to be present in person, and give the reasons why I strongly oppose SR100. I would like to open by stating that I wholeheartedly support *effective* measures to get dark money out of politics and to create a system where every vote counts and super-PACs are not treated as people. I wholeheartedly support overturning Citizens United. However, a constitutional convention is a dangerous and risky way to attempt, and almost certainly fail, to achieve this goal. A close reading of Article V of the Constitution will make it clear that there is no provision for limiting the scope of a constitutional convention, no prescription for representation of the individual states or for how decisions are made and by what kind of majority, and no guarantee that, in the event of a constitutional convention, the rights that we hold most sacred would be preserved. A constitutional convention risks undermining the very rights we depend upon for our democracy -- for our community of engaged and free citizens -- to function effectively. Voting for a constitutional convention would hand the Koch brothers and their allies the victory they seek in this long game to re-write the Constitution in their favor. Please oppose SR 100 and protect our Constitution. Thank you.

SR-100

Submitted on: 3/16/2019 9:55:09 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Goldman	Individual	Oppose	No

Comments:

1. Although I can't be there in person, it's important for me to let you know my concerns and give my testimony that I STRONGLY OPPOSE SR100 which would support a Convention of the States.

I don't believe that if approved, there's a way the process will be limited to "a limited National Convention" as stated in SR100

1. Article V doesn't establish rules, give details of who may participate, how participants are chosen and doesn't set limits on topics for discussion. I have researched the national groups that support this resolution. They are special interest groups on the extreme left (Wolfpac) and the extreme right (Citizens for Self Governance.) Although they say it's for one purpose, and their websites are for the greater good -- that's just the surface.

This resolution asks to add the State of Hawaii to a list that so far includes only "red" states for what is a vague, undefined purpose.

Our representatives –State and Federal - who currently make laws, are elected and known. I don't want my fate and the fate of the U.S. Constitution in the hands of unknown people with undeclared agendas.

I join other members of Indivisible Hawaii in opposition.

Judith Goldman

Honolulu

Aloha Chair Rhoads, Vice Chair Wakai, and members of the committee,

I strongly oppose any calls for an Article V constitutional convention, including SCR131 and SR100.

While overturning *Citizens United* is important, it is not worth risking a re-write of our constitution, especially during this politically turbulent time. Despite what some groups may claim, there is no guarantee as to how a convention would be run, including if a convention could be limited to a single topic. Additionally, there are countless other questions that remain unanswered including how states would be represented, how delegates would be selected, who would ratify the amendments (would it be state legislatures, or governors, or some other entity), and what role the public would play, if any, throughout the entire process. Both sides of this issue are able to reference various briefs and opinions to support their point of view, but none of these documents hold any weight of law. Thus, the bottom line is we do not know how a convention would operate, and it is misleading and irresponsible for anyone to claim to have a definitive answer.

We must also acknowledge the influence that money has on our politics. Groups such as ALEC and the Koch brothers have expansive resources and are extremely organized and effective when promoting their agenda. They have openly stated that they also wish to amend our constitution, but for their own purposes. We should not open the door to their political machine and influence, when we, the people, are unable to compete at the same level.

Then what can we do to fight money in politics? Money in politics is a complex issue and as such requires a multifaceted approach.

First, we must continue to pressure Congress to pass an amendment to overturn *Citizens United*. Hawaii is the first and only state where the state legislature and all counties have passed resolutions calling on Congress to act. We must continue to support other states to get their congressional delegation on board and ready to take action. This is a long process, similar to other amendment advocacy campaigns, but is critical because even if we had the perfect amendment tomorrow, we would still need Congress to pass laws to implement it. Without this groundwork, the amendment could be for naught, and the situation could be made worse.

Furthermore, we must continue with strengthening our local campaign finance laws. There are bills introduced every year here at the state legislature, that threaten to weaken our campaign finance laws. Perhaps energy spent on pushing for a convention could be better used by focusing on threats here at home and working on solutions such as a full publicly funded elections program, expanding voter access, and ending gerrymandering. A constitutional convention is not the silver bullet that some people are making it out to be.

Mahalo for the opportunity to testify.

Corie Tanida

SR-100

Submitted on: 3/18/2019 4:55:23 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Horton	Individual	Oppose	No

Comments:

I have concern about claims that have been presented in support of a national convention for the purpose of amending the Constitution. I address two of those concerns below>

1. Each state will have one vote in the ratification process.

Every state has two senators, each of whom is guaranteed a vote, as stated in Article V. As a result of the Seventeenth Amendment, U. S. senators are no longer required to vote in line with the state legislature's direction. That guaranteed protection of state authority, which was built-in by our founders, no longer exists. However, the requirement that the Senate participate is still law.

2. Earlier "Conventions of States" have set the precedent.

Specific criteria must be met in order for a previous interstate convention to be identified as an Article V Convention, which is distinct from other conventions of states.

o Was the earlier convention called by application of two-thirds of the states?

o Was it called for the purpose of amending the United States Constitution?

o Did Congress determine the mode of ratification?

o Were U.S. senators included in the vote?

A "No" response to any of these questions disqualifies a prior convention as being classified as an Article V convention. There is no argument that prior interstate conventions have been held, but none of them reflect the character of an Article V convention for the purpose of amending the Constitution. The assurance of positive outcome from the convention method of amending the document by alternate means is pure speculation. On the other hand, a tried, effective method of amending the Constitution has been applied twenty-seven times. A wise vote will place the proven method above the unknown.

I thank you, in advance, for your NO vote on SR100

Ellen Horton, Instructor, Institute on the Constitution

SR-100

Submitted on: 3/18/2019 5:17:15 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Howard Burnette	Individual	Oppose	No

Comments:

America had an "amendments convention" in 1787 which was called by the Continental Congress "for the sole and express purpose of revising the Articles of Confederation." But the Delegates ignored limiting instructions from the Congress (and the limiting instructions from their States) and wrote a new Constitution. This is the one we have now. The Constitution they came up with had a new approval process, only 9 states needed to ratify it where as the Articles of Confederation required all 13 states to ratify it. The same thing could happen again. An Article V convention could change the approval process to that of the national popular vote. With all the division in America an Article V convention is the last thing we need. Please don't risk our freedoms by voting in favor of an Article V convention.

I think some state legislators believe that if that if the states request an Article V convention that the Federal government will be scared into following the Constitution. This is about as naive as Barney Fife when tries to scare the neighborhood kids into going straight. Here is a clip where Barney is the state legislators and the boys are the Federal government. I think you'll get a kick out of it. I urge you to not be a "Barney Fife" and request an Article V convention.

<https://www.youtube.com/watch?v=vQcNEGrjn1M&list=WL&index=2&t=0s&pbjreload=10>

Written Testimony in **Opposition** to SR100 (Wolf-PAC) to the Members of the Senate Judicial Committee:

Honorable Senator:

“The effect of the **amendments** suggested by **Wolf-PAC [WP]** would be to increase the powers of the federal government over **The People** by delegating to the federal government the power to **prevent or restrict** certain groups and combinations of people from speaking in the public square on the critically important area of **political speech**.

Furthermore, the exercise of **such powers is expressly forbidden by the First Amendment.**” [See attached]

Here is the language of Article V of the U.S. Constitution: <https://www.archives.gov/federal-register/constitution/article-v.html>

Article V, U.S. Constitution

* * * * *

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, **shall propose amendments to this Constitution**, or, on the application of the legislatures of two thirds of the several states, **shall call a convention for proposing amendments**, which, in either case, **shall be valid** to all intents and purposes, **as part of this Constitution**, when **ratified** by the **legislatures of three fourths of the several states**, or by **conventions in three fourths thereof**, as **the one or the other mode of ratification may be proposed by the Congress**; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

“There is no such thing as a "COS" under Article V. Show me where a reference is to such in Article V.”

“Article V is a federal procedure controlled by federal law i.e., the Constitution. Even when the states act under Article V they do so under authority delegated to them by the Constitution, not state authority and they are performing a "federal function" not a state function.^[i] Article V is short and clear in its meaning.^[ii]”

“Show me one place in Article V where it requires a state to give a subject or topic in a state's application for Congress to "call" an AVC let alone the authority of a state to limit an AVC to a subject or topic.”

“Every resolution I have seen applying for an Article V convention specifically references Article V. If it is "controlled by the states" why do the states invoke the federal Constitution?”

“But, the 143 word long Article V does not give the states any authority beyond applying to Congress for Congress to "call" the ad hoc AVC and to hold one of two ratifying procedures as Congress directs to occur in the states.”

“By common practice and parliamentary procedure the entity that "calls" an ad hoc convention gets to set up the initial rules of the convention and determine the qualification for the delegates. Such power is given to Congress under the "necessary and proper" clause of Article I §8 ¶18. “

“In my opinion there is technically a difference between a "constitutional convention" and a AVC. But, under our Constitution it is a difference without a distinction. This is so because there is virtually no limit on the breadth or depth of an amendment(s) under Art. V.⁽ⁱⁱⁱ⁾ Such can result in the change of one comma, or the change of everything but one comma.”

“Our concern is that our sovereign status will be changed such that "We the People" become "subjects" to the government and the elites that manipulate and control the governments, state and central. There need not be a complete re-write of the Constitution for this to happen. This can occur with four little words: “

"State sovereignty is abolished."

“This would collapse the "compound Republic" the Framers established and end American federalism. The states would become adjuncts of the central government and their duty to keep the central government in check and to protect our rights would be washed away in a flow of ink. (This is what the Tugwell Constitution proposed which was being advocate between 1975 and the late 1980s.)”

“A great step was taken in this direction when the states adopted the 17th Amendment which striped the states of their constitutional right to appoint Senators to the federal Senate. Recall that this effort started at the state level by the states themselves applying for an Article V to strip themselves of this right.”

“The "federal" government being out of control is not the problem but a symptom of "We the People's" failure to hold both the state and central "public servants" accountable. It is even more clear that their proposed solution, re-writing the Constitution, will not solve the "problem" they have identified. If these corrupt politicians will not follow the current Constitution how in the world should we ever believe they will follow an amended Constitution? “

Richard D. Fry, Nov

[i] **Leser v. Garnett**, 258 U.S. 130, 137 (1922), "But the function of a state legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a **federal function** derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State." (Emphasis added.);

Hawke v. Smith, 253 U.S. 221, 230 (1920)

[ii] **Hawke v. Smith**, 253 U.S. 221, 227 (1920) " The language of the article [V] is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed..."

[iii] **U.S. Const. Art. V-** " ...Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the [first](#) and [fourth](#) Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be [deprived](#) of its equal Suffrage in the Senate...." http://www.usconstitution.net/xconst_A5.html

Honorable Senator:

As [states only petition Congress](#) to convene a constitutional convention, what assurance do you have that [Congress](#) won't be making the delegate selections, [not the states](#), from unelected, self-serving individuals. Likely, those who don't follow the *Constitution* now will be appointed to reign over damage of unthinkable possibilities!

Are you aware, when submitting a proposed amendment to the states for ratification, **Congress** gets to choose the **mode of ratification**, *that being by state conventions, or by the state legislature?* [Unless](#) the sovereign "delegates" [change that rule](#), which is their right! After [states petition Congress to convene a constitutional convention](#), there are no other **guaranteed** roles for state legislators

I know you love our country. Please do not take action until you have seen the **federal law** that [confirms](#) what you have been told, including who [controls and appoints](#) "delegates" to an Article V constitutional convention.

Please **OPPOSE SCR131 (Wolf-PAC), SR100 (Wolf-PAC), SCR36 (COSP), and All Other Article V Convention Legislation**. We will all sleep better knowing our Rule of Law, which has given us liberty for over 200 years, remains intact for future generations.

Respectfully,

Betty Lucas
Mechanicsville, VA

LATE

SR-100

Submitted on: 3/18/2019 10:27:23 AM
Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

SR-100

Submitted on: 3/18/2019 2:10:03 PM

Testimony for JDC on 3/19/2019 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Keith Richmond	Individual	Oppose	No

Comments:

SENATE JUDICIARY COMMITTEE

TUESDAY, MARCH 19, 2019, 9:00AM Room #

SCR131

ARTICLE V NATIONAL CONVENTION; CAMPAIGN FINANCE CONSTITUTIONAL AMENDMENT; CITIZNES UNITED V FEDERAL ELECTIONS COMMISSION

TESTIMONY

Keith Richmond

Dear Chair Rhoads and Vice-Chair Wakai:

I am writing in **STRONG OPPOSITION TO SCR131** which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process.

The call for a federal constitutional convention represents a dangerous threat to our democracy. I am opposed to a call for a constitutional convention, regardless of the amendment being presented because of the lack of clearly identified rules governing constitutional conventions, the strong potential for the influence of special interests, threats of legal disputes and myriad other well articulated issues.

Thank you for the opportunity to submit testimony.

Keith Richmond

LATE

SR-100

Submitted on: 3/18/2019 7:47:52 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Trudy Stamps	Individual	Oppose	No

Comments:

Hawaii must VOTE NO on SCR131, SR100, SCR36 and all other Article V Convention applications.

All sorts of deceptive con-con arguments are now resoundingly defeated! READ this explanation of the "con" job — <http://thewashingtonstandard.com/con-con-lobbys-new-strategy-exposes-their-web-of-deceit/> NO state passed the many COSP applications in 2018.

Law professor David A. Super explains his opposition to an A5C application similar to Hawaii's application in this [ARTICLE](#): "...once a convention is called, everything in our Constitution would become immediately vulnerable...At constitutional roulette, everyone loses — except well-financed special interests."

[HERE](#) is our 2019 *state flyer* which explains the dangers of an Art. V convention.

[HERE](#) are words from *brilliant men* who warned against an Article V convention.

There is no need for an Article V convention (or in "Newspeak", a "convention of states").

If our Constitution (as is) is followed, the improprieties we've fought for decades (budget concerns and more) can be readily resolved. If the Constitution is NOT rigorously followed, how can additions to it make any change?

It is the LACK of following our Constitution that is the issue. Remedy THAT first.

Thank you for your consideration of these significant issues. Hawaii must VOTE NO on SCR131, SR100, SCR36.

Trudy Stamps

To: The Senate Committee on the Judiciary
From: Brodie Lockard
Date: Tuesday, March 19, 2019, 9:00 am

LATE

In strong opposition to SCR 131 / SR 100

Dear Chair Rhoads, Vice Chair Wakai and Committee Members—

I strongly oppose SCR 131 / SR 100.

There are two big questions regarding a limited national convention for the purpose of amending the United States Constitution: can a ConCon be limited, and how? And what if it can't be but happens anyway?

Answering the second, simpler question first, an unlimited ConCon in the current political climate—with 61 of 99 state legislative chambers Republican-controlled and 27 Republican governors—would be a catastrophe for every progressive cause there is.

Right now an amendment seems to be the only solution to money's corrosive influence in politics. If progressives controlled the states, I'd be all for a convention to pass it.

But can a ConCon be limited to that issue, and how?

There's only one precedent, in 1787, and they didn't follow the rules. The only way is by applying for a limited ConCon, and there's no way to guarantee that the delegates wouldn't expand the scope of the convention once it starts. None of the federal branches would have the legal authority to affect the convention—that's the whole purpose of the ConCon.

So that leaves the states to behave themselves and conduct things properly. But who controls the states, which would choose their delegates any way they please? See paragraph two. If that's not scary enough, ALEC and the Kochs have been laying the groundwork for a ConCon for decades. They certainly think things would go their way.

The people needing to ratify amendments is a safeguard, but currently very insufficient. Two years ago the people elected Donald Trump to be President of the United States. Their present mood and judgment lie somewhere between poor and dangerous.

There are just so many unknowns, and things undefined, that those already in power would surely be calling the shots in one way or another: buying delegates, bringing lawsuits, changing the rules. And they've been planning this for a long

time, considering all the ways it could go, stacking the deck and covering their bases. Many reports say it would go fine; just as many say the opposite. They're all speculation.

I don't scare easily, but a national ConCon, "limited" or not, scares me to death.

Please read <http://www.commoncause.org/press/press-releases/ArticleVmemoMarch17.html>.

Thank you for the opportunity to testify.

Brodie Lockard