

**HCR10**

Submitted on: 3/19/2013

Testimony for JUD on Mar 22, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
AlLardizabal	Hawaii Laborers' Union	Support	No

Comments: TheHawaii Labores' Union strongly supports this resolution. Corporations are not human beings with free speech rights. They are creatures of law with tons of money to attempt to buy elections whereas, ordinary people do not have the same financial power. The Supreme Court ruling is the most ridiculous one by the conservative court. Only humans should vote and have freedom of expression.

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46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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**TESTIMONY FOR HOUSE CONCURRENT RESOLUTION 10,  
REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A  
CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED  
STATES SUPREME COURT'S HOLDING RELATING TO  
CORPORATE INDEPENDENT EXPENDITURES IN CITIZENS  
UNITED V. FEDERAL ELECTION COMMISSION**

**House Committee on Judiciary  
Hon. Karl Rhoads, Chair  
Hon. Sharon E. Har, Vice Chair**

**Thursday, March 28, 2013, 2:00 PM  
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of HCR 10, requesting the United States Congress to propose a constitutional amendment to overturn the United States Supreme Court's holding relating to corporate independent expenditures in *Citizens United v. Federal Election Commission*.

In its now-infamous 2010 ruling in *Citizens United v. Federal Election Commission* (558 U.S. 310), the United States Supreme Court upheld the rights of corporations and labor unions to make unrestricted political expenditures under the First Amendment. To quote President Barack Obama's assessment of the ruling, the decision effectively “gives special interests and their lobbyists even more power in Washington, while undermining the influence of average Americans who make small contributions to support their preferred candidates.” Since the ruling, billions of dollars have been spent to influence elections via independent-expenditure only committees, more commonly known as “Super PACs,” which may engage in unlimited spending (outside of direct campaign or party contributions), while fundraising without any legal limit on donation amount. Though *Speechnow.org v. Federal Election Commission* officially sanctioned the creation of Super PACs,

*Citizens United* held that, for purposes of establishing a "compelling government interest" of corruption sufficient to justify government limitations on political speech, "independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption," providing the legal basis for the *Speechnow* ruling.

Make no mistake: *Citizens United* has paved the way for plutocratic campaign finance corrosion, subordinating the interests of everyday citizens to the will of America's economic elite. According to the Center for Responsive Politics, the top 100 individual Super PAC donors comprised just 3.7 percent of contributors in the 2011-2012 election cycle, but 80 percent of the total money raised by such entities. By comparison, approximately 0.5 percent of Super PAC money was donated by publicly traded corporations. Hawaii not been impervious to Super PAC infiltration. Pacific Resource Partnership, a collaborative venture between the Hawaii Carpenter's Union and unionized construction companies, spent more than \$3 million on local mayoral and city council races, largely without donor disclosure and primarily on misleading attack ads—two qualities that typify Super PAC spending.

We note that corporate personhood did not begin with *Citizens United*. In 1818, the U.S. Supreme Court decided *Dartmouth College v. Woodward* (17 U.S. 518) concluding: "The opinion of the Court, after mature deliberation, is that this corporate charter is a contract, the obligation of which cannot be impaired without violating the Constitution of the United States." Seven years later, the Supreme Court decided *Society for the Propagation of the Gospel in Foreign Parts v. Town of Pawlet*, in which an English corporation dedicated to missionary work, owning land in the U.S., sought to protect its rights to that land under colonial-era grants against an effort by Vermont to revoke the grants. Justice Joseph Story, writing for the Court, explicitly extended the same protections to corporate-owned property as it would have to property owned by natural persons. Then, in the 1886 case *Santa Clara v. Southern Pacific*, the Chief Justice of the Supreme Court openly opined that the Fourteenth Amendment's equal protection clause guarantees constitutional protections to corporations in addition to natural persons, and that oral arguments should focus on other legal issues. Historically, the 14th Amendment has not insulated corporations from government regulation any more than it relieves individuals from all regulatory obligations. This is not because corporations are not protected under the Fourteenth Amendment, however, but because the Fourteenth Amendment has been held to permit regulations that have been questioned. At the same time, we contend that further "personalizing the impersonal," as *Citizens*



*United* does, consolidates political power in the hands of exclusive, rather than purely collective, groups, disenfranchising those who, in an era of increasing socioeconomic inequality, are abjected from quasi-aristocratic clubhouses and boardrooms.

In his dissent to the majority ruling in *Citizens United*, U.S. Supreme Court Justice John Paul Stevens lamented that, “At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt...While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.” We urge lawmakers to heed Stephens' warning and support efforts to promote electoral equality and transparency. Mahalo for the opportunity to testify in strong support of this resolution.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

Testimony in SUPPORT of HCR 10: REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED STATES SUPREME COURT'S HOLDING RELATING TO CORPORATE INDEPENDENT EXPENDITURES IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION.

Thursday, 03-28-13 2:00PM, conference room 325.

Judiciary Committee Chair Rhoads, Vice Chair Har, and Members:

Thank you for advocating on behalf of flesh and blood human people.

We don't even have to read anymore to learn the truth... we can just watch a documentary film. I did. It's called **HEIST: Who Stole the American Dream?**

"It traces the worldwide economic collapse to a 1971 secret memo entitled **Attack on American Free Enterprise System**. Written over 40 years ago by the future Supreme Court Justice Lewis Powell, at the behest of the US Chamber of Commerce, the 6-page memo, a free-market utopian treatise, called for a money fueled big business makeover of government through corporate control of the media, academia, the pulpit, arts and sciences and destruction of organized labor and consumer protection groups.

"But Powell's real "end game" was business control of law and politics. [The documentary] exposes the systemic implementation of Powell's memo by BOTH U.S. political parties culminating in the deregulation of industry, outsourcing of jobs and regressive taxation. All of which led us to the global financial crisis of 2008 – **and culminating in the infamous Citizens United Case that concluded that corporations could give unlimited amounts of money to political campaigns.**

"Today, politics is the playground of the rich and powerful, with no thought given to the hopes and dreams of ordinary Americans."

We have only our laws to protect us, the human people and our environment, from the (for profit) corporate persons whose sole goal is to make the most money for their shareholders. YES, let's try to overturn the Citizen's United decision.

Thank you,  
Wynn timer

**HCR10**

Submitted on: 3/20/2013

Testimony for JUD on Mar 22, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments: I strongly support HCR10 requesting the US Congress to propose a constitutional amendment to overturn the US Supreme Court's holding relating to corporate independent expenditures in Citizen's United v. Federal Election Commission. The US Supreme Court's decision gave organizations the same free-speech rights as individuals and opened a floodgate of corporate and union spending to influence U.S. elections. Pacific Resource Partnership's extreme spending in Hawai'i's 2012 elections was made possible by the U.S. Supreme Court's Citizens United decision, which allowed labor unions and corporations to spend virtually unlimited amounts to sway an election without fully revealing the source of their funding. Few organizations in Hawai'i politics can match PRP's financial resources. Please pass HCR10. Mahalo!

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**HCR10**

Submitted on: 3/21/2013

Testimony for JUD on Mar 28, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Support	Yes

Comments:

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**HCR10**

Submitted on: 3/21/2013

Testimony for JUD on Mar 28, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments: i support passage of this bill

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**HCR10**

Submitted on: 3/23/2013

Testimony for JUD on Mar 28, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Mc Iver	Individual	Support	No

Comments: The utility companies here on the Big Island have form something resembling a monopoly and as customers we are put into a difficult place with rising cost and rates with no flexibility. Please support this bill.

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