

# **SCR 52**

PETITIONING CONGRESS FOR A LIMITED AMENDMENTS  
CONVENTION TO RESTORE FREE AND FAIR ELECTIONS BY  
OVERTURNING THE DECISION OF THE UNITED STATES SUPREME  
COURT IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION,  
558 U.S. 310 (2010) AND RELATED CASES.

PSM, JDL



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2015**

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**ON THE FOLLOWING MEASURE:**

S.C.R. NO. 52, PETITIONING CONGRESS FOR A LIMITED AMENDMENTS CONVENTION TO RESTORE FREE AND FAIR ELECTIONS BY OVERTURNING THE DECISION OF THE UNITED STATES SUPREME COURT IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION, 558 U.S. 310 (2010) AND RELATED CASES.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

**DATE:** Tuesday, March 31, 2015 **TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Deirdre Marie-Iha, Deputy Attorney General

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Chair Espero and Members of the Committee:

The Department of the Attorney General has no legal objection to this resolution, but raises general concerns because it is potentially of great legal significance and operates in a very uncertain area of law. This resolution would operate as the Legislature's application for a constitutional convention under Article V of the federal constitution and would request that the convention propose an amendment to overturn Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010). The Department submits this testimony to advise the Legislature of the significance of this resolution under the federal constitution and to identify some of the outstanding questions about federal constitutional conventions under Article V. We also recommend that a few changes be made to the resolution.

Article V of the U.S. Constitution provides two methods for proposing amendments: (1) amendments proposed by Congress, and (2) amendments proposed by constitutional convention. U.S. Const. art. V. 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, which originates with the Constitutional Convention in 1787, has never been used to propose a constitutional amendment. The relevant portion of Article V provides: "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[.]" There is no case law interpreting the constitutional convention portion of this provision.

This second method of amending the constitution was included to allow the states to act when Congress would not. See 2 Ronald D. Rotunda, *Treatise on Constitutional Law* § 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."), *available at* [http://thomas.loc.gov/home/histdox/fed\\_85.html](http://thomas.loc.gov/home/histdox/fed_85.html) (last visited March 25, 2015). Because no such federal constitutional convention has been held in more than two hundred years, how a convention would operate is largely unknown. It is not known, for example, how the states would be represented at a convention, or 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 gives no guidance on these questions. U.S. Const. art. V.

Even more importantly, there has been academic debate for decades on 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 four other

states have recently passed resolutions calling for a federal constitutional convention on the same topic. Calif. Assem. Joint Res. No. 1, Res. Ch. 77 (2014); Ill. Sen. Joint Res. No. 42 (2014); N.J. Sen. Con. Res. No. 132 (2015); Vt. Joint Res. No. R-454 (2014). (All but one of these is named in the resolution. Page 2, lines 22-25). All of them contain language expressing each state's understanding that the convention would be limited to this specific topic. *Id.* This resolution would do the same. This is certainly advisable, but whether a constitutional convention could be effectively limited in this way is unknown.

Because Article V clearly allows the state legislatures to file "applications" for a federal constitutional convention, it is within the Legislature's authority to do so on behalf of the State of Hawaii. A convention would be called only if the legislatures of two-thirds of the states (34) agreed. U.S. Const. art. V. We note that even though a federal constitutional convention has never been called under this provision, the state application process has had real impact in the past. Previous amendments have been successful because the threat of a state-called convention serves as significant pressure for Congress to act where it might otherwise be reluctant. The Seventeenth Amendment (which made U.S. Senators directly elected by the people) was passed in just such a way. *See, e.g.*, 2 Rotunda at § 10.10(b)(iv) (outlining the rising pressure of state applications for a convention and Congress's eventual agreement to pass the Seventeenth Amendment itself). Calling for a convention as a method of pressuring Congress may ultimately prove to be more effective than attempting to actually convene a convention with so many unknowns about how it would function and the reach of its authority.

We suggest two amendments to this resolution, should the committee elect to pass it.

First, the issues the State wishes to address at this constitutional convention should be made more specific. At present the resolution identifies primarily "concerns" raised by Citizens United "and related cases and events." (Page 2, lines 3-6 and 16). The resolutions from the other states are more specific, for example, identifying "the corrupting influence of money in our electoral process" (Vermont). Given the case law before and after Citizens United, to make money spent to influence American elections subject to reasonable regulation, a federal constitutional amendment should consider: (1) whether money spent on candidate elections and ballot measures should constitute "speech" under the First Amendment, (2) how "corruption" is defined, for purposes of the government's interests in protecting the democratic process, and/or

(3) that independent expenditures do corrupt the political process. In our view, the intent of the resolution would be strengthened by including one or more of these concepts in the resolution itself. This is especially true for the first of these concepts (whether money spent to influence an election is "speech"), because that is the fundamental premise underlying this entire area of law, upon which the protections of the First Amendment depend.

Second, we urge the Committee to make one amendment to the provision governing the composition of the delegates. The Illinois resolution (upon which this resolution appears to be based) specifies that "the State of Illinois . . . intends to retain the ability to restrict or expand the power of its delegates[.]" Ill. J. Reso. No. 42 . The resolution considered here, however, indicates that the *convention*—instead of the State of Hawaii—would have authority over Hawaii's delegates. (Page 2, line 35-37: ". . . and for the Convention to retain the ability to restrict or expand the power of its delegates within the limits expressed above . . ."). Assuming the states can specify the composition of the convention delegates, it seems far preferable for the State of Hawaii to retain that authority itself, as Illinois does in its resolution. We note that New Jersey's resolution contains similar wording. To accomplish this objective, the resolution should be amended to omit the word "Convention" on page 2, line 35, and replace it with "State of Hawaii."

We urge this Committee to pass this resolution only if these suggestions are incorporated. Thank you for the opportunity to testify.

Senator Will Espero. Chair  
Senator Rosalyn Baker, Vice Chair  
Senate Committee on Judiciary and Labor

Darragh Lawrence  
Boulder Creek, CA 95006  
(831) 334-8341

Tuesday, March 31, 2015

Support for SCR52, Request for a Limited Amendments Convention to Restore Free and Fair Elections.

Hello, I'm Darragh Lawrence, a National Coordinator for Wolf PAC, which is the political arm of The Young Turks - the largest online news show in the world. Thank you Chairman and members of the committee for having us here today. We're working with volunteers currently in 40 states to pass resolutions at the state level calling for an amendments convention to restore free and fair elections. We will have at least 20 live resolutions in 2015 and recently passed a resolution in Vermont, California, Illinois, and New Jersey.

As you know, there are only two ways to amend the United States Constitution - 2/3 of Congress can vote to propose an amendment or 2/3 of the states can demand a convention to propose amendments. It's important to remember that either way it's proposed, 75% of the state legislatures (38) must vote in favor of ratification before it becomes part of the Constitution.

Looking back at history, what most people don't realize, is that most amendments start with state legislatures taking action and passing calls for an amendment through a convention. 4 out of the last 11 Amendments started at the state level and then were proposed by Congress. The Bill of Rights began when New York and Virginia called for a convention to propose those amendments. Most notably, the 17 amendment got within one or two states of compelling a convention and then Congress capitulated, proposing the amendment for the direct election of Senators. Historically, if you need an amendment, you call for a convention.

Whether you think an amendment should come from Congress or a convention of states, this resolution is the loudest call for federal election reform Hawaii can make. Shortly after a similar resolution to SCR 52 passed in Vermont last spring, the chair of the U.S. Senate Judiciary Committee Patrick Leahy called a hearing for the Udall Amendment. In his explanation of why he all of the sudden saw the need to have this hearing, he cited the fact that his home state had called for a convention on the issue. *This* is how you get Congress to pay attention.

The convention process was the Founders' safeguard for representative democracy. Only the most populist proposals with support across the political

spectrum will make it through the ratification gauntlet and be added into our Constitution. Of all the Constitutional Republics in the world, the U.S. Constitution is one of the most difficult to amend, requiring a super-majority of consent among the states at both the proposal and ratification steps.

In summary, what this Resolution does is call for a conversation about how to make our election process work better for the average American. For the little guy, or gal, like me. It's worth noting that there is not a solution in this resolution, because we truly want to hear from all sides about how to fix this. Republicans, Democrats, Independents, experts, citizens. If we are to have any chance of saving our representative democracy for future generations we must get everyone in a room, somewhere *other* than Congress, and have this conversation. Let's restore Free and Fair Elections in America. This is not a left or a right issue; it is a right vs. wrong issue. I ask for your aye vote on SCR 52. Thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 25, 2015 3:37 PM  
**To:** PSMTestimony  
**Cc:** semisweetgyrl@gmail.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM  
**Attachments:** Citizens United 2.docx

**SCR52**

Submitted on: 3/25/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica O'Brien	Individual	Support	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Erica O'Brien  
Wolf PAC  
Honolulu, HI 96818  
(530)510-1171

Tuesday, March 31, 2015

Support for SCR52, Request for a Convention to Propose a Constitutional Amendment

Hi, my name is Erica O'Brien. As a United States Air Force veteran and a military spouse, getting money out of politics means a great deal to me. The legislators receiving money from various lobbies are making decisions directly about my spouse's life, my friends' lives, and my life. Their judgment is often clouded by future elections, made so much worse by Citizen's United. It is important to me, as an American citizen, to have a voice in my government.

The United States system of government was meant to be a representative democracy, which is defined as a type of democracy where elected officials represent the will of their constituents. The Citizens United case has undermined our entire process, whereas our elected representatives are no longer representing their constituents, but instead, are representing those who pay them. A very recent and relevant example is this: the FCC recently determined that the internet is a public utility, according to many polls; most Americans agree that the internet should be open; as it enhances the free exchange of ideas, and doesn't give one company huge advantages over mom and pop shops, or less-funded sites. However, Congress has already decided they must try to pass legislation overturning the FCC's decision. Why? Money. There are 31 members on the House Committee on Energy and Commerce who have co-sponsored this bill, 29 of them have received money from the National Cable and Telecommunications Association, totaling over \$800,000. This is not representative democracy. This is not what the people want. This is not by the people, for the people.

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.

From conservative Republicans to Progressive Democrats, all Americans agree on the need to restore free and fair elections in America. This is not an issue of left versus right – it's an issue of right and wrong. Hawaii has expressed its desire to have Congress solve the problem with a

Constitutional amendment, but Congress has proved incapable of taking action when it comes to solutions, failing even to pass the DISCLOSE Act with a Democratic President and super-majorities in both houses of Congress. Americans are deeply concerned that our representative democracy is in jeopardy when dark money flows uninterrupted into our political process, obscuring the will of the people and stalling any practical solutions to the problems we face. While our federal representatives from Hawaii do a great job, it is clear that something is wrong in Washington DC. Congress recently earned a 9% approval rating, which is lower than the support of the King of England at the time of the Revolutionary War.

At the original Convention in Philadelphia, General Mason stood up and asked about the amendment process, 'What shall we do if Congress itself is the problem?', and that is why the convention procedure utilized in SCR 52 was added to the Constitution.

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 Hawaii 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 52 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.

Erica O'Brien  
147 Kokomalei Street  
Honolulu, HI 96818

March 23, 2015

The Honorable Will Espero  
State Senate  
Hawaii State Capitol, Room 206  
415 South Beretania St.  
Honolulu, HI 96813

Dear Senator Espero,

My name is Erica O'Brien and I'm writing to you in regards to SCR52. As a United States Air Force veteran and a military spouse, getting money out of politics means a great deal to me. The legislators receiving money from various lobbies are making decisions directly about my spouse's life, my friends' lives, and my life. Their judgment is often clouded by future elections, made so much worse by Citizen's United. It is important to me, as an American citizen, to have a voice in my government.

For these reasons, I support SCR52 and urge you to support it as well.

Sincerely,

  
Erica O'Brien

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 25, 2015 12:25 PM  
**To:** PSMTestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SCR52 on Mar 31, 2015 13:15PM\*

**SCR52**

Submitted on: 3/25/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 28, 2015 12:53 PM  
**To:** PSMTestimony  
**Cc:** isayao@mac.com  
**Subject:** \*Submitted testimony for SCR52 on Mar 31, 2015 13:15PM\*

**SCR52**

Submitted on: 3/28/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
isabelle yao	Individual	Support	No

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## REASONS TO SUPPORT RESOLUTION SCR52

### Electorate Disconnect

- Voters feel disenfranchised to the extent that their votes do not matter since legislators of both parties can be influenced by one or more campaign contributions.

### Undemocratic Influence on Legislators

- Megawealthy unions, corporations, foundations, PACS should not be able to make such large donations to candidates that the effect of such contributions outweigh the interests of the general electorate by:
  - Leading recipients to feel obliged to reciprocate by supporting legislation desired by the donor,
  - Causing recipients looking ahead to a future campaign to do even more to support donors' programs,
  - In the case of corporate donors, inspiring some recipients to anticipate future employment with the donor company for especially meritorious service.

### Misinterpretation of the Right of Free Speech

- The understanding of the guarantee of free speech in the US Bill of Rights should never have been extended to the right to "purchase" legislators.
- SPEECH DOES NOT EQUAL MONEY.

Sincerely,

*Richard Doyas*

Richard Doyas

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 8:16 PM  
**To:** PSMTestimony  
**Cc:** akathryn.knight@gmail.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ajjani Knight	Individual	Comments Only	No

Comments: Aloha, what a momentous occasion to be addressing this critical issue at this time in our country's history. I am so pleased that Hawaii is taking the lead along with Vermont, California and other states to give democracy back to the People. It is my understanding that polls show that some 96% of the entire US populace is for this legislation. Thank you Senate for being the type of leaders Hawaii and the rest of the Nation need and want from their elected officials. Mahalo nui loa.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 8:33 PM  
**To:** PSMTestimony  
**Cc:** mauimagic5711@hotmail.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Evans	Individual	Support	No

Comments: THIS is a MUST ! SUPPORT, with all my heart !!!!!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 9:08 PM  
**To:** PSMTestimony  
**Cc:** slwsurfing@yahoo.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon willeford	Individual	Support	No

Comments: Restore Freedom...and sanity. Mahalo!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 30, 2015 6:30 AM  
**To:** PSMTestimony  
**Cc:** dan.marks99@gmail.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/30/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Marks	Individual	Support	No

Comments: Unfortunately Washington DC does not represent the average person anymore. The overwhelming influence of money in politics has overshadowed the right of representation we each have as a constituent. I strongly support any opportunity to correct the system that is fundamentally flawed by various court rulings such as Citizens United. I hope that all of the Senators unanimously support this resolution.

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Senator Will Espero, Chair  
Senator Rosalyn Baker, Vice Chair  
Senate Committee on Judiciary and Labor

Ralph Garcia  
91-1058 L Kekuilani Loop 1101  
Kapolei, HI 96707

Tuesday, March 31, 2015

Support for SCR 52, Request for a Limited Amendments Convention to Restore Free and Fair Elections.

Aloha my name is Ralph Garcia. I was born and raised in Maui, and now a resident of Kapolei. I am writing in strong support of SCR52.

The current gridlock in congress I believe is the result of too much money in politics. The ruling on Citizens United has only made it worst. In a recent polling, 96% of Americans support reducing excessive spending of special interest group in our government. Yet, congress is unable to solve this issue. All the more reason to get this resolution pass through the Article 5 convention and have our elections restored by getting an amendment to the constitution.

Four out of the previous ten amendments including the Bill of Rights began with states applying for a convention to propose those amendments, which means that most amendments to the Constitution, 14 out of 27, have historically begun with state level campaigns to call a convention. Most famously, the 17th Congress when the states got within 1-2 applications of calling for a convention. History shows us that when America needs an amendment we must call for a convention.

I urge this committee to votes yes on SCR52. Mahalo for your time and the opportunity to get my voice heard despite that I don't have any money.

Senator Will Espero, Chair  
Senator Rosalyn Baker, Vice Chair  
Senate Committee on Judiciary and Labor

Samu Tuikolongahau  
Wolf PAC  
94-125 Pahu Street, Unit 33  
Waipahu, HI 96797

Monday, March 30<sup>th</sup>, 2015

Support for SCR52, Request for a Limited Amendments Convention to Restore Free and Fair Elections

Hi, my name is Samu. I'm a small business owner. I create and host websites. I also do online marketing and SEO's. I have a part-time job as well, as a fish cutter at a local grocery store. There are many times in my past where I have felt helpless, but over the years I've learned that feeling helpless is a choice. When I think about the number of ways that this issue of political corruption has personally affected me, it's easy for me to be reminded of that helplessness and even sometimes hopeless feeling that I get. The reason why SCR 52 is important to me is because this is something in my life that actually gives me hope. It gives us the chance to take action on an issue that an overwhelming majority of us agree on. Congress is supposed to represent the people, and right now, they are not.

Congress is not going to fix themselves. Ultimately the power is with you, as our state representatives. You have an opportunity to fight back for all the voices that have been silenced by big money. We all have a responsibility to stand up, and do this together.

And nothing would make me more proud than to have Hawaii be a leader in this fight to regain our voice, as a people. Thank you all for your time and I ask for your support for SCR 52.

Senator Will Espero, Committee Chair  
Senator Rosalyn Baker, Committee Vice Chair  
Committee on Public Safety, Intergovernmental, and Military Affairs

Tuesday, March 31st 2015, Room 229

Peter Albert Reidy  
54-287 Kawaipuna Place  
Hauula, HI 96717  
808-291-4295  
Peter-reidy1@live.com

My names is Peter Reidy. I graduated from James B Castle High School in May of 2013 and am currently residing in Hauula, HI.

I'm here today to testify in support of SCR 52.

I have only recently become of age to vote for those who represent me. Unfortunately, the corruption of Congress by huge money in the campaign system has made it feel like my voice, my vote, means nothing.

Did you know that Congress recently earned a 7% approval rating!? That is the lowest approval rating of any institution *ever* recorded by gallop. It's painfully obvious that something is deeply wrong with the way our federal government now functions. They have completely lost touch with the citizens, and we can feel it.

Hawaii has already passed a resolution asking Congress to solve this problem with a Constitutional Amendment, but they have not even responded. Congress can't do it because they are trapped in this broken system.

I heard a story recently about a few folks who did an experiment in DC. Three people went to 3 different Congressmans' offices on the same day. Instead of telling them what they wanted from them, they asked them, "what can we do for you?" And all 3 Congressmen, totally uncoordinated said the same thing, "free us from fundraising." Free us from fundraising.

You are the only ones who can free them from fundraising and allow them to do the work of the people again rather than going across the street from the Capitol every day to beg rich people for money. For this reason I highly encourage you to vote yes on SCR 52. Thank You.

Sincerely,

Peter Reidy

Peter Reidy  
54-287 Kawaiipuna Place  
Hauula, HI 96717

March 25th, 2015

The Honorable Will Espero  
State Senate  
Hawaii State Capitol, Room 206  
415 South Beretania Street  
Honolulu, HI 96813

Dear Senator Espero

My name is Peter Reidy. I graduated from James B Castle High School in Kaneohe where I also work full-time at Aeropostale. I am a volunteer with Wolf-PAC and am writing to you today to express my strong support of SCR 52 and its companion resolution HCR 53 which passed unanimously in the house this past week.

This issue is extremely important to me personally. I just recently became old enough to vote for those who represent me. Unfortunately due to big money in politics our votes are an illusion of democracy. What I mean by this is 19/20 times, at the federal level, the politician with the most money wins an election regardless of party or policy, thus making our votes and voices feel like they mean nothing.

This, Senator Espero, is why I am strongly in support of SCR 52 and humbly ask for your support to hold an amendments convention to further the discussion of restoring free and fair elections.

Sincerely,  
Peter Reidy

Senator Will Espero, Chair  
Senator Rosalyn Baker, Vice-Chair  
Senate Committee on Judiciary and Labor

Mary McHugh  
Kailua, Hawaii 96734  
(808) 352-8597

March 31, 2015

Support for SCR52, Request for a Limited Amendments Convention to Restore Free and Fair Elections

My name is Mary McHugh, I am a 27 year resident of Hawaii and a small business owner in Kailua. I am also a volunteer with Wolf PAC, and am very proud of the accomplishments these "new Founding Fathers" have made in their attempt to restore free and fair elections in this country. I have never attempted to reach out to my Senators before, but this issue is so important to me I felt I must do what I can to allow my voice to be heard.

In my view, when the Supreme Court decided Citizens United, Pandora's Box was opened. We all know full well how much corporate money influences our polititions in Congress and other levels. Its not a secret. In fact, it's a legal bribe.

We need to do the right thing for our country and for generations to come, and you are in a position to help make that happen. An Article V Convention is the avenue our original Founding Fathers put in place for us to use in a situation like this.

Right now, four states have already called for an Article V Convention. Lets make Hawaii #5. I urge you to vote aye on SCR52.

Thank you for your time and my oppportunity to submit my testimony.

Sincerely,

Mary McHugh

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 30, 2015 1:01 PM  
**To:** PSMTestimony  
**Cc:** worthless1010@gmail.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/30/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Paul LK Worthley	Individual	Support	No

Comments: Paul Worthley Wolf PAC Kailua, HI 96734 (808) 254-3382 Tuesday, March 31, 2015  
Dear Chairman Espero, and members of the committee, Hi, I'm Paul Worthley. I'm a current high school senior, and I'm excited about becoming an adult. One of the great things about adulthood is the ability to vote, because it's an opportunity for citizens to have their voices heard. But it seems no matter who is elected, it still leaves the people upset and ignored. Congress' approval ratings has dipped to amounts as low as 7%. It is through Article V that state legislatures retain their power to check the federal government. Especially an out of control federal government. I'll keep in short, but please consider this quote from one of our most revered Presidents, Abraham Lincoln: "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their constitutional right of amending it ... I will venture to add that to me the convention mode seems preferable." When comparing our two routes of amending the Constitution; on one hand I see a Congress that is incapable of governing or having an honest conversation about anything. On the other I see State Legislators who are logical, willing to hear my opinions, and much closer to the people. And I see the convention mode as preferable as well. Please vote yes on SCR 52. Thank You. Sincerely, Paul Worthley

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 30, 2015 1:16 PM  
**To:** PSMTestimony  
**Cc:** joeritter3@yahoo.com  
**Subject:** Submitted testimony for SCR52 on Mar 31, 2015 13:15PM

**SCR52**

Submitted on: 3/30/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Ritter	Individual	Support	No

Comments: This is fundamental to continuing democracy rather than fascism. Please support democracy and the voice of the people not corporations. Your children will thank you. Dr. Joe Ritter  
HD 11 SD 6

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senator William Espero, Chair  
Senator Rosalyn Baker, Vice Chair  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Greg Schuster  
Individual Testimony  
2106 Kuhio Ave  
Honolulu, HI 96815  
Thursday, March 12, 2015

Support for SCR52, Request for a Convention to Propose a Constitutional Amendment.

My name is Greg Schuster. I am a Hawaii resident who is writing to strongly express my support of SCR52. In short, this resolution's goal is a 28<sup>th</sup> 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.

Last November congress was largely reelected (95%) despite having a pathetic 13% (Realclearpolitics) approval rating. For reference Richard Nixon's Lowest Approval Rating was 22%. How is this possible? Well, the secret weapon for many of these elected representatives was money. In fact, in 93 percent of House of Representatives races and 94 percent of Senate on Nov. 5 2014, the candidate who spent the most money ended up winning (nonpartisan Center for Responsive Politics).

Facing such a low approval rating why would the current congress even consider eliminating the secret weapon that got them elected. It would be like asking an arsonist to put out his own fire. Thus, the task of limiting money in politics falls to the Supreme Court or the States.

Unfortunately the Supreme Court's recent ruling on Citizens United shows that they have no interest in limiting money in politics. This means, it is up to the states to find a way to correct the corruption that money has brought to our political system.

How the states would be able to accomplish this is through an Article V Convention. In order to have an Article V Convention, 2/3rds of the states must call for a convention on the same resolution, and then 3/4ths of the states must ratify that to amend the constitution.

Calling for an Article V Convention is the strongest stand we can take against the political corruption that is destroying our inalienable right to self-govern. This should be explicitly protected in our Constitution as a 28th Amendment for Free and Fair Elections. This is why I strongly urge you to vote "aye" on SCR52 and begin the process of having Hawaii join four other states in calling for an Article V Convention.

Mahalo,  
Greg Schuster