

**Best Overall News Site**

Three years in a row

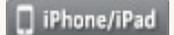
HONOLULU

CIVIL BEAT[®]

Sunday, December 15th, 2013



19K

[Today](#)[The Beat](#)[Honolulu](#)[Hawaii](#)[Education](#)[Energy & Environment](#)[Development](#)[DC808](#)[Fact Checks](#)[Special Reports](#)

2



6



87

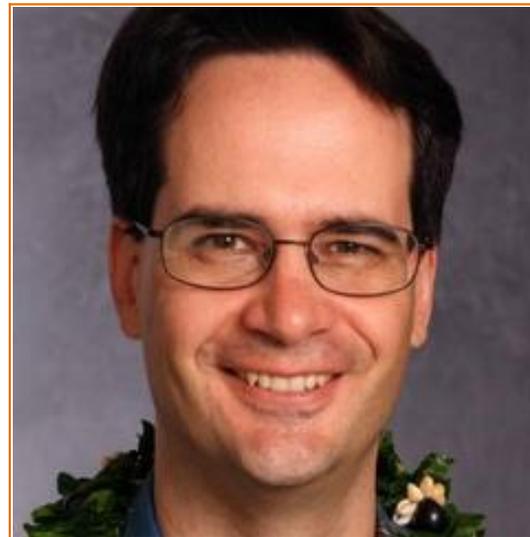
Hawaii AG's Office Shoots Down Bill That Would Limit Free Speech

By Nathan Eagle [CONNECT](#) | 01/28/2013

The Hawaii Attorney General's office is blasting a proposal aimed at countering the U.S. Supreme Court's *Citizens United* decision, which opened the floodgates for secret cash to influence elections.

New House Judiciary Chair Karl Rhoads wants the Legislature to pass a bill that would let voters decide if the state constitution should be amended to add a line that limits the freedom of speech to "natural persons." It would specifically exclude business entities.

Deirdre Marie-Iha, deputy solicitor general, told Rhoads last week that his bill would have no legal effect and would genuinely mislead the public despite its good intentions. And even if it could trump the federal law, she said it would have serious unintended consequences.



karlrhoads.org

"We don't want to restrict the right of free speech of citizens of Hawaii just because the U.S. Supreme Court made what many believe to be a massive mistake," Marie-Iha told the Judiciary Committee at a legislative hearing Friday.

The [2010 ruling](#) lets corporations and unions support and oppose candidates and issues without having to disclose where the money came from. Millions of dollars were spent in Hawaii in 2012 by political action committees who benefitted from the decision.

ANNOUNCEMENTS

We're still asking the tough **QUESTIONS** to get you **THE ANSWERS.** NOW ONLY **33¢/day** Don't Miss A Beat >>

About the Author

Nathan Eagle
Reporter[Articles](#) / Nathan Eagle[Topics](#) / Nathan Eagle

Thank you for your interest in Honolulu Civil Beat! We are subscriber-supported and your subscription allows us to provide quality, in-depth investigative reporting.

Not a subscriber yet? Help us keep telling the stories that impact your community, sign up here!

- Your Team At Civil Beat

The AG's office and Rhoads agree the Supreme Court ruling was a mistake. But they have drastically different takes on how to address it.

Marie-Iha encouraged Rhoads and others concerned about the impacts of the *Citizens United* decision to back proposals pending before the Legislature that would increase disclosure. She said these bills would increase the public's knowledge of the money being spent by super PACs and other campaign committees.

"There are ways to shine a light through the money that *Citizens United* has unleashed onto the elections," she said.

Rhoads wasn't sold on the objections to his bill from the AG's office. He asked Marie-Iha in a few different ways why his proposed legislation wouldn't work, but she shot him down every time.

"I applaud your creativity in trying to address *Citizens United*," she said, but added that political speech is among the most protected forms of free speech in the country.

The AG's office and others have urged Congress to pass a law that effectively overturns *Citizens United*, but to no avail. Marie-Iha said the office is not optimistic that letters to U.S. representatives will have any effect.

State Reps. Calvin Say and Marcus Oshiro, the former House Finance chair, told Civil Beat in a recent interview that they would support measures aimed at overturning *Citizens United*, too.

Several people testified on the bill during the hearing, many of whom also submitted [written statements](#) in support or opposition.

In addition to Marie-Iha's in-person comments, the AG's office submitted a letter opposing the measure.

"Even if this amendment passed and were ratified, the State of Hawaii would still be subject to the *Citizens United* ruling that corporations are entitled to make unlimited independent expenditures (that is, spend their own money without coordinating with any candidate for office) regarding political campaigns and elections," Hawaii Attorney General David Louie wrote.

He attached a letter nine state attorneys general wrote to Congress urging federal lawmakers to reverse *Citizens United*.

"Reversing this troubling decision would give Congress the power to ensure that the voice of the American people is not diluted or trampled on by corporations under the auspices of the First Amendment, and that the people have the ability to participate freely and equally in self-government," the letter says.

Media



Related Content

Articles

Flood of Secret Campaign Cash: It's Not All *Citizens United*

Primary Topic Pages

Haw aii Campaign Finance

Haw aii Legislature

Recommended Content

Sign Up

Create an account or [Log In](#) to see



UH Prof: 'GMO's Are Safe'

182 people recommend this.



Filipinos Overtake Japanese As Top Haw

4 people recommend this.



Bumpy Road for Hawaii's New High-Tech

11 people recommend this.



What Should Hawaii Do For Micronesians

171 people recommend this.



Facebook social plugin

Follow Civil Beat



The ACLU's Hawaii chapter also testified against the bill, for similar reasons as the AG's office.

Other groups, however, supported Rhoads' proposed legislation.

Common Cause Hawaii, a nonprofit that advocates for open government, said the proposed amendment would send a strong signal to Congress that the people of Hawaii believe freedom of speech should only apply to natural persons.

"And, in the event we do overturn *Citizens United* federally, HB119's proposed amendment would prevent corporations from making the same arguments in state court," Common Cause Executive Director Carmille Lim said.

The Judiciary Committee is expected to vote on HB 119 Thursday afternoon.

DISCUSSION: *Would you support a constitutional amendment to limit spending by corporations?*

[Share](#) 2 [Tweet](#) 6 [Link](#) 87

Discussion

18 comments ▼



Cory Harden · ★ Top Commenter

It may be more effective to stop saying they are people. They don't die, they can't be locked up, they consider fines the cos they become too big to fail.

Reply · [4](#) Like · January 28 at 10:56am



Kris Coffield · ★ Top Commenter · Campaign Manager at Elect Kathryn Xian 2014

'Corporate personhood' has been around since the nineteenth century and, in many cases, is a good thing. It k in the same manner as natural persons, so customers don't have to take legal action against individual shareh class action law suit. The problem is granting corporations the SAME free speech rights as natural persons an unrestricted independent expenditures. Rhoads' bill w ould allow the people of Haw aii to enact an amendment i effectual if Citizens United is undermined by Congress or overturned by the Supreme Court, subsequently per Legislature to circumscribe the undo influence of corporations on the electoral process.

Reply · [1](#) Like · January 28 at 5:44pm



Ben Cayetano · ★ Top Commenter · Loyola Law School Los Angeles

Representative Rhoads should spare his committee members from the embarrassment of having to vote on an obviously fl it from consideration. Rhoad's concern about the impact of the Citizen United ruling is understandable but as a law yer hims law yers on his committee staff it should have been obvious to all that the First Amendment, as interpreted by the US. Supre

United, is the law of the land and therefore supreme to all state and federal laws, including our State Constitution. The public waste of the Attorney General's time and an unnecessary expense to the taxpayers.

As others have pointed here unless the Supreme Court itself overturns Citizens United, the only alternative is an amendment. There are several ways to amend the Constitution, each deliberately made difficult by the Founding Fathers. All but two are U.S. Constitution were amendments passed by super majorities in Congress and ratified subsequently by two thirds of the states. Rhoads would better serve the public by introducing a House-Senate concurrent resolution urging Hawaii's four members to pass such legislation for enactment by Congress.

Reply ·  3 · Like · January 30 at 10:07am



Chris Vandercook · Morning Show Co-Host at Hawaii Public Radio

a foolish, frivolous, flawed bill

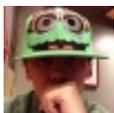
Reply ·  2 · Like · January 30 at 10:16am



Bryan Mick ·  Top Commenter · Works at City and County of Honolulu

While I applaud the idea, it just makes sense that when we are dealing with a Supreme Court ruling we should be dealing with the State Legislature. If the State Legislature want to pass a resolution urging Congress to address it, I'm on board 100 percent.

Reply ·  3 · Like · January 28 at 9:58am



Kris Coffield ·  Top Commenter · Campaign Manager at Elect Kathryn Xian 2014

To supporters, the AG's rep didn't "shoot down" arguments against the bill, which has yet to be voted on by the committee. It wouldn't "shoot down" be a strong statement? Maybe I'm just sensitive to the overly adversarial nature of hearings. We're doing everyone makes their case, often passionately, but we often forget to engage with fellow stakeholders. I actually think the AG's rep in an exchange that wasn't mentioned in this piece, when Rhoads reminded Marie-Ihla that limiting free speech to nullify such rights for corporations, unions, and nonprofits, but rather gives lawmakers the opportunity to define free speech entities. On a personal note, I'm always leery of comments about "misleading the public." Maybe the public is more... [See More](#)

Reply · Like · January 28 at 4:59am



Peter Kay ·  Top Commenter · Home schooled

I absolutely LOVE the idea that only "natural persons" can speak. This means that all media companies, news companies, legislature, the state, governor's office can't speak either. I wonder how CivilBeat would feel about not being able to speak

Reply · Like · January 28 at 8:11pm



Nathan Eagle ·  Top Commenter · Works at Honolulu Civil Beat

I've always viewed the news media as the voice of the people. We strive to give a megaphone of sorts to those otherwise not heard. So if the media lost its voice, so would the people. And down would fall the so-called check that holds government and those in power accountable.

Reply · Like · January 29 at 5:42pm



Peter Kay ·  Top Commenter · Home schooled

I completely agree with you Nathan. I was being purposely sarcastic (if you didn't notice) and pointing out the consequences of this "natural persons" rubbish.



Consequences of this natural persons rubbish.

Reply · Like · January 30 at 6:45pm



Louie Maytorena

Any corporation is an entity! It pays taxes and are run by people not machines! As long as there are persons w ho vote w it operating within the USA,...They should be treated as a person and not a thing. Thus open to scrutiny and debate.

Reply · Like · January 28 at 6:59am



Bob Roberts · Tulsa, Oklahoma

"It is run by people...." That statement in and of itself assumes the corporation is no more a person than anythi Just because you have 6 passengers in a Hyundai, doesn't make the Hyundai a person. Even though auto tax people, it doesn't get a vote.

Reply · 2 · Like · January 28 at 5:58pm



Dave Kozuki · Top Commenter · Honolulu, Haw aii

I don't see w hy spending has to be tied to free speech. Let corporations have free speech, but don't let them buy elections w hat the AG's office w ould rule on billboards and large signs here in Haw aii.

Reply · Like · January 28 at 5:39pm



Kris Coffield · Top Commenter · Campaign Manager at Elect Kathryn Xian 2014

Campaign donations have long been held to be a protected form of free speech, of expressing political prefer political causes and candidates. Disaggregating the tw o w ould give people pow er to limit not just the campaign corporations, but natural persons, too.

Reply · 2 · Like · January 28 at 5:42pm



Bob Roberts · Tulsa, Oklahoma

A corporation is not a person, anymore than a truck, a treehouse, or a Mars bar is a person. I fail to see how f not-a-person. A corporation cannot speak. The people in it can speak, but if one or a few members of the corp attribute it to the entity as a w hole, then people in the corporation w ho disagree w ith w hat w as said have had speech impacted. And that doesn't matter w hether you're referring to speaking w ith w ords or w ith cash.

Reply · 2 · Like · January 28 at 5:54pm



Bob Roberts · Tulsa, Oklahoma

And w ith another take on corporate personhood...
http://www.pacificsun.com/news/local/article_a50eab78-56c0-11e2-b475-001a4bcf6878.html

Reply · Like · January 28 at 6:07pm

[View 1 more](#) ▾



Patricia Blair · Top Commenter · University of Nebraska-Lincoln

Absolutely, Ben, another w aste of time issue!



Reply · Like · January 30 at 10:20am

 Facebook social plugin

Have feedback? Suggestions? [Email Us!](#)

[About Us](#) | [Contact](#) | [Terms of Service](#) | [Privacy Policy](#) | [FAQ](#) | [Partners](#) | [Archive](#) | [Topics](#) | [Multimedia](#) | [Register](#)

Copyright © 2010-2013 Peer News LLC. All rights reserved.

Civil Beat ® is a registered trademark of Peer News LLC

All purchases subject to Hawaii and City and County of Honolulu General Excise Tax of 4.712%.

Coded With Aloha