

I am a representative of the state Move To Amend (MTA) group behind HJM 4, and my name is Kirk Leonard. I reside in Salem. We represent a national coalition of over 400 organizations, nearly 500,000 people, and about 14,000 Oregonians. We worked with the rules committee and other legislators to pass HJM 6, a related measure in 2013.

HJM 4 presents clear and specific limits – corporations are not people, and money is not speech. These are the focal principles put forth in HJM 4, to be addressed in an amendment and at a constitutional convention.

The easy part for people to understand is money as speech. 80-90% of Americans agree that there's too much money in our politics, that it's not good and needs to be brought under control. Legislative regulation of money in local, state and national politics is one element of what HJM 4 seeks. Money is property, not speech.

Corporations not being people is often a challenge for many to understand. An 1819 Supreme Court case, *Dartmouth College v. Woodward*, was the first decision granting constitutional rights to corporations. "Corporate personhood" under the Constitution began, a long time ago, and it's been developed one court case at a time over many years, but it hasn't been in the headlines or caused alarm until recently years. We have been acculturated to it over nearly two centuries.

Now that McDonalds is suing the city of Seattle, asserting their 14th Amendment equal protection right is being violated by new minimum wage rules, maybe more people will begin to understand the wrong-headedness of corporate personhood. Our founders envisioned corporations as being closely controlled by the states, but that was a lost cause many years ago. Now they can use constitutional rights to prevail over laws, local, state, national, even international, irrespective of the will of legislatures or people, or any democratic, deliberative body.

Equal protection is not something anyone would deny a corporation, but it can be conveyed in statutes, much like the Uniform Commercial Code, a long-accepted commercial legal framework and document. Statutory entities don't need and should never have been granted constitutional rights. It's not in the Constitution and it's definitely not what the founders intended, which is made clear in the Federalist Papers.

Corporate constitutional rights became standing law in the late 1880's. Dozens of court cases enabled corporations to gain more constitutional rights – the 4th, 5th, 6th, 7th and 14th amendments, contracts and commerce clauses of the Constitution – and to deny or avoid laws and regulatory actions. US Supreme Court interpretations beginning in the 1970's cases granted freedom of speech, including money spent on elections as free speech!

So, the excess of money, both secret and unlimited, is not an isolated phenomenon. It is rooted in the granting of constitutional rights to artificial, statutory entities, mega-corporations and multinationals, primarily, who have been able to spend enormous sums of money and hire legions of expensive lawyers over the years to gain rights only intended for individual human beings, thus shielding themselves from laws and regulations they don't like.

If corporate constitutional rights are not addressed in an amendment, any attempt to regulate money in politics will soon lead to *Citizens United 2.0* and we'll be right back at square one again. All it takes is clever and determined corporate lawyers, and a few, selective court cases.

Any amendment addressing the issue of money in politics needs to include a clarification of the constitutional standing of artificial, statutory entities, and to end the Supreme Court doctrine of corporate personhood. It will not stand otherwise.