

This is my testimony in favor of HJM4

My name is David Delk. I am a native Oregonian, live in Portland and I am the President of the Alliance for Democracy.

Thank you to the members of this committee for holding this hearing on HJM4 as well as HJM2. Both these bills are applications for an Article 5 Constitutional Convention to address the future of our democracy. While different in language, they both raise the issue of how we can continue to have a democracy when our elections are overrun by almost uncontrolled money flowing through the electoral system as a result of a series of US Supreme Court decision declaring that money equals speech and that corporations are people with constitutional rights.

Two years ago the Oregon legislature approved by a strong bi-partisan majority HJM6 which called for a constitutional amendment to address these twin issues. In the mean time, around the state as well as around the nation, people have continued to enact resolutions as well as passing ballot measures calling for a constitutional amendment. Here in Oregon, people in Ashland, Corvallis, Eugene, and Lincoln County passed ballot measures calling for a constitutional amendment. Each of these passed with more than 70 approval. Oregonians, as do Americans of all political stripes, want to regain our democracy.

Congress continues to ignore us. The next step in continuing to build pressure on Congress to work for us is to call for an Article 5 convention. We do not do so lightly and even in making the call, we hope that such a convention does not have to be engaged. But the danger of continuing on the present road constitutes a violation of our responsibilities as active engaged citizens in a democracy. The present situation demands that we act to create as much pressure on Congress to act Now as possible.

We must pressure Congress to send us an amendment which addresses both sources of the current democratic crisis. The US Supreme Court has issued multiple decisions over the past 125 years which have given our human rights, partially enumerated in the Bill of Rights, to our corporate creations, and have declared that the laws and regulations passed to create a level

political playing field are an unconstitutional infringement on the freedom of speech of both corporations and wealthy individuals. We must declare that money is not speech, money is property and we must be able to regulate it at all levels of government. We have seen the growth of money in politics, both in candidate elections and ballot measures, to such a level that our voices are a mere whimper. We cannot let this stand.

And corporations have declared that they have the rights of people. Such corporate actions go back to before the civil war and continue today. Right now the City of Seattle has been sued by McDonald's because Seattle passed a \$15 minimum wage law. You may or may not agree with Seattle's action but should the action of our elected representatives be subjected to suits. In this case, they claim that their 14th Amendment equal protection right had been violated. McDonald's and the other franchised businesses had the opportunity to argue their case with the city; they lost there. They should not then have a "right" to challenge that decision in the courts by claiming violations of their constitutional rights.

McDonald's and the franchise businesses also claimed a violation of their First Amendment free speech right as well as their right to freely associate. Such claims have repeatedly been rejected by the courts, yet corporations continue to make the claims in hope of finding the right court to affirm them.

At the same time, the recent FCC decision regarding net neutrality has resulted in a suit by telecommunication giants claiming their First Amendment free speech rights and Fifth Amendment rights against takings have been violated, and therefore should result in the overturn of the new regulations.

The ability of government to govern in the interest of the people is challenged on a daily basis by such corporate action. We may not always agree with the actions of government but we do not support the notion that corporations should be able to challenge those laws on the basis that their rights have been violated. Corporations should have rights, but they should be rights

granted by various levels of government, and not be granted based on the rights stated in the Bill of Rights and other amendments, rights which are clearly for people, not our creations

Such suits would not be allowed if we amended the constitution to confirm the intent of the Founding Fathers, who never mentioned corporations in the constitution. Why not? Because the rights expressed in the constitution and the Bill of Rights were clearly understood to be the rights of real human beings, not the entities which were and are created by those human beings. Let's work to return to a rightful understanding of the power relationship between human beings and corporations. Corporations are our creations, designed to serve us and not the other way around.

The Alliance for Democracy hopes that this committee will approve HJM4 and send it to the full House with a Do Pass recommendation.