

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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December 16, 2011
Start: 1:09 p.m.
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HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.

A P P E A R A N C E S (CONTINUED)

Amy Loprest
Executive Director
New York City Campaign Finance Board

Susan Lerner
Executive Director
Common Cause New York

CHAIRPERSON BREWER: Good

afternoon. I'm Gale Brewer, City Council Member and Chair of the Committee on Governmental Operations, and I'm delighted to be here with Seth Grossman, who is counsel to the Committee and Tym Matusov, who is the policy analyst and maybe John Russell who is around, who is the Finance person from the Finance staff, so thank you for coming to this very important hearing.

Today we will be hearing a resolution that opposed the Supreme Court's interpretation of the Constitution of the case Citizens United versus the Federal Election Commission, and calls upon Congress to begin the process of undoing the harm already perpetrated by this irresponsible ruling. This decision granted corporations same first amendment rights as individuals and in effect, prohibited the government from regulating independent corporate spending on elections. The consequences of the ruling have been staggering. In the 2010 congressional elections, the first national election to be affected by the decision, spending by outside groups increased by four times from the

1 previous mid-term elections, reaching 30 million.
2 Half of this money came from just ten groups of
3 which seven did not fully disclose all of their
4 donors. This kind of anonymous spending by large
5 corporate interests seriously risks averting our
6 democratic institutions by disenfranchising the
7 average voter and corrupting our political system.
8 The resolution we hear today calls upon Congress
9 to begin the process of amending the Constitution
10 so that unlimited corporate expenditures on
11 elections are no longer sheltered as protected
12 constitutional speech. Several such measures have
13 already been introduced in Congress and the Los
14 Angeles City Council has already adopted a similar
15 resolution calling for passage of such
16 legislation. I hope that our efforts today will
17 build additional momentum in the rest of the
18 country and force Congress to act immediately to
19 save our democracy and I think - - maybe we want
20 to Thank Justice Stevens for his very wise words
21 calling corporations not people. I was thinking
22 to myself that you've got all of the wonderful
23 words of President Kennedy and Winston Churchill
24 and FDR, Theodore Roosevelt, and certainly,
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2 Justice Stevens I think is going to come within
3 that same context of having tremendous verbiage in
4 terms of this issue. I love what he's said about
5 corporations are not people, and I'm sure you will
6 read and you have read the exact words.

7 So without further ado, I'd like
8 call the head of the New York City Campaign
9 Finance Board, Amy Loprest and anybody she wants
10 to bring with her, and then we will hear from her
11 and then any others who want to testify. Thank
12 you. And Council Member Melissa Mark-Viverito is
13 also joining us today.

14 AMY LOPREST: Good afternoon, chair
15 Brewer and members of the Governmental Operations
16 Committee. I am Amy Loprest, Executive Director
17 of the New York City Campaign Finance Board. I
18 thank you for the opportunity to appear today in
19 support of this important resolution. I'll say
20 this as clearly as I can. In a health democracy,
21 people, not money, decide elections. This simple
22 idea is the foundation for New York City's
23 groundbreaking system of public financing for city
24 elections created more than two decades ago. By
25 providing - - candidates with public matching

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2 funds, the campaign finance program amplifies the
3 voices of small donor contributors. It gives
4 candidates the incentives to spend their campaign
5 time connecting with people, instead of chasing
6 large contributions. The system is strong because
7 it has adapted and evolved since it was created.
8 The Council has helped shape the program over the
9 years by acting to curb the potential for
10 corporate money to distort city elections and
11 erode confidence in the democratic process. A key
12 provision of the city's campaign finance law
13 prohibits candidates for city office from
14 accepting direct contributions from corporations.
15 The 1998 ban on corporate contributions, which
16 applied only to candidates who participated in the
17 campaign finance program, was expanded by the
18 Council in 2004 to cover all candidates for city
19 office. In 2007, this Council extended the
20 corporate ban to limited liability companies and
21 partnerships. It is a longstanding recommendation
22 of the Campaign Finance Board that candidates be
23 allowed to accept contributions only from natural
24 persons, not from organizations, including
25 corporations and other business entities, unions

1 and political committees. We have renewed this
2 proposal time and again for the simple reason that
3 people, not corporations, unions or other
4 organizations should decide elections. Until
5 recently, the Supreme Court agreed without
6 reservation that political activity by
7 corporations is fundamentally different from
8 political activity by people. Federal law has
9 prohibited direct corporate contributions since
10 1907. In 1990 in *Austin v. Michigan State*
11 *Chamber of Commerce*, the court upheld a state law
12 prohibiting the use of corporate treasury funds
13 for independent expenditures. As Justice Thurgood
14 Marshall wrote in the majority opinion, "Corporate
15 wealth can unfairly influence elections when it is
16 deployed in the form of independent expenditures
17 just as it can when it assumes the guise of
18 political contributions." Subsequent federal
19 legislation in accordance with the *Austin* decision
20 built a firewall to keep corporate soft money
21 expenditures out of elections for federal office.
22 All of this was overturned by the court's
23 misguided decision in *Citizens United v. FVC*,
24 which broadly invalidated restrictions on
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1 election-related spending by corporations.

2 Recognizing a first amendment right where none had
3 previously been found, Citizens United opened the
4 floodgates to allow massive amounts of unlimited
5 and too often undisclosed independent spending by
6 corporations, unions and other groups as pointed
7 out by Chair Brewer. The decision left a heavy
8 mark on the 2010 federal mid-term elections.

9 Independent expenditures quadrupled from 2006 to
10 more than \$300 million. Nearly half of that total
11 came from groups who are not required to reveal
12 their donors to the public. The lack of uniform
13 comprehensive disclosure requirements for election
14 related spending at the federal level will allow
15 corporate actors to intensify their political
16 activities through the 2012 presidential election,
17 but keep them hidden behind a veil of secrecy.

18 There is still no guaranteed right to spend
19 anonymously however and deciding Citizens United;
20 eight of the nine justices affirmed the
21 Constitutionality of requirements to disclose
22 independent spending meant to influence elections.

23 Since the decision, 15 states have passed new
24 disclosure laws. In New York City, voters
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2 approved a charter amendment in November 2010 that
3 requires disclosure of independent expenditures in
4 city elections. The Board is nearing the end of
5 the rulemaking process to implement the new
6 requirement. We have received extensive input
7 from the public on the proposed rules and
8 appreciate contributions to the discussion made by
9 Speaker Quinn and the Chair of this Committee,
10 Council Member Brewer.

11 We are confident the rules will
12 achieve the goal intended by the charter to ensure
13 corporations and other actors who spend money to
14 implement city elections conduct their activities
15 in the open, so New Yorkers can see where the
16 money goes before they decide how to vote. We
17 again thank you for taking leadership on this
18 issue and for seeking to lend out city's voice to
19 the growing chorus of those speaking out against
20 the court's decision in Citizens United. I'm
21 happy to answer any questions you may have.

22 CHAIRPERSON BREWER: Thank you very
23 much. We've been joined by Council Member Dilan,
24 Council Member Lander. Council Member Lander, do
25 you want to make any comments since it's your... I

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2 know you came a little late, so we started without
3 you.

4 COUNCIL MEMBER LANDER: [off mic]

5 Thank you. Thanks very much for the opportunity
6 and for your role and general leadership on these
7 set of issues, and to my colleagues. I also want
8 to add others who had reached out to my office
9 asking to sign onto the resolution even before
10 today include Council Members Ferreras, Palma,
11 Dromm, Sanders, Williams and Van Bramer. So - -
12 many others will join. That testimony was
13 wonderful. I'm so proud of our New York City
14 Campaign Finance system. I'm proud to be an
15 amicus in the lawsuit challenging some of the
16 provisions of our law [phonetic], which I think
17 are wonderful. But as you said, it's really
18 pretty simple. The vast majority of Americans
19 know a few things. First, they know that right
20 now wealth is having an outsized impact on our
21 politics in ways that do us harm so that
22 corporations and lobbyists have too much influence
23 on our elections, too much influence over our
24 legislation and the idea that we should have
25 regulations in place to at least restrict, govern

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2 and make those transparent are so sensible and
3 plain that I think everyone understands why it's
4 important, but this resolution really goes deeper
5 than that. It goes to the question of what rights
6 are and what freedoms are, and what government is,
7 and government comes from the consent of the
8 governed and the governed are individuals, and we
9 are willing to give up some of our rights and
10 freedoms to enable ourselves to set up a
11 government that has rules that protect us and the
12 rights that corporations have are given to them by
13 government, are given to them by individuals.
14 This Alice in Wonderland notion that somehow they
15 have natural rights given by God or somewhere,
16 it's outrageous. I'm so glad that there are so
17 many people that the Speaker and the Chair and my
18 colleagues are going to stand with the folks in
19 Los Angeles and folks all around the country,
20 saying we need to respect what rights really are.
21 They belong to individuals, to people, to human
22 beings and that thoughtful regulations... This is
23 hardly radical to go back to the 2009 understand
24 that we had, which already allowed a big role for
25 wealth and government sadly, but it least to get

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2 back there is essential. I'm very proud the City
3 Council is considering this resolution. Thank you
4 to the Campaign Finance Board for your role. [off
5 mic]

6 CHAIRPERSON BREWER: Thank you very
7 much. We've been joined by Council Member Domenic
8 Recchia from Brooklyn. I have a couple of
9 questions, and then my colleagues... I wanted to
10 know locally--hopefully our resolution and those of
11 other states and localities will have some
12 influence in Washington, but locally, how does
13 this impact us if at all? This decision.

14 AMY LOPREST: Well, in reality the
15 Council had already banned direct corporate
16 contributions and New York State law had already
17 allowed corporations to engage in independent
18 spending, so the Citizens United decision didn't
19 have a direct effect on our election in New York
20 City; however, one thing that was always true and
21 because of the decision was potentially more
22 important, and what happened in 2010 in the
23 midterms certainly demonstrates that, was that
24 there might be more activity by undisclosed donors
25 and undisclosed entities and that's why it was so

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2 important that that charter amendment get passed,
3 so that there can be disclosure of who is spending
4 in our elections.

5 CHAIRPERSON BREWER: Do you have
6 any sort of historical or even—do you have any
7 current ideas about how if this constitutional
8 amendment is—if we're stuck with it, are there
9 other ways of restricting corporations besides the
10 constitutional amendment? Are there some other
11 ways of getting to the bottom of what we need to
12 get to?

13 AMY LOPREST: Well, I think one of
14 the things that I said in my testimony that is so
15 important and that is so lacking is on the federal
16 level is disclosure. I think it's very, very
17 important. If there is going to be this kind of
18 spending in these elections that at least the
19 public know what is going on, and so that's why I
20 think that disclosure is very important. That's
21 one thing that can be done even without the
22 amendment, and also the Citizens United decision
23 also didn't overturn the prohibition on direct
24 contributions from corporations, so that still
25 stands intact.

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2 CHAIRPERSON BREWER: Okay. Do you
3 have any sense besides Los Angeles that there are
4 other jurisdictions that are working on this same
5 issue as we are?

6 AMY LOPREST: You know I haven't
7 had the time to do that research. I have - - from
8 the papers that Los Angeles was working on it.
9 Not to my knowledge. I'm sure there probably
10 are, but I haven't done the research.

11 CHAIRPERSON BREWER: Do you think
12 that there is any role for corporations in the
13 democratic process in terms of campaign finance if
14 at all?

15 AMY LOPREST: As I said in my
16 testimony, I really think that in a really healthy
17 democracy people decide what happens in elections
18 not money interest, and so I think it's very
19 important that we focus on, as Council Member
20 Lander said in his statement, that we focus on
21 giving people the right to choose their own
22 government and those are the people who should
23 have the most prominent role in selecting a
24 government.

25 CHAIRPERSON BREWER: And do you

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love Judge Steven's comments as much as I do?

AMY LOPREST: They're very heartening. At least one justice is right on.

CHAIRPERSON BREWER: I'm going to use it for all of my graduation speeches. I always look every year for the best quote and that is it. We've been joined by Council Member Inez Dickens. Council Member Lander?

COUNCIL MEMBER LANDER: Thanks very much. I just wonder if since you're here, you could give us a quick update on the lawsuit challenging some provisions of our law.

AMY LOPREST: Well, right now the lawsuit that it doesn't--challenges primarily--the primary challenges to the doing business regulations that the City Council passed in 2007. That case was fully briefed and argued before the 2nd Circuit Court of Appeals in November of 2010. We are still waiting for a decision from the 2nd Circuit in that case. Other portions of that law dealt with different provisions of the Campaign Finance Act, including the provisions on what we call the bonus provisions, which were affected by a different Supreme Court decision earlier this

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2 year that involved the Arizona Public Financing
3 Program.

4 COUNCIL MEMBER LANDER: It's my
5 understanding we're guardedly optimistic that our
6 doing business rules will survive challenge those
7 bonus provisions from non-participating or self-
8 financed candidates-

9 [crosstalk]

10 AMY LOPREST: It's impossible-I'm
11 sorry to interrupt you, but it's impossible to
12 judge what the court will do. I think I'm
13 cautiously optimistic that our doing business... I
14 think I would agree. I think that certain
15 provisions of our bonus law that deal with high
16 spending non participants may be problematic.

17 COUNCIL MEMBER LANDER: Thank you.

18 CHAIRPERSON BREWER: Council Member
19 Dilan?

20 COUNCIL MEMBER DILAN: [off mic] Is
21 it on? Thank you, Ms. Loprest. I just briefly
22 in your testimony I think everybody here on this
23 day is included - - myself loves the program and
24 loves the way the current program is structured.
25 I think everybody here on this day also has in one

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2 way, shape or form accepted contributions from an
3 organized labor union, but just based on your
4 description of corporations and your feelings
5 about the roles that corporations should play in
6 the process, how do you differentiate those
7 feelings from that of the ability of organized
8 labor unions to make contributions?

9 AMY LOPREST: Well, the Board has
10 long—I mean, I'm talking about since I think the
11 report after the 1989 elections, a long time—has
12 made the recommendation after every election that
13 all organization contributions should be
14 prohibited so that only individuals directly give
15 contributions, so that's been the Board's position
16 for a long time.

17 COUNCIL MEMBER DILAN: And that
18 would be consistent with your position, so I'm
19 glad you answered that way. Thank you, Madam
20 Chair.

21 AMY LOPREST: Mm-hmm.

22 CHAIRPERSON BREWER: We've been
23 joined by Council Member Fidler. Thank you very
24 much. We always appreciate your being here and
25 your wonderful testimony. Thank you.

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AMY LOPREST: Thank you very much.

CHAIRPERSON BREWER: Next is Susan Lerner [phonetic] from Common Cause New York.

SUSAN LERNER: Good afternoon. Yes, I do. I have copies of my statement. Let's see. You need... I'll give you a whole handful. Okay. Thank you very much.

CHAIRPERSON BREWER: Proceed whenever you would like. Thank you for joining us today.

SUSAN LERNER: Thank you. I'm Susan Lerner. I'm the Executive Director of Common Cause New York, and I want to thank Chair Brewer and Council Members Lander and Mark-Viverito for the opportunity to speak on this very important resolution. I'd also like to acknowledge the Speaker's support of this resolution.

Common Cause has been active on the issue of Campaign Finance Reform, both conventional campaign finance reform and publically funded elections for decades. We were taken aback by the U.S. Supreme Court's decision. We think that it is a completely misguided

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2 decision, and we were extremely pleased to receive
3 notification of today's resolution, which we think
4 is absolutely essential and an extremely important
5 statement and action that we hope the City Council
6 will take. As New Yorkers, we think that New York
7 deserves and should always be on the forefront of
8 protecting our democracy. Historically New York
9 has been one of the cradles of our democracy. I
10 would point to Alexander Hamilton and John Jay,
11 who were two of the three delegates to the
12 Constitutional Convention, which set our current
13 200 plus year old Constitution and who were two of
14 the three co-authors of the Federalist Papers,
15 which was the seminal document which helped ratify
16 the Constitution, published here in New York. I
17 think we have a long history of supporting the
18 basic principles underlying our Constitution and I
19 agree with the position in the resolution that the
20 Citizens United decision is simply a misstatement
21 and a misunderstanding of our Constitutional
22 principles. It is clear that the vast majority of
23 Americans see it that way. New York is also the
24 home of Occupy Wall Street, which has been the - -
25 of a lot of attention and the focus of a great

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2 deal of public frustration with the ascendance of
3 corporations in our system. So the resolution is
4 absolutely the right thing for New York to do.
5 New York deserves to be a national leader and stay
6 at the forefront of the movement to protect our
7 democracy. In answer to some of your earlier
8 questions, Chair Brewer, this is a national
9 movement, and one of the things that we would ask
10 you to consider is that if Congress does not move
11 quickly on this, that the City Council should
12 consider the option of placing an advisory
13 question on the New York City ballot. Madison,
14 Wisconsin, Boulder, Colorado, Missoula, Montana
15 have recently done that. There are efforts
16 underway. Los Angeles and Oakland have both
17 passed similar resolutions. There are other
18 cities. I understand it's under discussion in
19 Chicago as well as other places, but New York is
20 the largest city in the country. We are the
21 leaders, and as I said, we have a pretty unbroken
22 history of protecting our basic Constitutional
23 principles. I think that it will have a
24 tremendous impact nation-wide to have this
25 resolution passed by the City Council. I think

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2 it's always important on a local level for our
3 elected leaders to strongly endorse the basic
4 founding principles and to restate the resolve of
5 New York City government to protect the rights of
6 natural persons in our laws, both in campaign
7 finance and in other ways. I think that a
8 statement of that sort from the City Council has
9 ramifications locally in terms of reinforcing the
10 right interpretation of our city laws. I am here
11 just to say thank you very much and we strongly
12 support this effort. We'll do everything that we
13 can to assist in its passage.

14 CHAIRPERSON BREWER: Council Member
15 Dilan?

16 COUNCIL MEMBER DILAN: [off mic]
17 Thank you, Ms. Lerner, for coming. You heard my
18 earlier question to the Executive Director and now
19 opinion... in light of the fact that for federal
20 elections, corporate contributions aren't allowed
21 and obviously there is separation of powers on all
22 levels of government, but just in your opinion,
23 how do you think they were able to render this
24 decision on localities given that for federal
25 elections these type of contributions are

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prohibited?

SUSAN LERNER: You know, it's very difficult for me as a lawyer to explain some of the reasoning behind some recent U.S. Supreme Court decisions, starting with the Bush versus Gore decision, where if I had-

COUNCIL MEMBER DILAN:

{interposing] It's a little bit of politics - - .

SUSAN LERNER: --bet money, every practicing trial lawyer that I knew said, "No way the Court is going to take this as political. They don't do political things." So I have stopped trying to get inside the minds of the majority of the Roberts' court. I don't have an explanation. Personally, I think it's completely wrongly decided. I think that it is ideologically driven, and that's why I think we need a clarifying amendment in our Constitution to ensure that this completely misguided approach to misinterpreting our Constitution is basically stopped.

COUNCIL MEMBER DILAN: I just find it interesting because if on the federal level, these type of contributions aren't allowed to have a federal entity kind of impose a different rule

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2 than what the federal government has on localities
3 is interesting to say the least. Just to speak to
4 my position on my question to the Executive
5 Director on corporate contributions, I think I
6 would consider at least entertaining—and I don't
7 like to - - . If it were up to me, ideally, and
8 I'll be honest, I'd like to take contributions
9 from wherever, but the rules and the rules, and
10 I've certainly followed those rules in every
11 campaign that I've had but I would—and I've never
12 taken a look at it before, but... In fact, in light
13 of the Board taking a consistent position on
14 corporate contributions, I would consider how I
15 view contributions for labor and the city program
16 going forward. I don't think I would eventually
17 get there, but I'd like to at least see the
18 rationale behind or at least delve into more the
19 Board's rationale as to why corporate is not
20 allowed, but labor organizations are allowed.

21 SUSAN LERNER: Well, there's
22 actually some pretty helpful U.S. Supreme Court
23 decisions that certainly pre-date the Roberts'
24 court. Because when you get into the actual legal
25 organization of different entities, there's a very

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2 significant legal distinction between the way in
3 which corporations are organized and the way in
4 which a labor union is organized. Corporations
5 are absolutely artificial, legal constructs.
6 Labor unions are associations of individual
7 people. You don't have an interposing artificial
8 legal entity, which is designed to break liability
9 between the individual and the conduct.

10 COUNCIL MEMBER DILAN: So I would
11 take that to be that your position is different
12 from the Board's?

13 SUSAN LERNER: We believe that
14 there's a difference in terms of the campaign
15 finance regulation of unions and incorporations.
16 We for instance differ with the Board's
17 interpretation of how to regulate independent
18 expenditures coming from labor unions. We think
19 that member to member communications—and we've
20 testified in front of the Board about this—is not
21 something that the Board should be spending a lot
22 of time worrying about. We have much bigger fish
23 to fry, which was alluded to in earlier comments,
24 which are millions of dollars of campaign
25 advertising which comes from entities with bland,

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2 confusing names, - - ways in which wealthy
3 interests can hide their identity and influence
4 our elections, and it's those sorts of independent
5 expenditures that I believe we should be
6 concentrating on to ensure the voter knows who is
7 talking to them about an election campaign. When
8 you get a mail or a phone call from your union,
9 you know who is talking to you, and you know how
10 you feel about that union, so you can decide
11 whether to credit that suggestion or not.

12 [crosstalk]

13 COUNCIL MEMBER DILAN: I have to
14 come clean and be honest and say I was playing a
15 little bit of devil's advocate here, but I just
16 wanted to see if positions were consistent across
17 all lines, and it turned out that way, so I'm glad
18 it turned out that way. I obviously believe that
19 labor organizations should have a right to
20 participate in the process as they currently do
21 and I'm very supportive of that. I happen to
22 agree with your differentiation in how both labor
23 organizations and corporate entities are organized
24 in that labor organizations are closer to people,
25 but I was attempting to have at least a little bit

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of fun here and was denied.

SUSAN LERNER: Sorry about that. We believe in organized people. We think the problem is organized money.

COUNCIL MEMBER DILAN: So do I, by the way. I just wanted to state that for the record before anybody gets the wrong idea. Thanks.

CHAIRPERSON BREWER: We've been joined by Council Member Vallone and Council Member Comrie, and now we are hearing from Council Member Lander.

COUNCIL MEMBER LANDER: I just didn't—I appreciate the Council Member Dilan's clarification, but I just want to point out for people who don't know that Citizens United actually makes it worse in the opposite direction. I mean, there is a principle position articulated by the Campaign Finance Board, but under Citizens United, there are rules that allow free spending applied to both corporations and unions; however, they leave in place restrictions that prohibit how unions can raise political funds and let corporations do it freely, so unions are required

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2 to allow members to check off that they don't want
3 their money going to political spending, but
4 shareholders are afforded no such privilege. They
5 are not allowed to say they don't want their funds
6 going to corporate spending. So - - in Citizens
7 United what we're specifically talking about today
8 it's totally upside down and allows corporations
9 unfettered raising and spending on politics while
10 there are restrictions on unions.

11 CHAIRPERSON BREWER: I know there
12 are a lot of good government groups in Washington
13 also. Are there efforts to try to deal with some
14 of the consequences depending on where this turns
15 out, and also obviously I think if you tell the
16 American public that a corporation is a person,
17 they would revolt. So I think that there is an
18 understanding of this in the real conscience of
19 America.

20 SUSAN LERNER: There definitely is.

21 CHAIRPERSON BREWER: I just want
22 you to comment on...

23 SUSAN LERNER: I cite in my
24 testimony to a February 2011 poll, which shows
25 that 80% of Americans disapprove of the Citizens

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2 United decision. This is not a left, right or
3 center, Republican or Democratic issue. This is
4 uniform. Natural persons instinctively recognize
5 that they're different from corporations and we as
6 Americans treasure our Constitutionally granted
7 rights and we just instinctively understand that
8 they belong to us, the people, and not we, the
9 corporation. I think there is a tremendous ground
10 swell and it is not restricted to any particular
11 political persuasion. There are a number of
12 groups at the national and the local level that
13 are very, very concerned about this and have been
14 doing legal research and coming up with possible
15 ways in which to attack this problem. I think the
16 best thinking is that a Constitutional amendment,
17 given the fervor that Americans feel about this
18 issue, is actually doable. I'm very appreciative
19 of the broad language of this resolution because
20 it allows Congress and those working on the issue
21 at a national level to craft the most effective
22 resolution as it goes through the Congressional
23 process. And so there are a lot of groups and a
24 great deal of momentum building around this issue.

25 CHAIRPERSON BREWER: I agree and I

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2 actually think given the mood of the country right
3 now, this is the kind of issue that could
4 galvanize people because it does have such
5 implications and it's very, very easy to
6 understand.

7 SUSAN LERNER: Exactly. I think it
8 is the perfect thing to address in a
9 Constitutional amendment because these are the
10 kind of broad principles that our Constitution
11 really memorializes.

12 CHAIRPERSON BREWER: And you also
13 mentioned that you believe there are other
14 jurisdictions besides Los Angeles. Are you
15 tracking those—

16 SUSAN LERNER: [Interposing] Oh
17 yes.

18 CHAIRPERSON BREWER: --or other
19 good government groups are tracking where this
20 momentum is gathering?

21 SUSAN LERNER: Yes. We have a
22 presence in 36 states, 21 states with paid staff
23 and we are actively engaged in this issue at the
24 local and in some cases at the state level. There
25 may actually be some discussions among states that

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2 are looking at putting this question on the
3 ballot.

4 CHAIRPERSON BREWER: Thank you very
5 much for your testimony as usual.

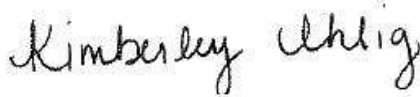
6 SUSAN LERNER: Thank you.

7 CHAIRPERSON BREWER: We are going
8 to conclude this hearing, but we will be voting on
9 this resolution on Monday. Thank you very much.
10 This hearing is adjourned.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 1/8/12