

Kirk Caldwell
Interview, 6/4/04
2:30 p.m.
His office, Ashford & Wristen

He starts with story of running into Grace Furukawa while going door to door with a short survey.

...you were the best something, much more than others.

[she told me you were almost a lobbyist for this bill.]

I found myself in that position because I really believe in the bill.

[when did you first learn about this bill?]

I didn't ever hear about clean elections until I got elected, and then I looked at things that I would like to get behind, and I thought one thing, in terms of reforming government, would be reforming our elections system.

I'm a corporate lawyer. My wife is vice-chairman over at Bank of Hawaii. We know a lot of downtown people. It's relatively easy for me to raise money compared to other legislators because I come from the corporate background, so I can get larger contributions.

But I thought, how do you restore trust to government? Why is it that back at the time of statehood, our voting rate was like 78 percent? Seventy-Eight percent of the people voted in elections, more than in almost any other state. Now we're one of the lowest, if not the lowest in the nation. Now why is that? Why did people who believed in the system stop voting? Because that's what, in the end, it is. And I think it's trust in government.

Why is that? Is it because they don't think we're going to do what they want us to do? Do they believe that no matter what they do, it doesn't matter, we're going to do something else? I don't have an answer saying this is what it is, I think it's a bunch of things. One thing is the money. I think people think if you don't have a lot of money, and don't give a lot of money, their vote doesn't count. Because even if they vote, it's really the people that give the money that the legislator's going to listen to. So if you can show people that these people getting elected are not voting because of the money they're receiving, but voting their conscience or what they think is in the best interest of the community or in the best interests of their constituents, maybe they'll come back and vote again. That's good.

I think the only way you can have a healthy democracy is if you have a significant portion of the people voting. Now you talk to hard core politicians, they really don't care how many turn out to vote, they just want to make sure the ones who are turning out are

voting for you, for their candidate, right? If it's 20 percent, so be it, as long as I get 51 percent of that 20 percent.

When you think about it, a guy like Ed Case won in that special election with 21 percent of the vote. So maybe it's good for you as a candidate to get reelected or get elected the first time, but I don't think it's good for a healthy democracy. And the only way you can make it healthier is by having a larger group of people participating in it and making you realize your vote does count no matter whether you're in an income bracket of 20-27% or you're someone making 200 or 300,000 a year and can afford to give 2,000 contributions.

I do think the other part, though, too, is this feeling that, um, clean elections won't answer. One part is the money that you get from contributions. The other part is they may think you only listen to the guys that have power, and I don't. We're talking about John Doe, Jane Doe, average citizen. You're going to listen to the unions, you're going to listen to the corporations, you're going to listen to the environmental group, whatever, who represent power because you're going to try to placate those people. And I don't have an answer to that other than to say if those people aren't the ones who are giving you the money to get you elected, their power is somewhat diminished. And I think that's good.

[I wonder how much of that powerlessness is people's direct experience and how much reflects cynical media? Most people haven't had direct experience with legislature or other elected officials.]

I do think it's the latter. What they see in the media, what they see in a movie even, you know, you've seen movies about the political process, you read a novel, or you listen to the media, whether it be print or tv.

[How much did your campaign cost you?]

I raised \$58,000 in one fundraiser. I spent about 40. Not too bad. Now I had a contested primary. I had four people running as Democrats. I was a first-timer. So I probably spent half in the primary and half in the general election.

You know, getting money...it almost made me emotional at times because people were trusting me by giving me money, that I couldn't let them down. I wanted to be a good legislator, a good person, because it's kind of like they were investing in me with hard-earned cash that they made. There was this one lady...I actually wouldn't take the money. You know, I love walking, I go door to door in Manoa, and I went in the flat area right in the makai side of the district park, Keoni Street. There's cute little cottages that were probably built right before the war. And an older Japanese lady said, "oh, I heard about you, and I want to support you. Can you wait a minute?" She went in the house and came back, she had a check for a thousand dollars. Honestly, I said, I don't want to be disrespectful, but I'm not going to take this money. You're a senior citizen, I don't want to do this. I'm humbled by what you want to do and your support. I'll never forget it. And I gave her back the money. I'll take it from someone...I just thought, she's probably on a

fixed income, her husband had died, her house is worth a lot of money but I don't think her income was there. But, I mean, there is something to say about getting a contribution from someone because they're saying, "I believe in you." It's one thing to say, oh, I'll vote for you, or shake your hand, I'm going to come wave, but to put out money, they're making an investment and I think you can't let them down either. So there's a little bit of that. So I'm saying that I would never have (predicted). Because I've worked on many campaigns, and I've been involved in fundraising for others, and I wasn't moved that way when I would call and say, would you give money to Mary Bitterman, who my wife managed her campaign in '88. And then my wife managed Dan Inouye's '92 campaign with Lenore Kwock, and I'd help raise money. It's not the same as when you're asking and people actually say, I believe in you, I'll give you some money to help you win.

I think it will bring trust back to government, I truly believe that. And secondly, if you believe in campaign finance reform, I think the only way to truly make it work, truly make it work, is through public financing, because McCain-Feingold, even the little tinkering we did in this last session with our campaign finance reform bill, money is like water, it will flow somewhere else. And in fact one of the justices in rendering their opinion said exactly that, that money will find a way, and as you see now, one way they're getting around it, for example, the NRA is buying a radio station as a way of getting around contributing. There's always going to be another clever way. In the old days it was setting up a pac to get around contribution limits. So I think as smart as we can be to create laws to limit money and influence, there's going to be some lawyer out there or some Rove-political kind of person who is going to invent a new way to get around it. And then there will be that further law to try and reform it. But if you take money out of it altogether and its publicly funded, I don't see how you can get around that.

So I think that's true reform in my mind.

I was willing to do it House first, but my goal was House, Senate, Governor.

[Who first introduced you to the bill?]

When I came in I saw that Blake Oshiro and several others were circulating a bill on campaign finance reform and I said, "I want to sign on to that bill," because I was looking for ways to bring trust back to government. And they said, oh, yeah, there's this clean elections bill. And I said, what's that about? And they told me about it, and I signed on to that one too. So the first session (2003) I was somewhat involved but it didn't get very far. But I was new to the process, and I got to meet Grace, Laure Dillon, and others. And as I looked at the two bills, and I watched our campaign finance reform get modified by Kawamoto and finally, when it came back from the Senate, in caucus I spoke out against it. They were saying, "do we pass this bill or do we work on it for next session?" And I said, this bill is not reform. This bill is actually backwards. It really was. In certain areas it was undoing reform. So I said, just, in my opinion, don't...come back next year, it's dead for this session. But the clean elections bill, I thought, this you can't tinker with. You can maybe increase the number of signatures you have to get, or the minimum

contribution, \$3, \$5, whatever. You can play with it that way but in terms of getting the money out of the system it was clean and simple. And I found that more attractive. Now, it didn't make it out of the Senate. So this year I thought, I'm really going to get behind that bill as opposed to the finance reform bill, which I would still support. I think any amount of improvement, and even the bill that came out, was better. Because it did limit contributions from people doing work with the state, nonbid contracts. And that's a step in the right direction, although there should be a lot more. I think it should actually apply to people who do bid contracts too. Why are contractors giving money to candidates? I think to a large extent its because they think you've got to play this game in order to get the work. It would be nice to take that out and say you can get the work by making the best bid.

So I'll go further than that, but hey, I'll support anything, I look at everything as incremental steps getting closer to your goal. But the Clean Elections was I thought the best true reform bill, and this year it did get out of the Senate and back to us in the end. So I was involved, but I'm a freshman, I'm not a chair or vice chair of Judiciary or any of the critical committees, but I did say I'd help move it along, and I sometimes find I can be very effective by working with the chairman and other people in the caucus.

In the end, I had a couple of people say, Caldwell, you're becoming a walking headache here because I just kept coming back on it. I'm not an idiot, I'm not going to commit political suicide on it, but I'm willing to at least try and push it further and at least get people to talk about why this is good.

But in the end, people are afraid to change. I mean, we all are, much as we might try to say we like change, all of us...we just bought a new house in Manoa, and we're now moving but I mean it's difficult, change is difficult, you've got things that come up, you don't have tissue papers, things you've got to learn that were easier before, and so there's effort, energy, and risk with change. But I think in the end, there were people, real influential decision makers in the house, who were concerned about what that change would mean.

No one can predict the future and know what the outcome would be.

[It seemed that no one really expected Kawamoto to move out of the way and actually have this come back to the house.]

I think that was part of it. Probably the bottom line question asked by Democrats was, "Is this an incumbent or anti-incumbent bill? Were you making it easier for your opponent to run against you and defeat you? Or were you helping retain seats in the house? And no one had an answer for that. I told them, I personally believe it wasn't an anti-incumbent or pro-incumbent bill. It really depended on the candidate and their talent and their ability to use what they get. I thought that if I was running the Democratic Party, and this bill was there, I would tell everyone who was a non-challenged candidate, someone who's going to be elected, Calvin Say, go clean elections. You don't have to worry. Those who

have real challenges, targeted races, I would say, don't go clean elections. You raise your money, and you can raise as much as you possibly can to use to fight your opponent. Because there are limits to the clean elections, to a degree. Now that's just thinking total politics, right? And the response back was, but don't you think the Republicans and the governor will do the same? I said, probably, but I don't think that hurts us. Cynthia Thielen, who gets more votes, percentage votes, than any other person in the House, she got like 73 percent, she probably would go clean elections. Why would she go out and raise money? But someone who they've targeted to run, and it looks like there's a chance, maybe they'll get behind it and say, we'll raise a hundred thousand for you. So both sides...in the end, I still think it works out okay.

[it looks like clean elections people had trouble getting to people in leadership.]

I think Blake Oshiro and Brian Shatz, both in leadership, are strong supporters. Blake worked very hard. But I think Blake is tired. I said, Blake, you're looking like an old man. Because he went through it the year before. You've got a limited amount of time, and what do you devote it to? And if I'm going to put all this effort into it to just have it die, why waste my time? That's probably how grace and laure and all the rest of them feel too. Why do we come back and do this year in and year out?

I don't know, in the end, whether you can pass this through the legislature because of that unknown. What does this mean for me, for my majority, or my minority, either side? And if you look at the two states that passed it, and I didn't know this until the guy from Maine came out...initiative, Maine and Arizona, initiative. Maine had actually tried for 12, or 7, I don't know how many years, they tried through the legislature. And it was only through initiative that they got it. And then I heard, even in Massachusetts, who did adopt it through the Legislature, turned around and through initiative, took it away. They did a referendum or initiative question, a simple question that went like this: Do you believe we should use public funds to finance politicians campaigns. Or your taxpayer dollars. The kind of thing most people say, Hell, No, why give politicians my hard earned tax dollars. It's how you word it, right? So it was taken away. So before it could go into effect in Massachussets they repealed what had been passed.

[I ask about what fat cats say? Did anyone lobby against?

I saw them lobbying neither for or against this bill. My impression is, I don't think they don't care that much. In fact I think some...see, they would not tell a politician this. They probably would Welcome this. "I don't have to deal with this any more. One, I don't have to give money away that I would much rather use pouring back into my business. And two, I don't have to worry about when I give it, am I getting into any kind of legal trouble either because I'm not monitoring how much I gave a candidate, which can happen, or somehow I'm giving it to the wrong organization or entity or whatever, right? You have to think that's a problem today, wouldn't you think? Particularly if you're in the construction business, would you want to give to any candidate? So they could be relieved. On the procurement, the non bid, I think they could welcome that. "gee, I wish I could help you but I just can't, there's a law against it."

[laure-feels these hidden funders were telling people...

I don't think so.

[Uncertainty....this big of a change requires a whole comprehensive review.]

I do agree that its part of this huge change, and any time you do a huge change in whatever it is, it takes a lot of vetting, people getting comfortable with what it is you're doing. Sometimes not even willingly learning, they just happen to hear it over and over and finally they absorb it, and say, okay, now I understand what you're doing. And I do think that in any kind of major legislation, true reform legislation, it does take years and years before you get it passed for that very reason.

I do think, and I would tell Laure this, I will tell her this if I do get reelected 'cause I want to see it come back, I think it truly has to be more of a grassroots effort. Well, they are grassroots, and they had a rally and all that, but what they've got to do is get people in each of the districts for the members of the house to contact their representative by mail, by phone, by email, by letter, saying 'we want you to adopt this bill.' Right now they hear it from Kirk Caldwell, you know, a politician, they hear it from Grace and Laurie and people like that, who aren't from their districts, and they think these are just those goody two shoes guys who believe that you do this and the suns going to come out and all corruption's going to go away, and people are going to start voting again, but they don't understand how politics really work. But if they start hearing from people in each of their districts, a groundswell of sorts (I don't think you have to have a huge groundswell) but they hear it from all over. I think that's going to be a more effective way of getting people to say, okay, let's try it. Let's see how it works.

[How did caucus deal with it?]

I'm trying to think if it was every discussed within the caucus. I don't think it was. I don't think it was something put on...like gas caps, which we did discuss a number of times. Death with dignity is something we discussed. But I don't think clean elections was ever discussed, you know, what did people feel, are you for or against? Leadership talked about it, and I talked to leadership about it.

[question re the house speaker.]

I think he believes that (supports reforms). You know, he went. You know they had two presentations at the capitol. One was with a former legislator from Maine. He did a presentation and all members of the house were invited. And speaker say was there. I haven't seen him at a lot of these. That's the first time I saw him there, and he stayed from the beginning to the end. It was a very low turnout, maybe ten people, but he was one of the guys there. I took that as a good sign.

And later on, I talk to him, because I was trying to figure out where the problem was, and he seemed to be in support. Probably he's more comfortable because he's going to be safe. Not that anyone is absolutely safe, but it would be hard to take him down. But relatively speaking, I think he feels pretty comfortable. He's been through the war enough times that he's a little more confident about change, that he knows he's going to be able to move with it.

I think it was more the younger members of leadership who are a little bit more concerned. And when you're young you tend to be a little more cautious because you haven't been around and been through the battles.

Part of it is there is a problem with some of the technical aspects of the bill that I think, in the end, is what killed it, even with some of the supporters. That had to do with these matching funds, the equalizing funds issue. They're not totally comfortable that should your opponent, who may not be a clean elections candidate, raised a lot more money, that you're going to get your money in time to have any meaningful impact on your election, because as you know, and how it usually works, you spend the bulk of your money in direct mail for the House. You're walking all the time, but you do your direct mail two weeks before (the election), and that's where you expend most of your money. And the way it worked is if the other side would have to file a report within 48 hours upon the money being committed. In Maine, they're trying to change that to 24 hours, they're trying to make it shorter. The bill that was introduced was 48 but they're saying we could change it to 24.

You see, that makes guys in the House nervous when they heard Maine already has theirs (law) but are still playing with it, trying to make it shorter. Because it was confirming, it was playing into their fear that there isn't enough time to get your money, to go ahead and actually order your piece, because it takes a while, right? Just trying to write up what you're going to say, get a picture, line up your printer, because you don't get it immediately, then they do a run sometimes on their schedule, then you've got to send it to Cardinal Mailing or whatever, and they say they need to two days, three days before to get it in the pipeline, and during the campaign season they actually need more time to guarantee it goes out at the right time. So that made people very nervous.

He knew his stuff and he was a good guy, and he was out here on his time trying to help.

But even when he answered those questions, I don't think it gave enough comfort to some of these people. I was willing to roll the dice, it worked in Maine, it got something like 78%, 73% of people elected in the senate, less than 50 in the house.

I thought, it works, it will work. Trust them.

[I ask about demands on campaigns, timely filing, 24 hour reports, etc]

Which was the other issue-you had Bob Watada dead set against it. And you think of Bob as a reformer, don't you? I do. And I think he's probably disgusted about what he's had

to do, and see, and deal with. I used to have pretty heated arguments with him. Hey, Bob, this is a lot better than your partial public funding because no one wants to do that one. It's like tying one hand behind your back and running for office. Trying to fight someone with one hand behind your back.

The fact that these people participate is because they're not serious candidates, in my mind. No one substantial who I've looked at has taken advantage. But I think he looked at it as a real burden on his office. There was going to be staffing given to him.

[I refer to philosophical diff—exp cap vs boost. He sees clean elections as chasing high expenditures]

He could be right in a way. But chasing to the higher level provides incentive to get more people to take advantage of the program. Because constitutionally you can't force someone to do this. His program, which is to restrain expenditures, very few people find it attractive. I think a very small percentage of those who filed papers and ran took advantage of it. So its an ineffective reform in my mind. It's not working.

They have the same problem: How do you match when you've got an opponent who isn't participating? Because that's the thing you will never know.

[for most people, it's just too late to respond in last weeks]

I tried to tell the people who are concerned in our caucus—the first time you sit down with guys who have done it before, and they tell you, this is what you have got to do at this point, this is where all your mailers go. Your opponent is doing the same exact thing. And even though you're doing your final mailings in the last week, you've committed three weeks before. Because by then you've worked with your graphics artist, and they want to get paid, the printer won't print until you pay them, they're not going to give credit to a bunch of politicians, they want it up front, your photographer wants to be paid up front, your mailing service wants to be paid up front, so you're committing 2 or 3 weeks out. I'm already planning mine 2-3 weeks out, and so I know within 24 hours what the other guy has done. And I say, okay, I'm doing it too. WE're both doing it. And I'm getting more money if they're outspending me. If we're both doing the same, it doesn't really matter, right?

So I think it can work. I was willing to take the risk. But as I told guys in leadership, I can understand your side. If I was your majority leader, or the speaker, I'm responsible for the rest of you in terms of protecting your majority. If I push this bill and two years later there's less of you there, and Ian Lind, you write an article saying that this legislation is actually anti-incumbent, true legislation, and it threw the old guys out, it would be on my shoulders because I allowed it to happen. So that's part of that risk. So I don't punish them. If part of my job is to protect...I can say it because I'm a freshman, I'm not in leadership, and I want to make change. But I was one of the managing partner of this law firm, and as a managing partner I looked at the whole firm. When I'm in litigation, I just look at what's important for this litigation. So you're responsibility shifts.

I gried to explain that to the clean election guys. They're not doing this because they don't like you or don't like reform, but everyone's motivations are different. You've got to figure out what motivates them. If you can make them feel comfortable because their fellow members are saying we want this, and they start hearing from people in their districts who mean something, they may tell leadership, go ahead, take the risk because we're willing, we want to take the risk. Then it's a little different, right? But most people weren't saying anything because most people weren't hearing it all that much.

I could be wrong. I don't know if they talked to every member of the House.

They all came to my office, and they were really pissed at that point. I said, hey, I'm trying to help you. They said: You tell them we're going to hold a press conference. We're going to embarrass them. And you use that as a threat. I go, well, my experience with these guys, particularly the local mentality, is you threaten, they're going to shut down. It's not going to make them get worried, they're just going to stop talking to you. And you're going to injure yourself next time.

I said, I think the Democrats overall are going to be more supportive of this than the Republicans, because in a money game the Republicans will always win over Democrats, generally speaking.

I find it obscene what Bush is doing. Yet the press writes about it like it's a stock report, oh, now we've hit \$230 million, like somehow there's a goal here, who can raise the most. I find it shameful. And a waste of money, people's money. Do you need to raise this much money to really win?

My ideal is, if one gets the same amount of money, and then your job is to have the ability to deliver a message, you have the brain to have good ideas, and you get out there and convince people why you're the better candidate.

It's kind of like the Lincoln-Douglas debates. Wouldn't it be great to have people coming around to different communities and arguing with each other on some issue? And that person has the better idea, or that person is able to convince me.

So instead of sitting in front of a tv camera, they're going all around the united states talking to people, shake hands, talking to groups, debates. Who says people wouldn't turn out if you made it exciting enough?

So I look at this thing as building the infrastructure of democracy. If there's a theme, a title, it's building that infrastructure. We still have a great democracy, the greatest way of governing people that's been created. Yes, there's a lot of abuse. Even Daniel Webster, who was in the pocket of railroads, used to complain about that influence and how it corrupted. He saw it back in 1824 and it was there at the founding of the country. Money will always be there, and it's how will you deal with it. You can get part of it out through the funding of campaigns. It will still be there, to try to feather your nest or say we'll help

you in some other way, give you a great job, or when you retire we'll give you a job, I'm sure there's those things that motivate certain people.

I think I'm a targeted race. People have told me I am, although I don't know how you know if you are or you aren't. they have one of those (district) pacs. So I'm prepared to probably get a smear at the end. I got one last time, two days before the general election. They called me the DC Man, Kirk Caldwell, DC Man. They took my face, off our web site, and stuck it on Ed Case's body in front of Congress, cause ed was running for Congress. Which, by the way, my partners told me, Larry Flynt got sued because he took a picture of Pat Robertson, or one of those guys, and put his head on some naked guy having sex with a woman. And they sued, because it looked like it could have been him or something. In other words, you can do it as long as people know it's a true parody.

So they did that, Kirk Caldwell, DC Man. On the other side, the theme was, everytime a Democrat gets into office, I go to DC. And every time a Republican gets elected, I leave DC and come back to Hawaii. So they say, Jimmy Carter elected president and Kirk Caldwell goes to DC and meets his wife. They don't mention I worked for Dan Inouye after graduate school and I met my wife, who was going to Georgetown Law School, who is from Hawaii. The next time I go to DC its with Clinton, but they don't mention that my wife is chairman of the FDIC. She used to be the bank commissioner here, and it's a great honor. And I continued to practice law, but I went up there to support here. But they make it like I went up there to work for Clinton. And then it says, Kirk Caldwell raises money for the same school that Chelsea Clinton went to. Our daughter went to the Skidwell Friends School, which is a Quaker school. That we knew nothing about before we went there. The Quakers are incredible people. Because the mornings were free for me because of the time change, every morning I'd take Mai to school and then I'd just get involved, mainly with mothers. It was a great experience to be close to my daughter and see how things were in the classroom. That's why I learned a lot about Quaker education and views. But they made me in charge of fundraising for the school.

On Wisconsin Avenue, close to the National Cathedral. Al Gore's son went there, Chelsea Clinton. She graduated before we got there. And we raised a couple of million dollars in the period I was there, and it was all for scholarships for inner city youth, basically. When we went there, our daughter was in pre-kindergarten. \$18,000. Not boarding! People complain about schools here, and I go, it's a deal. Punahou is a deal for what you get with all the infrastructure in there. But they wrote it that way, like somehow I was a political hack for the Democrats. In the end I don't think it really hurt me, but it made me paranoid about the next time. Because I think the next time will be a lot nastier. Is my guess, because they've got more interest, they've got a governor, more people, and they've raised an incredible amount of money. I think a lot of it is parked on the mainland because she's had fundraisers up there. And I think it will all show up here through these non-candidate pacs.

Death with dignity. I was one of the four who voted against recommitting it. That's one of those issues where I believe you have to educate the public. And every time you have a

discussion, it becomes more acceptable because people hear about it, it becomes part of the dialog. It's not as foreign to people.

Come to think of it, when we were kids, you couldn't marry someone of another race in much of the country. Today we don't even think about it. But I think those pioneers who did get married to someone of another race in those states changed the way people think. Now they don't even think about it.

That's the thing I was for. Even if it dies in the Senate, get it out of the house and let the senate deal with it. Cause maybe next time a few more senators will come along on that side. And the same with clean elections.

Most people, when you talk to them about taking money out of the system, they like that. I mean, I'm selling it my way, restoring trust, I do say its using tax dollars, but in the end you're going to get a larger benefit you're going to have much a healthier electorate whose going to be deciding on the merits and not on, gee, that person gave me the maximum contribution, I don't want to piss him off. And they like that.

More should be written about it so people will read about it, think about it, argue against it or for it.

He talks about fixed rail...assignment in his first year.

Souki. I thought he was the boogey man.
It turns out I love the guy.

A statesman.

Mentions death with dignity.

He rises, when its really important, to a higher level.

Metro makes dc a much better place.

Went to work for chemical bank in Venequela, met my wife and came home.
Understand how the banking

And my wife went into banking.