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# Only real, live people should have say in our elections

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In the 2012 election cycle, individuals and groups not directly connected to candidates spent over a billion dollars of so-called "independent expenditures" to influence the outcome of the elections — more than five times the amount spent in the 2008 election, according to the Center for Responsive Politics.

Our candidates for public office now know that if they support a public interest position against wealthy special interests, they'll likely face unrestricted and unaccountable punishment.

Perhaps most troubling is that so much of the money spent to influence our elections comes not from voters, but from artificial entities that are neither voters nor citizens.

This week, Jan. 21 marked the fourth anniversary of the 2010 decision in *Citizens United v. FEC*, in which the five Republican appointees to the U.S. Supreme Court concluded that any limitation of independent expenditures is unconstitutional. This and other rulings have released a flood of special interest money from corporations, unions and wealthy individuals into "Super PACs" — political action committees that do not coordinate their efforts with candidates — in order to influence our elections.

In its imminent decision in *McCutcheon v. FEC*, the Supreme Court may next  remove limits on the amount that individuals can contribute directly to candidates, inviting even more money from a tiny percentage of very wealthy interests seeking to influence elections.

These court decisions are based on a negative interpretation of the First Amendment

protection of free speech, as merely freedom from government interference. But we the people, in the public interest and through our government, have endeavored to protect free speech through campaign spending regulation and other measures designed to ensure that our representative democracy really responds to all people, and not just to money.

These decisions are ultimately based upon extending Fourteenth Amendment "person" status to non-human entities, such as corporations. But such entities are not among "We the People" for whom the Constitution and its amendments were composed. Natural human persons live, die and can balance their own self-interest with the interests of others. Corporations are not people; they are legal constructions that exist chiefly to maximize profit for their shareholders.

Limiting the use of corporate or union money to influence our elections is critical for our representative democracy and for "the public good, the real welfare of the great body of the people" that James Madison, the primary author of the Constitution, described in *The Federalist* No. 45 as "the supreme object" of government.

We cannot leave this to the fluctuating opinion seasons of the Supreme Court. It's clear that we need a U.S. constitutional amendment to make explicit that "only people are people," and that the involvement of artificial entities such as corporations in our democratic process should be carefully restricted.

As a preliminary step toward such an amendment, Common Cause Hawaii has supported resolutions recently passed by the Hawaii Legislature and the Honolulu City Council, urging our congressional delegation to initiate or support a U.S. constitutional amendment affirming that "only people are people" — that our democratic elections are for natural, human persons.

It is our hope that neighbor island county councils will pass similar resolutions, building a unified voice from Hawaii on this critical issue.

But that's just a start. A U.S. constitutional amendment will require significant and enduring support by the citizens of Hawaii and other states. For more information, contact Common Cause Hawaii at [hawaii@commoncause.org](mailto:hawaii@commoncause.org).