

## TESTIMONY FOR HJM2 - APRIL 1, 2015

Edith Roberts

With the *Citizens United v. FEC* decision in 2010, the Court swept away a century of precedent that barred corporate money in our elections, endorsing the dangerous fiction that corporations have the same constitutional rights as living, breathing people and giving **corporations a veto over democratically enacted laws**. The amount of money being spent on political activity has skyrocketed. This decision has intensified, if not wholly created, a world in which a big part of the money in a election campaigns and other political activity is spent by political entrepreneurs and strategists who are unanswerable to any institution. Candidates and parties who become the vehicles of outside interest groups no longer have control of their own campaigns. Although the more than a billion dollars conservative groups spent trying to defeat Barack Obama in the November 2012 elections may not have been successful, there is a phenomenal amount of money now going into state and local elections and political activity of all kinds, including, especially, judicial choices. This Supreme Court decision that gave corporations and wealthy interest groups the same right to political speech as individuals have, has removed virtually any restriction on money in politics, unleashing a torrent of money from businesses and the multimillionaires who run them. So we are now seeing the corporate takeover of American politics. This takeover threatens laws protecting the safety of our food, the air we breathe, our health care, our civil rights, and the fundamental underpinnings of our democracy—essentially, any law that could get in the way of corporate profits. The most direct result of *Citizens United* is that we can now no longer bar for-profit corporations and wealthy interest groups from spending limitless sums of money to take over our elections and influence political thought.

In crafting language for an amendment to bring control over money in politics, it is important to recognize the necessity of regulating how money is spent not just in elections but in political activity in general because of the extent to which wealthy corporate interests are manipulating political thought regarding issues affecting the public interest that go beyond issues related to elections. The language in HJM4 does this, although in other ways it is weaker than HJM2 because it rejects the constitutional rights of “all artificial entities,” including those formed for political purposes. HJM2 is silent on this issue. The constitution right of groups to form for political purposes, not for making profits, was won through some hard-fought judicial decisions which should not be overturned.

In general, HJM2 is superior to HJM4, and could be made better by modifying Line 6 to say:

“Whereas American elections *and political activity* should be free of the corrupting influence of excessive spending by...”

The key element in the language should be to recognize the importance of maintaining a functional democracy, in which all people have an equal voice in determining decisions regarding the public interest, the state has a compelling interest in promoting equality of political influence independent of wealth. Corporations cannot have opinions, and so should not be able to influence government or political decisions, except that people need to be able to assemble to express jointly held political beliefs, even if they incorporate for that purpose.

Finally, there is the concern expressed by some that an Article V Convention could be called for purposes other than to consider the amendment being discussed. But because any amendment must be ratified by three quarters of the states to have an effect, a so-called “runaway” convention could not successfully impose unwanted amendments on the nation.