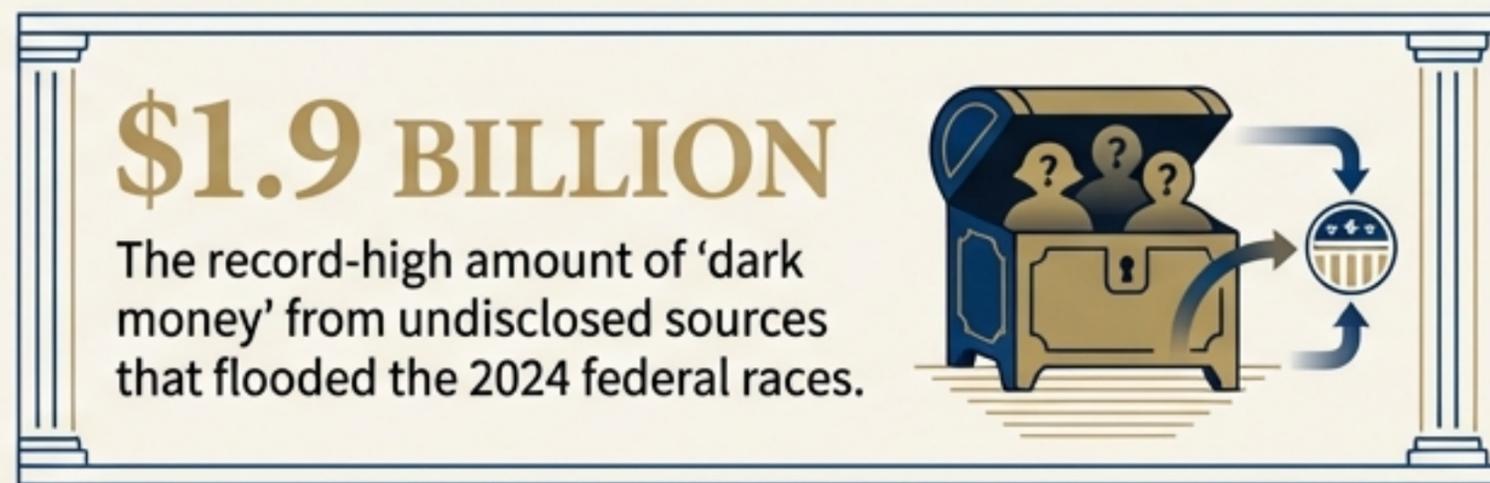
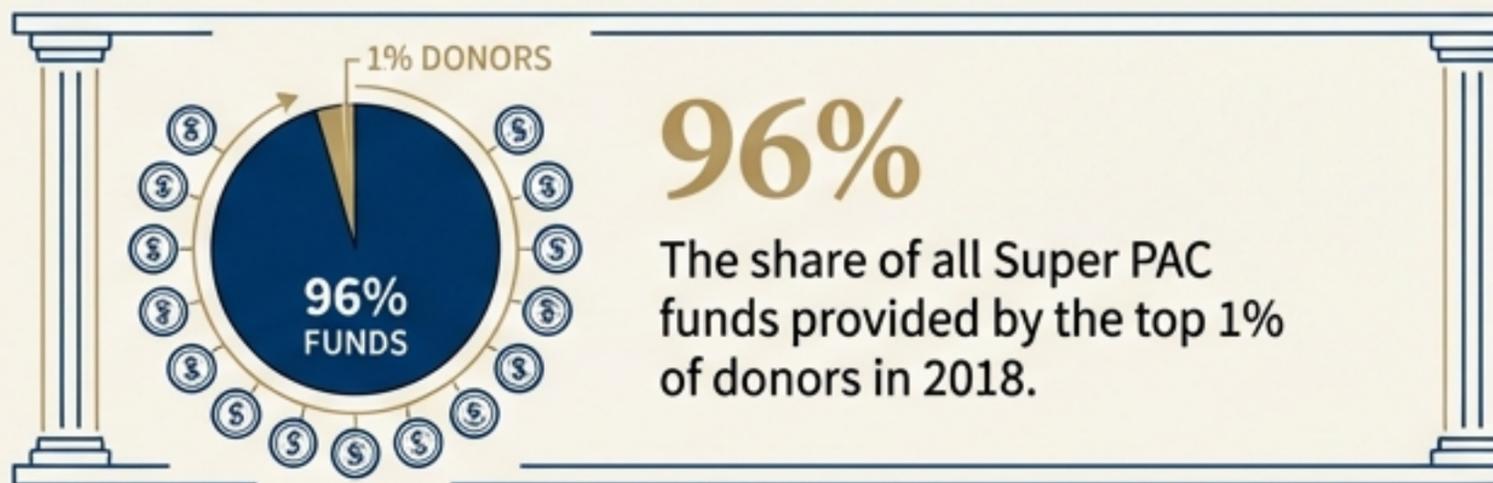
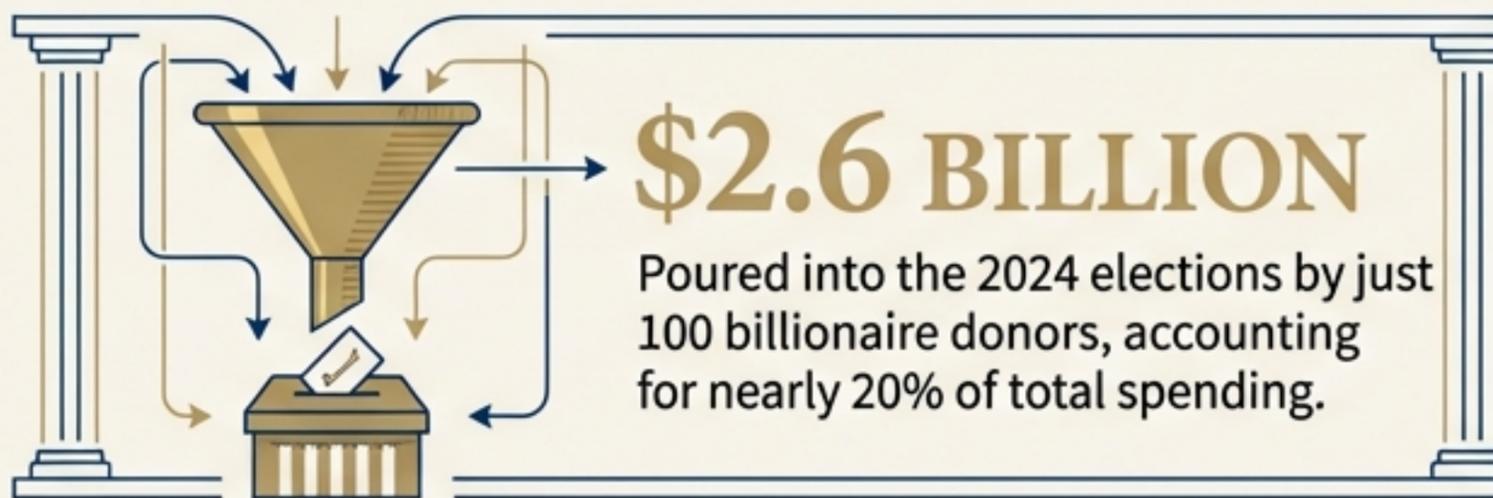


# The Democratic Execution Gap

How a Foundational Error in Legal Personhood Oligarchy, and the Master Key to Reclaiming Representative Government.

# A Crisis of Scale: The Data Behind the Democratic Execution Gap



Fifteen years after *Citizens United*, American democracy shows clear signs of strain. The sheer volume of concentrated wealth creates a structural gap between the political power of an ordinary citizen and that of a megadonor. One billionaire can now contribute the equivalent of 3 million small donors, creating a system where public trust has cratered and the U.S. is now rated a 'flawed democracy'.

# Visualizing the Gap: One Vote vs. \$6.4 Billion

This is the Democratic Execution Gap. On one side, the colossal power of the *universitas*—the artificial legal entity—backed by billions in concentrated capital. On the other, the individual citizen.

Since 2010, Super PACs have spent **\$6.4 billion** (or), creating a practical and almost insurmountable distance between the power of a single vote and the influence of unlimited, pooled wealth.



# The Execution Gap in Action: How Money Translates into Policy



## Pro-Corporate Policy Shifts

In states that threw out independent expenditure laws after *Citizens United*, lawmakers cut corporate tax rates by 4-8% and business-friendly tort laws, while unrelated policies like gun control saw no change.



## Distorted Representation

In those same states, GOP state legislative and gubernatorial candidates' electoral success jumped by 4-11 percentage points, shifting state governments to the Right without a corresponding shift in voter ideology.



## Weakened Institutions

These states also enacted more extreme gerrymandering and intensified barriers to voting compared to states unaffected by the ruling.

*The evidence is clear: unlimited corporate spending does not just influence debate; it directly remakes state policy and weakens the foundational institutions of democracy.*

# The Collapse of Legitimacy



**80%** of Americans believe donors have too much sway in Congress.



**70%** say constituents have too little.



**92%** agree that Congress prioritizes the interests of big outside spenders over constituents.

Public satisfaction with U.S. democracy has plunged to record lows. This “government-for-sale” perception is not a partisan feeling; it is a national consensus.

The Supreme Court’s claim that unlimited independent spending poses no risk of an “appearance of corruption” is directly contradicted by the overwhelming experience of the American public.

Source: Pew Research Center, via Roosevelt Institute.

# The Intellectual Cul-de-Sac: Why 'Money vs. Speech' Debate is a Losing Battle

For decades, reform efforts have been trapped. The Supreme Court's decisions, particularly *Buckley v. Valeo* (1976) and *Citizens United* (2010), have forced reformers into an impossible position: arguing against a fundamental right. By accepting the premise that "money is speech," any attempt to limit spending is framed as an attack on the First Amendment.

“ Court decisions...have tied the hands of Congress and the states to place reasonable limits on money in politics... The *Citizens United* decision even went so far as to grant corporations the same 1st Amendment rights as people.”  
— Craig Holman, Public Citizen

**This framing is a strategic error. The fundamental flaw in *Citizens United* is not about speech. It is a category error rooted in a misunderstanding of legal personhood.**

# A Master Key from Roman Law: A More Precise Vocabulary

The solution requires a more precise diagnostic tool. Roman law provides a foundational distinction between two types of legal capacity (*caput*) assigned to a legal person (*persona*). This is the master key to understanding the error.



## ***Capacitas* (Economic Capacity)**

The legal ability to transact, own property, and enter into contracts. It is the capacity of capital and commerce.

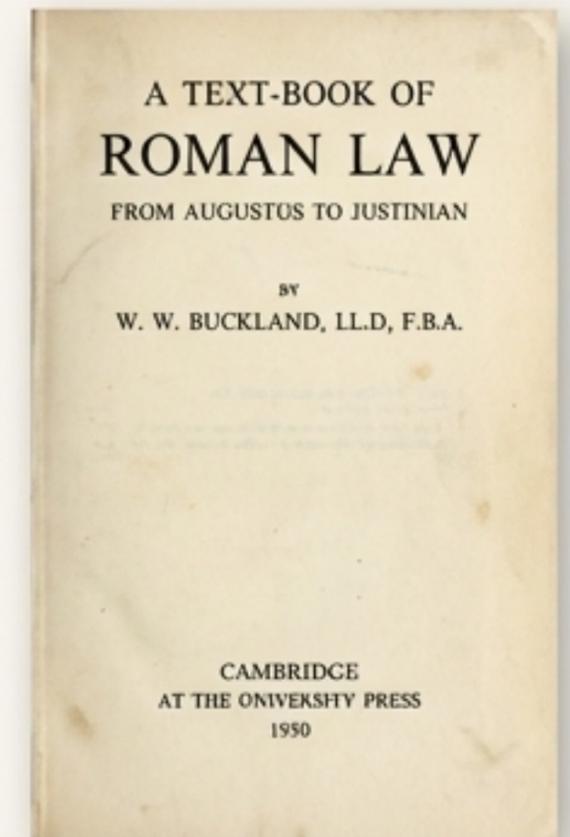
***This is the proper domain of a for-profit corporation (universitas).***



## ***Civitas* (Political Citizenship)**

The legal status of participating in self-governance. It includes the right to vote, speak on matters of public concern, and hold office.

***This is the exclusive domain of the natural person—the citizen.***



# The Category Error: How *Capacitas* Usurped *Civitas*

***CAPACITAS***  
(Economic Capacity)

***CIVITAS***  
(Political Citizenship)



*Citizens United* is not a free speech decision; it is a structural bypass. The ruling conflated economic function (*capacitas*) with political status (*civitas*). It allowed the power of pooled capital, which is inherently unequal, unequal, to masquerade as the political voice of a citizen, which must be equal. This is the foundational error.

# The Personhood Master Key: Reclaiming Control Over Legal Status

We the People  
We the People  
We the People

Legal Status Allocation

‘Consolidation  
of Wealth’

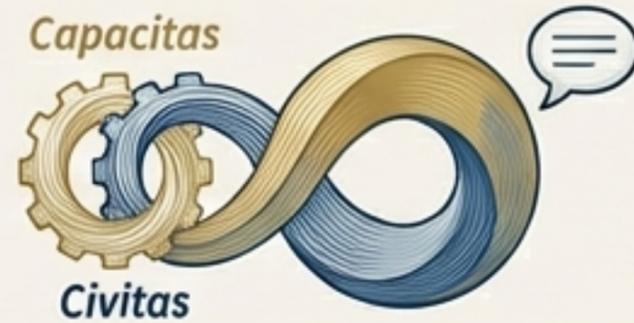
‘Protection of  
Individual Rights’

Legal personhood is a **manipulable category**. The analysis of a person’s legal standing (*caput*) is the master mechanism that **determines whether power is consolidated or dispersed**. By **correctly distinguishing *capacitas* from *civitas***, we can use this ‘master key’ to reserve political rights for natural persons while confining corporations to their economic function. This is not about eliminating corporate rights; it is about **allocating the correct rights**.

# Proof of Concept: A Tale of Two Systems

## United States (*Post-Citizens United*)

- **Doctrine:** Conflation of *Capacitas* and *Civitas*. Corporate treasury funds are equated with political speech.



- **Rule:** Unlimited corporate independent expenditures allowed.



- **Outcome:** The Democratic Execution Gap. Just 100 donors contribute \$2.6 billion.

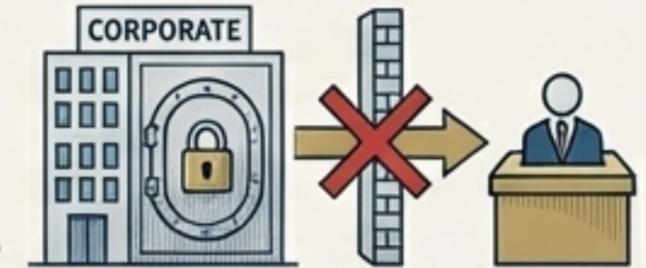


## France

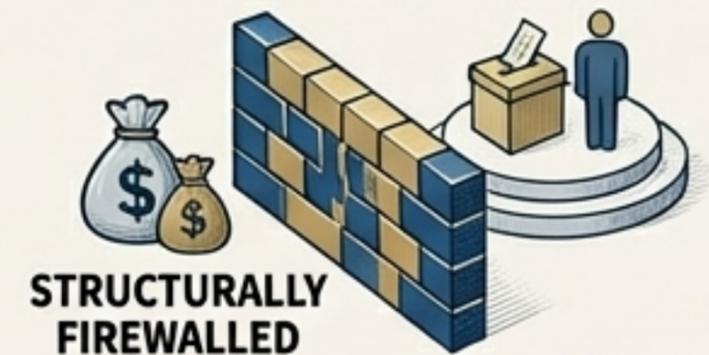
- **Doctrine:** Strict Separation of *Capacitas* and *Civitas*. Corporate capital is confined to the economic sphere.



- **Rule:** Absolute ban on donations from corporations and other legal entities to political parties and candidates.



- **Outcome:** Corporate treasuries are structurally firewalled from the political system.



*The French model proves that a democracy can thrive by legally separating the power of capital from the rights of citizenship. This is the Master Key framework in practice.*

# The Legal Architecture of the French Firewall

## Ban on Corporate Donations to Political Parties

---

Is there a ban on corporate donations to political parties?

**Yes.** Legal persons with the exception of political parties or groups can not contribute to the financing of political parties... or provide them, goods, services or other direct or indirect benefits at prices below those usually practiced.

(Article 11.4, Law no. 88-227)

## Ban on Corporate Donations to Candidates

---

Is there a ban on corporate donations to candidates?

**Yes.** Legal persons, with the exception of political parties or groups, can not participate in financing the election campaign of a candidate...

(Article L52.8, Electoral Code)

---

France's legal code explicitly denies economic entities (*capacitas*) the right to participate in political financing, reserving that role for natural persons. The legal framework is clear, comprehensive, and effective.

# The Personhood Error in Practice: A Taxonomy of Megadonors



**The Oligarch: Elon Musk  
(\$130M+ Personal Donation)**

Blurs the line between corporate power (*capacitas*) and direct governmental influence. His companies hold vast federal contracts while he personally weighs in on staffing and policy, using economic might to gain a quasi-governing role.



**The Pragmatist: Ken Griffin  
(\$100M in 2024 Cycle)**

Focuses on a transactional conversion of *capacitas* into policy. Political giving is tactical, aimed at electing business-oriented candidates and shaping regulations to directly benefit their bottom line, from hedge funds to cryptocurrency.



**The Ideologue: Miriam  
Adelson (\$132M+ in 2024)**

Substitutes personal capital for collective political will. Wealth is used to elevate passion projects and specific policy goals (e.g., U.S. embassy in Jerusalem), allowing a single donor's agenda to achieve a weight unsupported by popular consensus.

# The Path Forward: Adopting a More Durable Framework

Overturing *Citizens United* is necessary, but insufficient. We must equip the next generation of campaign finance law with a vocabulary that is immune to the category errors of the past. This framework enables clear, principled reforms:

## 1. Restore Limits on Spending

Establish that the First Amendment rights of *civitas* (political speech) are unique to natural persons and can be protected from the distorting power of concentrated *capacitas* (capital).

## 2. Publicly Finance Elections

Empower citizens by amplifying their collective voice (*civitas*) to compete with the influence of private capital.

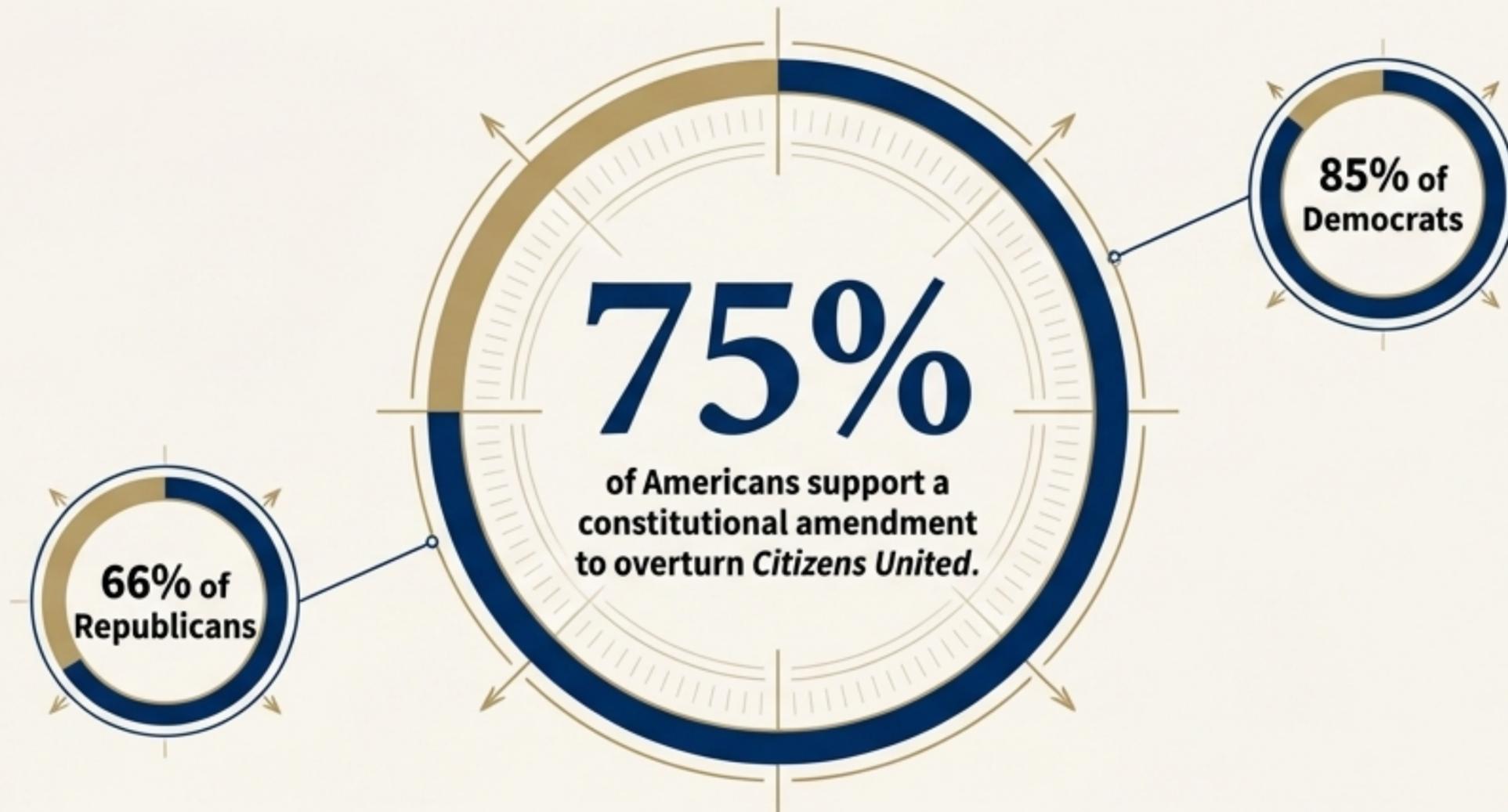
## 3. Incentivize Small Donors

Re-center the political process around the citizen, not the corporation or megadonor.

## 4. Build an Anti-Oligarchy Coalition

Link political reforms (voting rights, anti-gerrymandering) with economic reforms (wealth tax) to rebalance power away from concentrated *capacitas* toward ordinary citizens.

# A Mandate for Fundamental Change



The desire to fix our broken campaign finance system transcends political divides. An overwhelming majority of Americans, from across the political spectrum, support the most drastic step possible: amending the Constitution. Political will is already mobilizing around this goal, as seen in proposals like the 'Democracy for All Amendment'.

*"More than four out of five agree with the statement that 'the rich should not have more influence just because they have more money.'"*

Source: University of Maryland /  
Voice of the People study, via  
Public Radio International

# Legal Personhood Is the Mechanism. This Distinction Is the Master Key.



The architecture of democracy depends on a firewall between the power of capital and the rights of citizenship. For too long, we have fought on the wrong terms. By **understanding that legal personhood** is a tool we can control, and by applying the timeless distinction between economic and political capacity, we can design a system that is resilient, representative, and truly of the people.