

Directions:

1. Mark your confusion.
2. Show evidence of a close reading. Mark up the text with questions and/or comments.
3. Write a one-page reflection on your own sheet of paper.

Super PACs: All the speech money can buy

The new, supercharged political action committees are raising unlimited funds to sway the 2012 elections. How will that affect democracy?

What are Super PACs?

Super PACs are a new, supercharged breed of political action committees — organizations that raise and spend money to elect and defeat candidates. While PACs have been around for decades, Super PACs came into existence only recently, as the result of a landmark Supreme Court case in 2010, *Citizens United*. In that bitterly contested, 5–4 ruling, the court struck down part of the McCain-Feingold campaign-finance law, saying it infringed on the First Amendment rights of "independent" organizations, corporations, and unions to express opinions about elections. In fact, a federal appeals court ruled that year, these entities can spend unlimited amounts of money on political speech. Super PACs sprang up to serve as conduits of this spending. In 2010, these organizations poured a total of \$65.3 million into the congressional elections. That was just a start. For the 2012 elections, about 250 Super PACs will spend from \$600 million to \$1 billion, as Republicans and Democrats battle over the presidency and the future direction of the country. "The campaign-finance story of 2010 was big money," says Republican campaign-finance lawyer William McGinley. "The 2012 story will be even bigger money."

Why do Super PACs bring in so much money?

Because they provide a way to circumvent campaign-finance law. Individuals are still limited to giving \$2,500 to any federal candidate, while PACs set up by corporations, unions, and other organizations are limited to \$5,000 per candidate. But *Citizens United* effectively makes those limits moot: Individuals or organizations can write checks of any amount to a Super PAC. The only limitation is that Super PACs, as outside organizations, are not allowed to directly coordinate their efforts with a candidate's campaign. But that separation is largely cosmetic, and many Super PACs appear to be virtual extensions of the campaigns. Mitt Romney's Restore Our Future PAC is run by his head lawyer in the 2008 campaign. A former press secretary for President Obama heads his Priorities USA group of Super PACs.

Who contributes to Super PACs?

Mostly rich people with strong, partisan agendas. Jeffrey Katzenberg, the liberal DreamWorks CEO, has given \$2 million to Priorities USA Action, a Democratic Super PAC. The libertarian-minded Koch brothers' Super PAC, Americans for Prosperity, has pledged to spend \$200 million in 2012. In some cases, it's unknown who contributes to certain Super PACs. Under federal rules, Super PACs that set up an "educational" or charitable arm do not have to disclose the names of contributors. That loophole is now being widely exploited.

How do Super PACs spend their cash?

The emphasis is on attack ads of every kind. Take, for example, the current political ads of a Democratic Super PAC that calls itself Rethink, whose goal is to oust Sen. Scott Brown (R-Mass.). The \$150,000 ad campaign portrays Brown as a heartless tool of corporations and Wall Street who has voted to scuttle financial regulations and end unemployment checks to constituents. In response, Karl Rove's Super PAC, called Crossroads GPS, is paying for \$600,000 worth of ads that portray Brown's Democratic opponent, consumer crusader Elizabeth Warren, as an out-of-touch professor who favors the "radical redistribution of wealth" and is responsible for the violence and drug use at Occupy Wall Street protests.

Is this what the Supreme Court wanted?

In a sense, yes. The court's majority ruled that it is not the business of government to decide how much or what kind of political speech is appropriate, and that more speech ultimately means a more informed electorate. Corporations, the court said, have the same right to speech as any individual. Free-speech advocates also argue that campaign-finance laws, while well intentioned, serve to protect incumbents, who usually get the bulk of political contributions. Why not let everyone speak, and let the public decide? "Given the premises of democracy," Justice Antonin Scalia once wrote, "there is no such thing as too much speech."

How will Super PACs affect democracy?

There will certainly be more political speech than ever. As November 2012 approaches, no one will be able to turn on a TV without seeing a political ad featuring ominous music, unflattering photos of candidates, and alarming rhetoric. Super PAC ads tend to be the most negative of all, because they aren't directly sponsored by candidates, so there is plausible deniability when the ads cross the line into deception and character assassination. That kind of ad may sometimes backfire. But in the long run, allowing deep-pocket contributors to write checks for unlimited amounts — sometimes anonymously — will inevitably add to the growing partisan bitterness in politics, and give well-funded vested interests even greater influence. Craig Holman of Public Citizen, a good-government advocacy group, said one Capitol Hill staffer explained the influence of Super PACs to him this way: "How do I say no to a corporate lobbyist with deep pockets, knowing that the corporate client can spend unlimited money to unseat my boss?"

The dirtiest Super PAC attack

Even in a country where attack ads are an art form, the ad produced by Turn Right USA against Democratic congressional candidate Janice Hahn of California may have set a new low standard. The ad, which never aired on TV but went viral on YouTube, superimposed Hahn's face on the body of a stripper, and used black actors to portray gang members. While rap music played, and images of criminals (including Charles Manson) floated by, "gangstas" plucked dollar bills from the stripper's panties, singing, "give us your cash, bitch," as a narrator said that Hahn helped gang members get out of jail "so they can rape and kill again." Hahn blamed her Republican opponent, wealthy Tea Partier Craig Huey, "and his cronies" for using a Super PAC to create the ad. But Huey said he had nothing to do with it, and Turn Right said the ad was "definitely not authorized by any candidate or candidate's committee." The ad may have created sympathy for Hahn, who cruised to an easy victory. In the final frames of the ad, which can still be seen on YouTube, the Super PAC got the last word: "Suck it, McCain-Feingold."

Source: *The Week* 12/16/2011

Reflection ideas:

- Do you agree or disagree with the Supreme Court's decision to allow super PACs? Why? Why not?
- Do you think the number of political ads should be limited? Why? Why not?
- What reforms to the election process would you suggest?