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Super PACs Could Shape Next Presidential Elections

By Ren LaForme, Political Columnist – July 6, 2011

The presidential elections of 2008 were historic in that Americans elected the first black president, and some argue the 2012 elections could follow suit in momentousness – not because of who gets elected, but because of who does the electing.

Changes to election laws in the United States since the last elections – largely stemming from the landmark *Citizens United v. Federal Election Commission* case – now allow corporations, unions, groups and individuals to raise unlimited funds for candidate elections.

In *Citizens United*, the Supreme Court ruled that *Citizens United*, a conservative nonprofit organization, could legally air television commercials and a documentary critical of Hilary Clinton just prior to the election. [1] This decision overturned the McCain-Feingold Act of 2002 – which prohibited corporations and unions from using their funds to create ads mentioning a candidate just before an election – and made it possible for corporations and private entities to spend unlimited amounts of cash to publicly support or disparage a political candidate. [2]

Now, groups of all political affiliations are forming across the country in an attempt to influence the next presidential election. These groups are a form of political action committee, or PAC, officially called “independent-expenditure only committees” but more colloquially known as “super PACs”.

Since their inception in the early 1900s, PACs have been limited. They can only funnel \$5,000 donations to candidates or \$15,000 to political parties every year. Additionally, an individual may only donate up to \$5,000 a year per PAC. [3]

Super PACs, however, have none of these restrictions. They allow for unlimited donations as long as the money goes toward targeted issues, or “independent expenditures”, and not directly to a campaign or political party. [4] Additionally, they permit direct attacks on candidates that were not allowed under previous laws. According to Trevor Potter, a former Federal Election Commission chairman, super PACs are the “clearest, easiest way to spend unlimited funds on an election.” [1]

A super PAC whose primary goal was to bring down Senate Majority Leader Harry Reid in 2010’s midterm elections demonstrated how a wealthy individual can attempt to shift the elections under these new rules. Joe Ricketts, founder of Ameritrade and owner of the Chicago Cubs, funneled \$600,000 into a super PAC called the “Ending Spending Fund” in Nevada. [4] The fund bankrolled ads in the state highlighting Reid’s use of earmarks and criticizing him for engaging in “wasteful government”. The ads suggested they were paid for by concerned taxpayers, but they were funded solely by Ricketts –

July 6, 2011

who, according to election laws, was not even legally obligated to release his name.

Within nine months of the Supreme Court's Citizens United decision, super PACs were spending \$4 million per week and registering at a rate of almost one per day. [1] They may even have influenced the outcome of the 2010 midterm elections. Super PACs favoring GOP candidates outspent super PACs favoring the opposing Democratic candidates three to one just before midterms – a set of elections that saw massive gains for the GOP. [1] They are hoping to pull off a similar victory next year.

A super PAC named “Restore Our Future”, formed by a group of supporters of Republican presidential candidate Mitt Romney, reported in July that it received \$12 million in the first half of the year. [5] Another group called “Crossroads GPS”, which was started by Republican consultant Karl Rove and others, began a \$20 million media attack on President Barack Obama's economic policies in late June. A pro-Democrat group responded with a hardly comparable \$700,000 campaign to support Obama. [5]

Politicians, journalists and members of the media representing a variety of political parties and viewpoints have criticized Citizen United's unleashing of the super PAC army. Shortly after the ruling, Obama said that Citizen's United “strikes at our democracy itself” and “[it] gives special interests and their lobbyists even more power in Washington – while undermining the influence of average Americans.” [6] During his annual State of the Union Address, he said that the ruling allows foreign interests the ability to influence American elections, which resulted in controversy when cameras caught Justice Samuel Alito openly disagreeing with him just a few feet away. [7][8]

Obama's one-time presidential candidate rival, Republican Senator John McCain, seemed to agree with him. “There's going to be, over time, a backlash ... when you see the amounts of union and corporate money that's going to go into political campaigns,” he said. [9]

Comedian Stephen Colbert, always seeking to parody an absurd situation, used the opportunity to petition the FEC for his own super PAC. The FEC ultimately granted his wish, with some restrictions, but that failed to stop Colbert from taking to the streets with an iPad and a credit card reader after the verdict. [10] “Please donate, nation, because you can't spell ‘donation’ without ‘nation’ and ‘dough’,” he said. [11]

Colbert's super PAC approval may actually have had bigger implications than he initially realized. The FEC took extra time to examine Colbert show publisher Viacom's role in the super PAC. They ruled that Colbert could form the committee and promote it on his show, but not any other shows on the network, without breaking disclosure rules for Viacom. [12]

This may have implications for networks like Fox [News](#), which employs Mike Huckabee and Karl Rove, both of whom are affiliated with super PACs. The ruling opened the door to future “media exemptions”, allowing media outlets that employ politicians to give undisclosed contributions to favored candidates. Politicians employed by media companies may now be able to use their television

July 6, 2011

shows to raise money for their super PACs without worrying about disclosing it. Colbert suggested Rove thank him for doing the work for him. “I just made it perfectly above-board legal to talk about your super PAC on air and to use your corporate show to promote your super PAC in any way,” he said. [10]

Still, as always, Colbert managed to pry and parody enough to cut at the heart of the matter, as he gloated over the fact that a foreign man had just donated to his super PAC right in front of FEC headquarters.

Sources

- [1] http://www.washingtonpost.com/wp-dyn/content/article/2009/03/14/AR2009031401603_pf.html
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