



Panel discusses campaign financing, free speech in 2012 election

Egalitarianism, government-involvement, disclosure debated

By Juliette Laaka | Oct 23, 2012



Photo by: Juliette Laaka

The audience listens to panelists speak on campaign finance issues Oct. 19. The event was sponsored by the Coastal Senior College. Panelists from left, Joe Steinberger, David Crocker, Andrew Bossie and moderator John Grossbaum.

THOMASTON — A panel discussion sponsored by the Coastal Senior College Oct. 19 invited distinguished citizens to speak on money, voting rights and the media in the 2012 election.

Andrew Bossie, executive director of Maine Citizens for Clean Elections, David Crocker, director of the Center for Constitutional Government of the Maine Heritage Policy Center, and local attorney, columnist and activist Joe Steinberger debated positions and accepted questions from the audience. John Grossbaum of the Judge Advocate General's Corps acted as moderator of the event.

"Our republic is facing a crisis in confidence," Bossie said adding, the

public views the system as broken, and the concept of one person, one vote is compromised by money influencing campaigns and legislation.

Bossie said millions of dollars spent to influence elections and the outcome of legislation has given wealthy individuals, unions, special interest groups and corporations with resources a greater voice and leveraged influence.

Less than 200 individuals fund 80 percent of super political action committees in the nation, he said, disenfranchising the average citizen earning a median income.

"Do we have a democracy that is truly of, by and for the people, where one person, one vote really means something, or are we a democracy where our elected officials are accountable to the highest bidder?" he said.

Bossie described recommendations to preserve democracy where each vote carries the same weight.

In 1996, Maine adopted a citizen's initiative for public financing options for candidates running for governor, a state House or Senate seat. Bossie said this initiative reduces financial influence and provides opportunities for hard working people with good ideas, but limited resources, the opportunity to run for office. The clean elections system is funded by taxpayer money and candidates can't accept other campaign contributions. To qualify for funding, a candidate must collect a minimum number of \$5 checks from citizens in the district they're running in.

The intent is to keep clean election candidates on a level playing field with privately-funded candidates.

Bossie said meaningful disclosure is also necessary for voters to understand who is funding and disseminating political messages and advertisements.

The January 2010 U.S. Supreme Court narrow ruling of *Citizens United v. Federal Election Commission*, that money is speech and corporations are subject to the same rights as individuals, was a terrible

decision, said Bossie.

"Free speech is ability to use speech, regardless of what's in the bank account," he said. Incorporated entities, unions, non-profit organizations — where the idea is that corporations are people, spending unlimited sums of money — is ridiculous, he said.

Bossie said he differentiates free speech from "paid political speech."

The amount of money spent in Maine this election cycle from special interest and out-of-state groups is five times more than in 2010, he added.

Bossie proposes a constitutional amendment to regulate the raising and spending of campaign funds and clarifying the nature of corporate entities in campaigns.

David Crocker, taking an alternative stance, said he is concerned with anything that infringes free speech and said the core of democracy is the opportunity to make opinions heard and finance campaigns as desired.

He said concentrated power in Washington, D.C. and the regulatory apparatus is the problem.

"Politics and political campaigns cost money," he said, citing his involvement as the state chairman of Maine Voters Bill of Rights in 2009. Crocker said his camp lost the election when \$1 million of ads were broadcast near the end of the campaign. "But you'll never hear me snivel or cry about it — that's the way the cookie crumbles. Next time out, we'll do a better job raising funds," he said.

Crocker said radical egalitarianism and the idea of equality should not be imported into the First Amendment, as the purpose of campaign finance laws is to level the playing field for candidates. "Misplaced notions of equality have no place in the First Amendment," he said.

"Some candidates are simply better and more attractive than others, and it's no place of the government to determine who gets what," he said.

Crocker added campaign finance is more about politicians than

constituents. "What has resulted from the Citizens United decision is not the 'boogie man' that everyone has said it is, it is not about corporations and corporations are aggregates of people," he said.

Corporate spending in campaigns is less than 20 percent, most donations are given by individuals, and the rest is contributed by nonprofits and unions, Crocker said.

"Giving money to a campaign is an expressive act under the First Amendment," he said.

Panelist Joe Steinberger said he had a qualification the other panelists didn't as part of political organizations — he was not paid to give his opinion "I think that's important," he said.

He said money has too much power in the system — a fundamental problem of democracy and economy. He compared poor food choices from advertising to the political choices from advertising.

Steinberger added that under these circumstances, government regulation is also more likely to hurt the public than help and added there are principals of freedom at issue.

"Public awakening must come before legislation," he said, adding, "the American people are not paying attention."

Steinberger said he has a lot of respect for the judicial system, and added it's not fair to say Citizens United is ridiculous as there are real issues at stake.

He said the one person, one vote aspect is becoming weaker and the power of special interest is stronger, but added he is skeptical of legislation to mitigate the problem. Steinberger said it will "take some major upheaval for people to realize you can't just keep allowing this."

Bossie agreed that a public awakening is necessary. Money spent in U.S. elections in 2012 for independent political action committees totals \$700 million, he said.

Clean election funding totals \$4,000 for a House race and a little less than \$20,000 Senate campaign, he said.

The state's bi-annual budget is \$6 billion, and clean election funding apportions \$2 million each election cycle, said Bossie. "\$2 million for a democracy sounds like a good deal to me," he said.

In 2011, the U.S. Supreme Court also struck down matching funds for clean election candidates under the premise that a privately-funded candidate will be deterred from raising money if the opponent receives financial matches, essentially limiting their free speech.

The financial matches were provided to a limit.

The problem, said Bossie, is that interest groups are able to pin-point competitive district races in the state and decide where to expend money to defeat clean elections candidates. "They [clean election candidates] have no way to respond to a high amount of money — they are sitting ducks," he said.

Fewer candidates are now using clean elections money and Bossie said that trend is likely to continue.

Crocker responded that a statute to balance interests is not going to fix problems, "I don't believe in utopia," he said, and added the issue will be an ongoing conversation.

"Money is speech," he said, and added if citizens want to spend money to propagate their views, it's their right.

"Having more money doesn't equal victory," he added.

Crocker said he is wary of a system paid for by taxpayers funding a politician and would rather see laws liberalized to enhance free speech.

Bossie countered saying that candidates seeking funding will often look for constituents that are able to give more funding, and if candidates spent half their time courting wealthy donors, it undermines the principal of each vote carrying the same value.

"Having 40 to 50 percent of an elected official's time being spent on fundraising — and not just \$5 dollars, but those big matches — that is fundamentally wrong with our election process — the fact that candidates have to be attractive to the wealthy," he said.

On the issue of whether financial support to a cause or candidate should be disclosed, Crocker said no, because if a view is unpopular, it would subject some to harassment and retaliation. He said generally disclosure is good, but not in all instances.

Bossie said that people utilizing free speech, such as standing on street corners and holding signs, subjects those exercising that right to be publicly-known and often harassed. "But you're saying if it's money, we should protect people when they're using money as speech from that type of harassment?"

Bossie added that accountability is important to distinguish if people or groups are promoting a lie.

"I'm not one of these people that believe we're not all shrinking violets that can't distinguish the truth from a lie," said Crocker.

On the issue of voter identification laws, the panelists again assumed differing opinions. Steinberger said suppressing the right to vote through trying to ban same-day registration and requiring identification is hostile to American democracy and said he finds it "disturbing."

Crocker said providing proof of identification to cast a vote doesn't seem "burdensome."

Bossie said more people are hit by lightning in the U.S. than commit voter fraud. He added that in Maine, if a person is 18 years old or older, live in the state and are a U.S. citizen, they are eligible to vote. He said it helps to have photo I.D. or a piece of mail, but a person cannot be denied the right to vote.

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Panelists, from left, David Crocker, Andrew Bossie and moderator John Grossbaum listen to fellow panelist, Joe Steinberger (not pictured) Oct. 19. *(Photo by: Juliette Laaka)*