

# Editorial

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## Money and Politics

The U.S. Supreme Court has established that, even though corporations are artificial creatures of law, they have the same standing as persons under our Constitution. But that determination was made long before the 2010 Supreme Court decision that gave corporations, unions and wealthy individuals the right to spend unlimited funds to influence elections.

Corporations gained personhood status in the United States through an 1886 Supreme Court decision on a case called *Santa Clara County v. Southern Pacific*. And it was a simple assertion by a single judge, entered into the summary record by the court reporter, and not a vote of the court that established the doctrine of corporate personhood that now has existed for more than a century. So the assertion that the Roberts court, in its 5-4 *Citizens United v. Federal Election Commission* decision of 2010, defined corporations as persons is inaccurate.

The ruling, however, opened the door to a largely unregulated flow of money — gigantic sums of money — into our election process from those seeking to influence the outcomes to their own advantage. According to the Sunlight Foundation, a nonprofit organization that works to make government transparent and accountable, dark money played a major role in the mid-term 2010 elections. The foundation found that \$126 million of the \$454 million spent by outside groups for such things as negative political ads came from groups with secret donors.

Here's how it works, according to ProPublica journalists Kim Barker and Marian Wang. The *Citizens United* ruling paved the way for Super-PACs — committees that can raise and spend unlimited sums of money from individuals, corporations, unions and other groups to influence elections — as long as they don't coordinate with any candidate or political party. Super-PACs must disclose their donors, but that disclosure can be delayed until months after an election. And by combining a Super-PAC with a nonprofit 501(c), which can include labor unions, trade associations and other special interest groups, the identity of donors can be completely shielded. "Corporations

and individuals could then donate as much as they want to the nonprofit, which isn't required to publicly disclose funders," wrote Barker and Wang. "The nonprofit could then donate as much as it wanted to the Super-PAC, which lists the nonprofits' donation but not the original contributors."

And while the identity of donors can be hidden from the public, there is no rule that says they can't tell the politicians directly about their support, if they choose to do so.

Supreme Court Justice Anthony Kennedy, who wrote the majority decision opening the door to such spending, cited prompt disclosure as the means of providing citizens "with the information needed to hold corporations and elected officials accountable for their positions and supporters. But in reality, that prompt disclosure does not exist and Congress has yet to legislate a meaningful disclosure system. In fact, no such legislation is even pending. The Sunlight Foundation has drafted a bill that, if enacted, would at least make a start toward addressing the corrupting influence of unlimited political spending. It would:

- Ensure disclosure of donors who fund independent expenditures and electioneering communications made by Super-PACs or other 501(c) organizations.
  - Require real-time, online disclosure of all reports with data in searchable, sortable, machine-readable formats and including unique IDs for all filers.
  - Require disclaimers and identification of top funders in an ad.
  - Require registered lobbyists to report their spending on independent expenditures and electioneering communications.
  - Require all candidates and committees to file electronically with the Federal Election Commission.
- It's time for Congress to show the collective courage to require public disclosure of every single political donor in America and the amount of his or her contribution. The Sunlight Foundation proposal is not an all-encompassing solution to the corrupting influence of unlimited political spending, but it could be a critical first step.

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LAST LEAF ON A TREE

ELLSWORTH AMERICAN PHOTO BY HUGH BOWDEN

*Think on the last leaf on the tree  
And how you'd feel if it were thee.  
Thy friends departed, one by one,  
Abandoned by the Winter sun.*

*No chlorophyll to warm your veins.  
No Summer winds or Summer rains.  
No good companions on that branch.  
No horses neighing on the ranch.*

*No happy sights or cheerful sounds  
As life pursues its daily rounds.  
Things ain't what they're cracked up to be  
If you're the last leaf on the tree.*

— BY JAMES RUSSELL WIGGINS  
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## The Disappearing Atlantic Bridge

By Marvin Ott

Conversations these days with Europeans closely involved with the United States often take on a notably pessimistic tone. Viewed from Europe, the historic relationship with the United States — the Atlantic bridge — is in relative decline. That perception, and the angst that goes with it, is based on a reading of major trends on both sides of "the pond."

Everyone is familiar with the ongoing European economic/financial crisis. As of this writing, it now appears likely that the once unthinkable will actually happen. Greece, a member of the Eurozone (countries that use the Euro as their currency), will be forced to declare bankruptcy and return to the use of its former national currency — the drachma. Discussions within the European Union con-

cerning Greece appear to have moved beyond "whether" to "when and how." Whether any other Eurozone nation will have to walk the plank in similar fashion remains to be seen. Portugal will receive a lot of intense scrutiny over the next few weeks.

As we have noted before, the European crisis is very complex but is rooted in two simple realities. First, much of Europe (particularly those in the southern tier) has been living well beyond its means for many years. Now all the accumulated debt has become unportable, or nearly so, and the IOUs have come due. Second, the institutions of the new united Europe have proven to be conceptually flawed. A working assumption behind the "European enterprise" is that Europe is a real thing with an organic identity that will command the imagination and loyalties of its peoples. But Iceland and Italy or Lithuania and Portugal are very different places. Many young people in these countries do feel a European bond, but it is not strong enough to provide a genuine democratic foundation to European institutions. European governments do not dare put their participation in the EU and Eurozone up to a popular referendum. As a result, we have EU institutions, centered in Brussels, that are unselected by bureaucrats. Those bureaucracies are invested with real power over the lives of Europeans and a great many people resent it when that power impinges on them as it does with regularity. In sum, democracy is the established political norm in Europe, but the EU lacks a genuine democratic foundation.

Meanwhile, something else is going on: the folks on the American end of the bridge are increasingly and very overtly turning their attention away from Europe toward Asia. This was made explicit and authoritative

when the President recently visited Asia and talked about America's growing economic and military presence in the Asia-Pacific region. Again, there are powerful underlying forces at work. Asia, not Europe, is an arena of strong economic growth. The U.S. economic recovery is increasingly tied to the growth of China, India, Korea, Taiwan and Southeast Asia. This last year, General Motors reclaimed its position as the world's largest vehicle manufacturer. Much of that achievement was based on its success in the China market.

Every European defense official took note when Secretary of Defense Panetta announced that as U.S. defense budgets contract, so will the American military presence in Europe — in order to sustain an ongoing (and even growing) U.S. military presence in Asia. For Europeans, the obvious question is what this means for NATO. That question becomes particularly urgent in the face of declining (and already low) European defense budgets. Bluntly put, the drawdown of U.S. forces will not be offset by a greater European effort. It is noteworthy that Britain has no operational aircraft carrier and was able to mount an air campaign over Libya only because it gained access to an airfield on a small Italian island. Was the operation in Libya NATO's last gasp? As European military capabilities decline, so will strategic ambitions. It seems likely that in the future, European security concerns will be limited to Europe itself and will involve such low intensity operations as controlling smuggling and illegal migration from North Africa. If, God forbid, a war starts with Iran, the military burden will fall almost entirely on the United States, with Israel cheering us on. The only NATO ally in a position to provide serious help will be the government of Turkey. [That is the same democratically elected government that Texas Governor

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## Offshore

nuclear settlement could help break this logjam.

First, some background. At the moment, Israel is the only Mideast country with a nuclear arsenal. Israel has opposed even discussing nuclear demilitarization until there has been a settlement of Palestinian issues and a regional peace agreement that would include all of Israel's neighbors, such as Syria and Iran. Israel maintains a "studied ambiguity" about its nuclear arsenal and has not signed the Nuclear Non-Proliferation Treaty. In 1974, Iran and Egypt sponsored a UN resolution supporting creation of a nuclear-free zone in the Mideast. The United Nations endorsed this position

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## Israel's Opportunity to Outfox Iran

By Peter Sly

The *Ellsworth American* may be commended for the attention its editorial page gives to the Middle East. In June 2011, Marvin Ott concluded his op-ed, "The Netanyahu Problem," with the observation that "a wiser Israeli leader could seize the

### Commentary

flux in the Arab world to create new political openings..." Several weeks ago a letter from Hank Davis noted that one of these openings might be an Israeli pursuit of a nuclear-free zone throughout the Middle East. Military leaders in Israel and the United States agree that an attack on Iran's nuclear facilities would only temporarily

delay an Iranian weapon. It may be that the smartest strategy for deterring Iran's nuclear push would be for Israel to actively pursue a nuclear-free zone.

From the U.S. perspective, it appears that negotiations between Israel and the Palestinian Authority are on hold. At his Nov. 15, 2010, talk on the Mideast peace process (<http://vimeo.com/32185451>), Sen. George Mitchell noted that the impasse in Israel's negotiations with the Palestinian Authority since Ehud Olmert's September 2008 comprehensive proposal does not serve Israel's interest nor that of the Palestinians. A new Israeli willingness to discuss a regional

## Give the Legislature Some Breathing Room

By Jill Goldthwait

Down here in the 2nd Congressional District, we have a pretty straight-ahead race. Incumbent Democrat Mike Michaud is being challenged by Republican Senate President Kevin Raye. Simple, eh?

Not so in Maine's U.S. Senate race. Four Democrats have lined up for the June primary, and the winner will take on Sen. Olympia Snowe next fall. The Democrats are all listed in the Maine directory of political anonymity, "Who Dat?"

The roster includes state Rep. Jon Hinck, state Sen. Cynthia Dill, former Secretary of State and state Rep. Matt Dunlap, and Ben Pollard, a Blue Hill native with a construction business in Portland who, according to the Pollard Builders website, has been a local news reporter, an environmentalist, a sailor and a swimmer with a penchant for singing while he works.

Mr. Hinck and Mr. Pollard will have a hard time distinguishing themselves in this field. Mr. Dunlap has the experiential wherewithal to mount a campaign, but is unlikely to ignite a revolution against the

forces of Snowe. Ms. Dill might not be able to conquer the Olympian Olympia either, but she would surely make it a lively race.

Ms. Dill, a lawyer, was serving her third term as a state representative when her local state Senate seat opened up. She won the special election for Senate District 7 by a better than 2-1 margin, but in a statewide race she has the curiously Maine disadvantage of living in Cape Elizabeth, an upper income community whose name is symbolic of privilege in a state that values the average guy.

She is fearless, feisty to a fault and irrepresible. Sen. Dill founded Friends of the Maine Woods, a group advocating the study and creation of a Maine Woods National Park. Though a poll last October found that 60 percent of Mainers favored a feasibility study for such a park, Sen. Snowe was not one of them.

Cynthia Dill is prepared to take on all comers. Governor LePage is on her hit list for promoting a budget that is "not paid for." She calls folk her and conservative crusader Mary Adams the "local face of the

angry mob that's crippling America." And she lashes out at Sen. Snowe for opposing a surcharge on taxpayers earning more than \$1 million. Though the odds of her defeating Sen. Snowe are long, a loss by Ms. Dill would not be for lack of effort.

If that is not enough winter merriment for all you armchair political pundits, the

### State of Maine



Democratic congressional primary is not the only game in town. In yet another effort to whip the Legislature into action on his supplemental budget for the Department of Health and Human Services, Governor Paul LePage has suggested that if there is no budget by the end of January, he might just have to close Maine schools on May 1.

That got people's attention. The Governor is a black-and-white kind of guy. With

a colossal budget hole in the DHHS, legislative choices are few. They can adopt his budget, come up with big DHHS savings of their own, or reach into the rest of the General Fund to cover the DHHS hole.

The Governor reasons that the only other spending line big enough to offer alternative savings would be the education budget, hence the lightning bolt about an early start to summer for Maine school kids. A pity that 8-year-olds cannot vote. They would be all over this proposal. Their parents not so much.

As far as the budgeting basics go, the Governor is quite correct. However, as is his custom, he has plunged into the deep end without an inflatable floatee. The Constitution does not give the Governor authority to close schools, though it does allow him to curtail expenditures in a fiscal emergency, and curtailing the education budget could have the same effect.

If the Governor is only using school closure as a pry bar to get the Legislature moving, he will not endanger himself to the Legislature's Republicans, who will once again

have to distance themselves from their party's top dog. Closing the schools is a nuclear option and no one in the Legislature will allow it to happen. Not the Republicans, who might like to stand with their man, nor the Democrats, who might like to see him have to live with the consequences of a school closure.

The Governor does not yet trust the fact that the Legislature really wants to solve this problem. Legislative process can be maddening, especially to a former businessman, but this Legislature has proved that it can deliver a product.

Really, the Legislature wants to get this done. Appropriators do understand that the gap widens as the days pass, and they are doing their level best to move this piggy through the boa constrictor. They know that their ultimate proposal has to withstand the poking and prodding of the rank and file when it goes to the floor for a vote.

This budget is in the hands of an experienced and well-intentioned committee. Give them some breathing room and they will get the job done.