

Elections for Sale?

Hours after Republican Charlie Summers and Democrat Cynthia Dill were chosen in the recent primary elections as party nominees for the U.S. Senate seat being vacated by Olympia Snowe, former Governor Angus King — one of four independent candidates for the same post — issued a challenge. King called on his five opponents to forego the benefits of “unlimited and effectively anonymous flows of cash into our political process.”

Not surprisingly, King’s challenge drew a mostly less than enthusiastic response. As a political move, it has a lofty ring. But in reality, there’s little King or anyone else can do to halt the massive political spending that already is flowing from groups known as super PACs. Nor can the candidates control the message, since — in theory, at least — there can be no coordination between the super PAC and the candidate.

The super PACs have accelerated since the U.S. Supreme Court decision in *Citizens United*, which confirmed that wealthy donors could band together to spend unlimited funds to elect candidates. Super PACS are required to disclose their donors, but by combining a super PAC with a nonprofit 501(c) organization, the identity of donors can be completely shielded. Because the court ruled that corporations have the same free speech rights as persons under the Constitution’s First Amendment, individuals, corporations and unions can donate as much as they want to the nonprofit, which isn’t required to

publicly disclose funders. The nonprofit can then donate as much as it wants to the super PAC, which must list the nonprofit’s donation but not the original contributors.

The result is that checks of as many as eight figures are now flowing to super PACs, and the public has no way to know who is writing them. As Harvard Law School Professor Laurence Tribe recently observed, “the distortive effects of *Citizens United* and its aftermath are becoming clearer every week.”

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decision, that “the mere appearance of influence or access will not cause the electorate to lose faith in our democracy.” The court’s opinion virtually assures that the voices fueled by big money can, and will, drown out others in political debate.

The flood of campaign cash being pumped into our election process is a clear and present danger to our democracy. And the ability of wealthy donors — individuals, corporations and unions alike — to remain anonymous challenges the Supreme Court’s assertion that “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”

Are our elections are for sale? The high rollers funding these super PACS must believe it or they wouldn’t be spending so much money to buy them.

Editorial