

Super PACs and Elections

Date: Tuesday October 3, 2012 5:30 p.m.

Location: The Museum of Northern Arizona

Facilitated by: Dr. Mathew Goodwin, NAU Philosophy Department

Attendance: 14

We began by asking who approved of Super PACs and we got no assent they were good. The great majority disapproved.

Political Action Committees are politically influential groups that are especially known for their roles in influencing elections, yet PACs are organizationally distinct from the candidates they often support. Super PACs are the most recent manifestation of a long history in the US that aims to regulate or to some extent control the way that money influences elections. Important constitutional amendments that affect this view are the 1st Amendment and its relation to free speech, and the 14th Amendment and its role in justifying the rights of corporations. The McCain-Feingold Act in 2002 specifically addressed the amount of television and radio advertising that was permitted prior to elections. The Supreme Court ruling of Citizens United lifted these limitations, and allowed unlimited advertising by Super PACs and explicitly equated money with free speech. The Citizens United bypassed the last 100 years of trying to control financial contributions and harken back to the 36 years that followed the 14th amendment in 1868 that ended with Teddy Roosevelt as the Trust Buster.

There may be superpacs for good causes, for example a superpac on autism. SuperPACs can be used in a variety of ways. For example, there is a Super PAC against Super PACs. Steven Colbert has a SuperPAC- making a better tomorrow, tomorrow.

Are Money and Free Speech Equal?

- Money is not speech. Money is a vehicle that can be used to allow speech to proliferate.
- Further, money belongs to the realm of goods and services and money is finite. Speech belongs to the realm of ideas and is infinite. However, to the extent money is needed as a vehicle to express ideas to a larger audience, speech, though infinite in nature, is effectively bounded by the extent of financial backing it enjoys.

Thought Experiment:

A philosophy student suggested a thought experiment: Imagine Super PAC that exists and its purpose is to discourage voting. Suppose it was successful, and that although one candidate won, there was very little participation, and very few ideas expressed. Is limiting the use of money effectively limiting speech, and is participation itself a form of speech?

We can make an analogy between overloading a computer system and overloading a person with so much messaging. The easiest way to shut down a system is to overload it.

Equal Contributions

This practice indicates that corporate interests are served by the corporate democracy that we live in. Either political party can support corporate needs, but they do require governmental support in whatever form it takes. The backing of the US military is needed for corporate interests.

Anonymity, Money, and Speech

- Although people may have a right to free speech, it is not clear that the person has a right to anonymity.
- People expressed a desire to know who is spending the money, and in a timely manner so we could know who is contributing prior to elections.
- Anonymity allows hidden agendas to be broadcast.
- The possibility of true anonymity was called into question, because the views you express ultimately uncover their biases.
- Anonymity is a larger problem than the amount of money.

Is permitting anonymous, unlimited donations equivalent to “buying an election” or a reasonable way to disseminate information to voters?

Repetition

Money allows repetition. There is a distinction between freedom to express a view, and the ability to repeat it over and over. Some people are gullible and will be influenced by **repetition**.

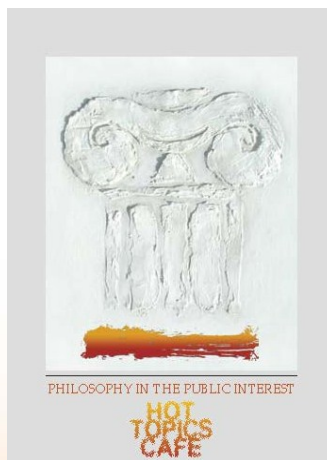
Concern

- Is the problem with the amount of speech? Is the problem anonymity. When candidates lie, we know who to blame. When an anonymous organization with unlimited funding deliberately misrepresents the truth, who can we hold accountable?
- Some concern was expressed about foreign influence. Non-citizens and non-profits that clearly represent non-US interests can legally contribute to campaigns.

- The reason that negative campaigns are used is because they are effective. There is a point of diminishing return, but nevertheless they are effective. We tend to remember the negative.
- Are we choosing leaders instead of leading ourselves?

Recommendations

- We might try to limit negative advertising, but then we would have the challenge of identifying negativity.
- Change licensing agreements to limit repetition. There are precedents for this in other countries.
- Create more opportunities for live, face to face, conversations.
- Exercise the option to turn off the television.



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