

Super PACs: Money well spent

Ads may be negative, but they are important

BY JOHN SAMPLES / NEW YORK DAILY NEWS

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KIN CHEUNG/AP

Sheldon Adelson gave millions to a super PAC sympathetic to New t Gingrich — and it's nothing to worry about.

In the Iowa caucuses, a super PAC associated with [Mitt Romney](#) spent millions charging [Newt Gingrich](#) with ethical lapses and hypocrisy. Now a Gingrich-supporting super PAC plans to use a \$5 million donation from a billionaire casino owner to accuse Mitt Romney of destroying jobs.

It's all too much for some people. Super PACs have been called "slush funds" that do the "dirty work" of candidates, "a new political animal that is ugly, loud, anti-democratic."

To the contrary, the Iowa caucuses and New Hampshire primaries — the first two contests in which this new form of pricey political speech had its closeup — showed that super PACs enhance democratic decision-making.

To understand, we first need some legalese. A traditional political action committee raises and contributes limited sums to candidates for office. Super PACs are not limited in how much money they can raise or spend during an election.

Why not? Because super PACs do not contribute directly to candidates. While they may vigorously support or oppose a given candidate, they do so independently, not officially as part of a campaign.

Hence, the U.S. Supreme Court ruled in the landmark Citizens United case that Congress could not prohibit spending on speech by corporations or labor unions, even when they are championing one candidate or attacking another. Consistent with the First Amendment, individuals and groups have rights to make their opinions known, and money is a key mechanism for doing that.

So are super PACs shaping up to be a disaster for democracy in 2012? Hardly. The \$14 million in Iowa super PAC spending funded an assault on Gingrich for committing ethics violations, being soft on illegal immigrants and teaming with [Nancy Pelosi](#) on global warming issues. The Gingrich ad to come apparently says Romney's company, Bain Capital, looted companies and left people unemployed.

Are these charges true? That's the wrong question. If government could suppress "false" speech, the First Amendment would be meaningless. Those in power would find that their critics are lying and suppress their criticisms.

We should rather ask: Do these ads constitute legitimate political speech? Wouldn't voters want to know if Gingrich had violated ethics rules, received large payments from Freddie Mac despite claiming to be against big government and had supported positions contrary to the views of most Iowa Republicans? Romney says he is a businessman who knows how to create jobs. Should voters hear claims to the contrary? Of course.

And who cares that the onslaught of commercials are overwhelmingly negative in tone? Far from being anti-democratic, harsh TV ads — no matter who's funding them — offer needed criticisms of candidates that help inform voters. [John Coleman](#), a political scientist at the University of Wisconsin-Madison, found that spending on negative ads increased voter information about candidates, especially among those who were least informed prior to the ads.

Other political scientists have found that, contrary to the caricature, negative advertising increases voter turnout and reduces the advantages normally held by incumbent officials. Perhaps it is not surprising that Republican turnout in Iowa was higher than experts expected.

But doesn't the flood of spending give too much influence to wealthy donors who can try to remain anonymous while funding below-the-belt blows?

Well, the alternative is greatly restricting the rights of outside individuals to fund speech criticizing politicians (a right that many paid commentators on television, the radio and online, many of them wealthy, already happen to have, by virtue of being members of the media).

This seems to me to be a far scarier outcome.

So why not at least require disclosure of those who contribute to super PACs? The First Amendment probably allows that, and some voters want to know. Well, the pro-Gingrich donor's name was leaked, and an aggressive media can put pressure on candidates to disclose. But publicity will discourage some well-meaning donors. It also diverts voters' attention from relevant questions (Did Gingrich get rich from Freddie Mac?) to less relevant ones (Who funded the ad saying Gingrich got rich from Freddie Mac?).

Denouncing money in elections is a hardy perennial in America. But the early Republican primaries, far from being an embarrassment to democracy, are something to be proud of. Voters need to hear the worst about candidates to make the best choice on Election Day.

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