



Written by [Brian Koenig](#) on January 18, 2012

Campaign Finance Reform and the Formation of the Super PAC

The 2012 election is the first presidential race to encounter the impact of Super PACs, large political action committees that can bundle unlimited funds from individuals, corporations, and unions to promote a particular candidate.

The controversial 2010 Supreme Court decision in [Citizens United v. Federal Election Commission](#) was a landmark ruling which, citing the First Amendment, barred the government from capping limits on independent spending for political purposes — which led to the grand introduction of the Super PAC.



While a campaign donor can [contribute only \\$2,500](#) directly to a presidential candidate, the *Citizens United* decision allows them to contribute unlimited funds to a Super PAC advocating that particular candidate. The revamped campaign committees "are a game changer," said Randy Cable of a South Carolina conservative talk-radio show. "The Super PACs are outspending the candidate committees two to one at this point in time," he [asserted](#). "The ones that are buying the most [air time] are going to have the biggest impact. You know, just like in the world of business and advertising, politics goes the same way. Those that spend the most have the biggest impact."

Naturally, due to an onslaught of GOP campaign ads, hitting a variety of communication media, the enhanced PACs are catching a lot of flak from the media and politicians on both sides of the political aisle. While condemning his opponents for "negative campaigning," former House Speaker and GOP presidential contender Newt Gingrich railed against the Super PAC surge. "We're now entering a world where until the laws are changed; every serious campaign will have one or more Super PACs. They will spend an absurd amount of money and it will virtually all be negative. That's a fact," Gingrich charged. "Given the playing field right now, you have no choice."

But in looking beyond such allegations, it is important to identify the stimulant that hatched the Super PAC.

Campaign contributions are a form of speech, the exact same speech the First Amendment is intended to protect. Such speech is abridged through campaign finance laws, as was the case with the [McCain-Feingold Campaign Finance Act of 2002](#), which revised legal limits on political expenditures set in 1974 and prohibited unregulated campaign contributions to political parties.

Such measures are purported to "reform" the intimate relationship between money and politics. But, in reality, they restrict freedom of speech by limiting the amount of money an individual can contribute to a campaign — which in turn limits the individual's freedom to express their political views.

Such legislative squabbles have led to the rise of PACs and Super PACs as mediums to express political messages, along with increasing the influence of the media, which are not subject to campaign finance



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laws. It may be true that the power of money has infiltrated the political realm, ushering in waves of corruption. But curbing political speech is hardly the solution, as Texas Congressman and GOP presidential candidate Ron Paul wrote in a [February 2002 article](#):

Special interest money has a huge influence in Washington, and it has a tremendous effect on both foreign and domestic policy. Yet we ought to be asking ourselves why corporations and interest groups are willing to give politicians millions of dollars in the first place. Obviously their motives are not altruistic. Simply put, they do it because the stakes are so high. They know government controls virtually every aspect of our economy and our lives, and that they must influence government to protect their interests. Our federal government, which was intended to operate as a very limited constitutional republic, has instead become a virtually socialist leviathan that redistributes trillions of dollars. We can hardly be surprised when countless special interests fight for the money. The only true solution to the campaign money problem is a return to a proper constitutional government that does not control the economy. Big government and big campaign money go hand-in-hand.

Indeed, such "reform" measures blatantly trample on the U.S. Constitution. "The First Amendment unquestionably grants individuals and businesses the free and unfettered right to advertise, lobby, and contribute to politicians as they choose," Paul continued.

Simply put, Congress has no authority to regulate political campaigns. But considering the very premise of elections and campaigns — that is, for citizens to lobby their government by contributing money to candidates of their choosing — Congress' underlying motive to regulate such forms of speech makes plenty of sense.

The development of Super PACs, which were spawned from laws that limit individual contributions, gives citizens greater freedom in protesting their government, which in turn makes lawmakers more accountable. While Super PACs and generous campaign donors may appear to be effective scapegoats in exposing the corruptive nature of crony capitalism, one might suggest pointing to the politicians themselves, rather than the individuals and organizations backing them.



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