Super PACs are modern-day mudslingers

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By Jeff Brindle

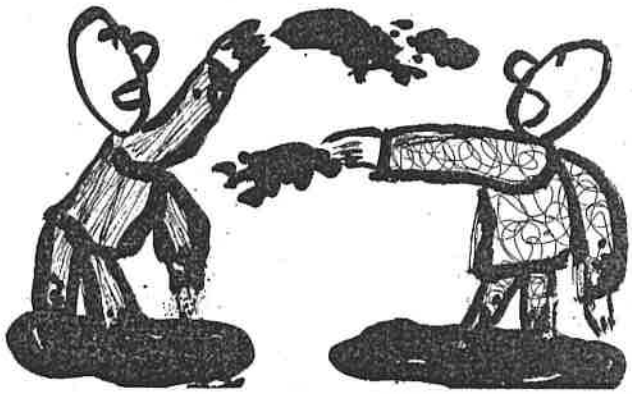

ILLUSTRATION BY JOHN OVERMYER

In the 1828 presidential campaign, among the nastiest in history, surrogates for John Quincy Adams called Andrew Jackson an adulterer and charged him with a sordid list of crimes, including murder and treason.

Not to be outdone, surrogates for Jackson accused Adams, once the ambassador to Russia, of supplying young women to a lust-crazed czar and of purchasing lavish furniture, etc.

Those early attacks were a historical prelude to the latest poison running through the veins of campaign financing — the super PAC.

Super PACs are making their presence known in the Republican presidential primary and surely will be a factor in the general election, as both sides will be aided by this new committee. For the most part, super PACs finance attack ads that target opponents of the candidates they support.

All the Republican presidential candidates have affiliated super PACs, as evidenced in the Iowa, New Hampshire, South Carolina and Florida contests. Super PACs support President Obama, as well.

It is estimated that these super PACs thus far have spent $15 million in presidential primary states this election cycle and the number is growing fast.

Effectively, super PACs serve as surrogates of the candidate. By doing the dirty work of the campaign, they permit candidates themselves to remain above the fray.

In this sense, their role is not new.

In speaking of the 1800 presidential contest, historian Samuel Eliot Morison wrote, "Though none of the candidates actively campaigned for office, preferring to leave such unseemly conduct to their supporters, there was abundant evidence of strong partisan sentiment."

He further wrote, "Electioneering was done by newspapers, pamphlets and occasional public meetings. ... Jefferson was accused of being a Jacobin, an atheist and a French agent; Adams was asserted to be an aristocrat and a slavish admirer of British monarchy."

What is different is that past surrogate attacks were made through speeches, pamphlets and newspapers. Attack messages in those early media forms traveled far more slowly and had far smaller payloads than today's weapons of mass political destruction.

Negative attacks projected over television and the internet reach far more people and reach them far more quickly. Eye-grabbing video images of today deliver far more emotional wallop than the one-dimensional print ads of yesteryear.

It is the difference between cannon balls used in the Revolutionary War and tactical nuclear weapons that could be deployed on today's battlefields. Damage from today's attacks is far more devastating.

Today's attacks also are more insidious.

Super PACs are not limited in terms of their spending — as long as they do so independently. They can accept contributions in unlimited amounts as long as the contributions are used for independent expenditures. Many receive contributions from nonprofit groups that refuse to disclose their contributions.

So when the presidential race is over, much of the cash used in some of the most decisive campaign clashes will be from anonymous sources. Anonymous contributors funneled $139 million into federal elections in 2010. This year's spending could easily double that amount.

That is why transparency is so important. With surrogate super PACs having such potential influence over modern-day elections, it is important for the public to know who is funding them and how much they are spending.

And this should be done in a timely manner, prior to the election. Strong disclosure laws, which were endorsed by the U.S. Supreme Court two years ago even as it allowed the creation of super PACs, are the only antidote to what many consider the poison inflicting today's campaigns. If the Republican presidential contest is not wrapped up by New Jersey's June primary, the public can expect plenty of surrogate activity in the Garden State by super PACs.

In any event, New Jerseyans will surely witness them in the fall.

Jeff Brindle is the executive director of the New Jersey Election Law Enforcement Commission. The opinions presented here are his own and not necessarily those of the commission. Join the conversation at njvoices.com.