

Citizens United Allows Foreigners to Buy U.S. Elected Officials

by Julian Sereno

Talk about the law of unintended consequences. The Supreme Court's 2010 Citizens United decision allows corporations, labor unions and various other institutions to spend unlimited money on political campaigns. The winning argument, presented by the Conservative plaintiffs, was that limits on donations violated their First Amendment rights under the Free Speech clause of the U.S. Constitution. Of course, the Supremes had already ruled that corporations, labor unions and other institutions have the same Constitutional rights as human beings. However the Supremes forbade Political Action Committees funded from this raging revenue torrent from coordinating with candidate campaigns. Ha!

At the time I thought it was legalizing bribery, nothing less. But it turned out much worse. Donors can remain anonymous, so there is no telling whose paying the bribes. That means wealthy citizens of the world can buy influence in U.S. elections, everybody from Vlady Putin and his oligarchs to Crown Prince Salman of Saudi Arabia and everyone in between. Foreign money is forbidden in U.S. elections. Ha! Ha! Ha!

The reason is that non-profits do not have to disclose the names of their donors. While these non-profits are not supposed to engage in partisan politics, they can have an "educational" mission that does exactly that. How does it work?

Here is a real world example. The National Rifle Association is a non-profit, due to its educational mission. Nonetheless it electioneers all the time — endorsing and denouncing various candidates. In the 2016 election, the National Rifle

Association adored Donald Trump and reviled Hillary Clinton. It and its lobbying arm donated \$30 million to the Trump campaign.

The Russians also supported Trump and opposed Hillary. So they gave money to the National Rifle Association, which had developed a close relationship with one of Putin's oligarch buddies, Alexander Torshin, over the past six years. What the NRA did is under investigation, but it went something like this. They used the Russian money in their educational mission, which freed up money from domestic sources for electioneering. Money is fungible.

How does all this money buy influence? In 2014, winning Senate candidates had to raise an average of \$3,300 a day, or \$7.27 million over a six year term; for the House of Representatives, it was \$1,800 a day, or \$3.14 million over a two year term.

Getting elected to national office means hustling money; that's why the high rollers own so many of our elected officials. Their payoff comes in the form things like the recent "tax reform" which benefits them greatly but adds another trillion dollars to the national credit card, which the rest of us, and our children and grand children, will be paying off.

The old saw, that money is the mother's milk of politics, is true, and no one can keep it out. But it is possible to end the anonymity of super rich donors.

The Supremes could and should do it.

I can't imagine any of the majority who ruled in favor of Citizens United realized they were allowing the Russians to buy the National Rifle Association.

It's sorry enough that our elected officials are for sale. It's scary that the Russians are buying them up.

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