

A Dilemma for our Democracy: Restrict Freedom of Speech or Effect Pure Plutocracy?

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Most people will agree that far too much money is spent on advertising the candidacies of those who want to be elected supposedly to serve the public good. Pre-dating the development of television, the great American humorist Will Rogers joked that “politics has become so expensive that it takes a lot of money even to be defeated.” The idea of the corrupting influence of money in politics has long been with us. Limits have been enacted on individual contributions to campaigns, but in recent times these limits have been skirted by donating to the political parties and to independent groups that indirectly support, yet are not directly connected to, a candidate.

Should political campaign fundraising and spending be limited? This question has been asked now for decades, with little change in its structure between those who say, “Yes it should be limited,” and those who say, “No it should not.” Those who propose limiting spending and fundraising believe that doing so will stop the undue influence of money on our government. They believe that corruption and the power of the wealthy will be held in check. Those who advocate no limits for raising money and spending in political campaigns argue that doing so restricts freedom of speech as guaranteed by the First Amendment, “Congress shall make no law...abridging the freedom of speech [1].”

This question gets more attention and has become more immediate since the Supreme Court’s 5-4 decision in *Citizens United v. Federal Election Commission* 558 U.S. (2010). *Citizens United* has opened the floodgates for a surge of money from corporations and wealthy donors under the guise of “super PACs” to campaigns for all levels of government offices from the White House to the State House to City Hall. The result of this torrent of dollars may well be that our democracy, as we know it, is swept away as our government cascades into a cesspool of plutocracy. We seem to be riding that wave as 66% of the members of the U.S. Senate are millionaires while 42% of the members of the “poor” House of Representatives are in that club. For the nation as a whole, only one percent of the population can claim that wealthy status [2].

The disaster of plutocracy has threatened our nation before. Two champions of the common people, Presidents Andrew Jackson and Teddy Roosevelt, however, stood-up to the wealthy moneyed-interests who maneuvered the nation down the path toward plutocracy. Old Hickory and the Rough Rider, both astute politicians with unyielding strength of character were able to defeat the menace of the plutocrats and their powerful flow of cash.

Many citizens and organizations believe that the ruling of *Citizens United* is the wrong policy for our nation to follow. *The New York Times* spoke for many when it opined that:

“The court’s ruling in *Citizens United* will allow corporate money to play far too important a role in federal elections. It was wrong on the law, and terrible as policy [3].”

Five different versions of an amendment to the U.S. Constitution have been proposed and introduced by members of the US House and Senate. Several organizations have been founded on the promise of creating and passing a similar amendment. All these amendments, however, would sidestep one of the dearest, most important tenants

that represent the fabric of who we are as Americans, the First Amendment protection of freedom of speech. Many people and several organizations including *The New York Times* disagree. They believe that there is no constitutional problem, no restriction on free speech because restrictions on contributions to parties would “serve the government’s legitimate effort to try to prevent influence-buying by big contributors and influence-selling by two willing parties and politicians [4].”

Personally, I am torn in this debate. I look at this dispute from two perspectives: first, from that of a professor and former practitioner of advertising who holds dear the first amendment and second, from that as a candidate elected to public office. These opposing viewpoints enable me to see clearly this dilemma facing our democracy and to have the realization that no simple solution exists.

From the perspective of an advertising professor, I find ignorance in the debates on this dilemma, when one side tries to simplify their premise by asserting that, “Money is not speech” While I agree with the sentiment that is expressed, and understand the presumption behind it, as an advertiser I know that money is speech. Money helps advertisers transmit the message to their target audience.

I teach my students that to reach a target audience effectively, an advertiser needs a strong combination of reach and frequency. An advertiser needs to use several different media to reach the audience. While somewhat alike one another, having been segmented from the mass audience by their similarities, individual members of that audience behave differently. They do various activities, at different times, in different places making it impossible to reach them with a single medium. Therefore, several media must be utilized. My students are taught that they must frequently expose the audience numerous times to the message. The intention of numerous exposures is to get the attention of the audience and engage them with the message, so that perhaps their attitudes can be changed or reinforced.

In simple terms, as an advertiser, I need to be able to *speak* to the public as many times as I want, in as many places as I want, and as loudly as I want. The only real restriction I have to keep me from speaking as much and as loudly as I want is the lack of money to buy the media I need to do so.

In my Civics class in junior high school, I was taught to revere the First Amendment freedoms we have. My later studies in journalism

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Received August 09, 2012; Accepted August 09, 2012; Published August 10, 2012

Citation: Hixson TK (2012) A Dilemma for our Democracy: Restrict Freedom of Speech or Effect Pure Plutocracy? J Mass Commun Journalism 2:e128. doi:10.4172/2165-7912.1000e128

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as an undergraduate and graduate student made me appreciate with a deeper sense the potency and force those freedoms have in protecting life, liberty and the pursuit of happiness.

From the other perspective as a political candidate, I was elected and served two terms in the Wisconsin State Assembly. I know first hand the importance of money in a campaign. I know the necessity of having or raising money in order to build name recognition and present your message to the voters. Finally, I know the true detrimental effects that money can have on legislation and ultimately the public good. Common Cause, in a white paper advocating campaign reform states.

“Today’s campaign finance system, fueled by big money, creates an environment ripe for corruption.

“Members of Congress must daily walk a fine line in order to avoid the appearance that they are favoring their large donors. Worse yet, the system has evolved to the point where lawmakers who serve on committees with jurisdiction over specific issues and sectors of the economy now receive much of their campaign money from the very industries they are supposed to regulate [5].”

When our guarantees of freedom of speech and of the press were granted in the Bill of Rights more than 200 years ago, the framers of the US Constitution probably did not foresee or expect the changes that would occur in communication technology and the rise of mass media. Newspapers in the 1780s were little more than irregularly printed political pamphlets. To prevent the publication or dissemination of those pamphlets was to restrict the spread of ideas. Having just broken the yolk of the British and recognizing the ideals of the democratic society they aspired to, any restriction of the press or of speech was anathema to their goals.

There is no way they could have known that in our present situation of campaign spending gone wild, in an environment where the influence of the mass media is pervasive in society, that we would be in danger of selling our political posts to the highest bidder. They could not have foreseen that we are in grave danger of becoming a plutocracy. They could not have predicted that the tyranny of the hated royalty and aristocracy of old Europe as represented by the Redcoats and tax collectors would be replaced by the filthy rich as represented by corporate logos and Citizens United. I think they would be appalled by the immense selfishness of the super rich to use the resources we all should benefit from for their own benefit and to perpetuate their power over us through the use of the freedoms the framers intended to make life better for us all. The continuing demassification of the media and the further segmenting of the mass audience have made reaching a large audience of voters ever more difficult and costly. For political candidates, particularly those below a state-wide office, getting newspaper coverage has shrunk along with the number of newspapers, the amount of reporters to cover events, the amount of newshole and the amount of readers. Similarly, as costs have risen, there has been a decrease in television coverage of local political events. Radio has seen a huge decline in the amount of airtime devoted to news with many stations offering only national broadcast network news if any news at all.

Using mass media to reach large numbers of voters is necessary, and the dwindling amount of earned media coverage means campaigns need ever-larger amounts of money to promote a candidate through the media. In the 2012 elections, it is estimated by the Center for Responsive Politics that \$5.8 billion will be spent in the congressional and presidential races [6]. In an effort to save money, campaigns are using the Internet and Social Media to promote candidates and to try to

get their message to the voters. While potentially much less expensive than the mass media, it is still difficult to reach huge numbers of voters with any sort of a substantive and effective message.

Another lesson I teach my students is that no one turns-on a television or picks-up a magazine to see the ad that you create, except for your mother. Infact most of us spend every day trying to avoid ads, with the possible exception of Super Bowl Sunday. By the same token, only an extremely small number of us will intentionally expose ourselves to political ads. Most of us will not devote any great amount of time or energy to receiving a detailed message. My students learn that the audience members they are trying to reach will not “work hard to make sense out of the advertising message you present to them.” Therefore, intrusiveness is necessary for most advertising messages, and is more so for most political messages. The mass media are, of course, far more intrusive than social media, making those mass media a necessity to successful campaigns despite the high cost.

Citizens United greatly upped the ante to be viable in campaigns. Where campaign contribution limits once tempered the influence of the inequality that might exist in raising money, that temperance no longer exists. Huge amounts of money can back a candidate both directly through contributions or especially indirectly through so-called “independent expenditures.” To think that these candidates are not influenced in their thinking and their votes when elected is naïve. Lobbyists who visit elected officials serve as constant reminders to those politicians about who helped them become a winning candidate.

Powerful corporations with their resources behind them have a huge effect on elected representatives and on the populace. During my time in the Wisconsin legislature, I saw this most directly on a bill to provide for a statewide franchise for cable television that would trump those franchises with local governments that had existed and greatly benefited those communities for many years. Those local franchise fees supported many community access channels and PEG (Public, Educational, and Governmental) channels.

Not only did AT&T send in a swarm of lobbyists to charm, back pat and arm twist legislators, they also ran full-page newspaper ads across the state to convince the public that the change to statewide franchises for cable TV and internet would create more competition and hold down the costs of subscribing to cable TV. These ads were easily very persuasive and had an impact on the public. I mean, who doesn’t want to pay less for cable TV? The bill passed and became law more than four years ago. I am still waiting to see my Cable TV fee lowered, in fact it has increased.

Unlike what government is intended to do, a corporation’s purpose is not to promote the general well-being of society; its purpose is to make a profit for its shareholders. Board members who run corporations, with their own wealth at stake, want the conditions that affect their corporation to be favorable to it. They want profits to be generated and the more profits the better. The power of their money and the resources it can provide has long helped make these business conditions favorable for greater profits. The more of those conditions that can be controlled, the more likely greater profits can be realized. Through government action, among the conditions that can be controlled are wages, taxes and the cost of obeying laws and meeting regulations. The power of this corporate money and the great amount of funds that can go to a candidate through the writing of a single check makes it obtainable that these moneyed interests can strongly influence those candidates they support. One big check written to an independent organization backing a candidate has the same effect of many limited-amount donations and

can save candidates a great amount of time to devote to activities other than fundraising.

When those candidates are elected, this influence might affect the way those candidates approach issues of wages, taxes, and regulations. Those issues are activities in which these elected officials should have the public welfare as the basis for their decision and not the pleasure of their corporate and wealthy benefactors.

We should not entrust our government to those who would promote their own profits over the common good of the people, but that is exactly what we are in danger of doing if present trends continue and the power of money to affect our elections is not held in check. Our government is influenced by the power of money. Many of those who serve in our government do so not because of their strength of character and depth of wisdom, but because of the heft of their own bank accounts or the wealth of those who back them. We are partly plutocratic and are rapidly on our way to becoming a pure plutocracy.

So, it seems we should limit the amount of money that can be raised and spent in a political campaign but how can that be accomplished without restricting free speech?

Because of the Supreme Court ruling in Citizens United and the

floodgates of spending it has opened, this dilemma in our democracy must be settled, but cannot be settled easily. We must protect the power of the vote, yet by restricting funding of campaigns we restrict one of our fundamental freedoms that the power of the vote has helped preserve.

Perhaps it will take the Wisdom of Solomon to solve this dilemma; I know I do not possess it. I hope that we act soon to find a solution, but that we act responsibly for the good of our nation and save the power of the vote from the threat of the persuasive power that money can buy and at the same time preserve our first amendment freedom of speech.

References

1. Corrado AJ, Malbin MJ, Mann TE, Ornstein NJ (2010) Reform in an Age of Networked Campaigns: How to foster citizen participation through small donors and volunteers.
2. Shine T (2011) 47% of Congress Members Millionaires-a Status Shared by Only 1% of Americans. The Note, ABC News.
3. The Court, Money and Politics. The New York Times.
4. Ibid.
5. Common Cause (2009) Campaign Finance Reform: A New Era.
6. Camia C (2012) 2012 election costs could reach record \$5.8 billion. USA Today.