



**LUND**  
UNIVERSITY

**Waging war on your own Democracy**  
**An examination of the decade following ‘Citizens United’**

## **Abstract**

This thesis studies the democratic implications of the "Citizens United v. Federal Election Commission" case in the decade following 2010. The aim is to examine the complexities of campaign finance regulations in regards to issues of elite influence, corruption and transparency. The subsequent proliferation of independent expenditure committees, or Super PACs, who can spend money on campaigning unlimitedly, has proven to be a contentious issue for the democratic process in the United States. We thoroughly evaluate three different dimensions - elite influence, corruption and transparency - in order to assess the democratic trends in the United States after the incorporation of Super PACs. This is done by applying the theoretical framework of elite theory and institutional corruption theory on multiple studies and account records since 2010. The approach leads to insights from multiple perspectives as well as contextualizes the information, resulting in an examination through a new lens. Our findings indicate that the existing campaign finance laws are inadequate, revealing loopholes that undermine the foundational principles of democracy. Our assessment suggests that these laws inadequately safeguard democracy, necessitating multiple reforms, such as more rigorous disclosure requirements, to uphold democratic integrity in the United States.

**Key words:** Super PACs, democracy, transparency, corruption, elites

**Word count:** 9988

# Table of Content

<b>Abstract.....</b>	<b>2</b>
<b>Table of Content.....</b>	<b>3</b>
<b>1. Introduction.....</b>	<b>5</b>
1.1 Introduction.....	5
1.2 Research question.....	5
1.3 Purpose.....	5
<b>2. Background.....</b>	<b>6</b>
<b>3. Literature Review.....</b>	<b>8</b>
<b>4. Theory.....</b>	<b>11</b>
4.1 Elite Theory.....	11
4.2 Institutional corruption theory.....	12
4.3 Robert Dahl’s conditions for democracy.....	12
<b>5. Method.....</b>	<b>14</b>
5.1 Research design.....	14
5.2 Delimitation.....	15
5.3 Data and Material.....	15
5.4 Relevance.....	16
<b>6. Conceptualization and operationalization.....</b>	<b>17</b>
6.1 Conceptualization.....	17
6.1.1 Super PACs.....	17
6.1.2 501(c)(4).....	18
6.1.3 First amendment (Freedom of Speech).....	18
6.1.4 Coordination.....	19
6.1.5 Quid Pro Quo Corruption.....	19
6.2 Operationalization.....	20
6.2.1 Elite Influence.....	20
6.2.2 Corruption.....	21
6.2.3 Transparency.....	21
<b>7. Analysis.....</b>	<b>22</b>
7.1 Elite Influence.....	22
7.2 Transparency.....	25
7.3 Corruption.....	27
7.4 Key findings.....	29
<b>8. Discussion.....</b>	<b>31</b>
8.1 Reflection.....	31
8.2 Ethical considerations.....	33
8.3 Further Research.....	34
<b>9. Conclusion.....</b>	<b>35</b>

<b>10. References.....</b>	<b>36</b>
10.1 Book references.....	36
10.2 Journals.....	36
10.3 Online documents.....	36
<b>11. Appendix.....</b>	<b>38</b>

# **1. Introduction**

## **1.1 Introduction**

This thesis endeavors to examine the impact of Super Political Action Committees (PACs) on the democratic processes of the United States. It highlights the significant role that marketing and independent campaign financing now play in determining the end result of the U. S. presidential election. Given that it is the highest office in the world's most powerful nation, the outcome not only holds ramifications for domestic democracy and governance, but also affects global affairs directly and indirectly. Consequently, the examination of this subject is paramount, given that shortcomings in the democratic system of the foremost global power will reverberate worldwide.

## **1.2 Research question**

To guide our research, we have formulated the following overarching question:

*How has the Citizens United v. The Federal Election Commission case influenced the democratic landscape of the United States?*

## **1.3 Purpose**

We seek to investigate the impact of independent expenditures on electoral processes within the United States. This inquiry arises from our Swedish point of view, wherein the apparent amplification of financial influence within politics exceeds what may be deemed as judicious, coming from an outside perspective. This concern is particularly relevant given Sweden's increased reliance on the United States following its entry into NATO. Should the mechanisms of American democracy deteriorate, questions regarding its legitimacy in global affairs would arise. As political scientists, and therefore proponents of democratic values, our objective is to contribute to the identification of salient challenges within the democratic framework, and provided that practitioners heed our advice and agree with our findings and suggestions, we can facilitate progress towards meaningful resolutions.

## 2. Background

"Citizens United v. Federal Election Commission" is the name of the landmark Supreme Court case that fundamentally changed the landscape of campaign finance laws in the United States. The case was named after the organization that brought the lawsuit, 'Citizens United', and the government agency it was challenging, the 'Federal Election Commission' (FEC).

'Citizens United' is a conservative nonprofit organization in the United States. It is what is known as a '501(c)(4)' organization under the U.S. tax code, which means it is tax-exempt and primarily engaged in promoting social welfare (Dwyre & Braz 2015 p. 246). It is important to note that 'Citizens United' is not simply a group of individual citizens united for a cause, as the name might suggest. Instead, it is an organized entity with its own legal status and structure. The other actor in this case, the 'Federal Election Commission' (FEC), is an independent regulatory agency created by the Federal Election Campaign Act (FECA) in 1974 (FEC 2019). It was established to enforce campaign finance laws in federal elections, including monitoring the disclosure of campaign finance information and enforcing contribution limits.

In 2008 Citizens United produced a film critical of Hillary Clinton, who was then a candidate for the Democratic presidential nomination (Evers-Hillstrom 2020 p. 4). They wanted to air this film during the 2008 Democratic primaries but faced legal obstacles due to the campaign finance laws. Citizens United then sued the FEC, arguing that certain provisions of the Bipartisan Campaign Reform Act of 2002 (also known as the McCain-Feingold Act) violated their First Amendment rights to free speech (FEC 2010). To the surprise of the public, in January 2010, the Supreme Court ruled in favor of Citizens United in a 5-4 decision. The Court held that political spending by corporations, associations, and labor unions is a form of protected speech under the First Amendment. Therefore, the government cannot restrict independent political expenditures by these entities (Dwyre & Braz 2015 p. 247).

After the Citizens United case, the "SpeechNow.org v. the Federal Election Commission" followed, since Citizens United only allowed for independent expenditures by corporations and unions, but kept limitations for individuals. 'SpeechNow.org' argued that these limitations could not apply to individuals if there was no limit for corporations (Dwyre &

Braz 2015 p. 248). SpeechNow.org won the case as these limitations were deemed unconstitutional, and together with the Citizens United case, paved the way for Super PACs, and as such, profoundly changed political campaign finance structures in the United States. The Super PACs can raise and spend unlimited amounts of money on political campaigns, as long as they operate independently from the candidates they support (Dwyre & Braz 2015 p. 246). Critics argue that the decision has allowed for a flood of money into politics, potentially giving wealthy individuals and corporations undue influence over elections. Supporters of the decision, on the other hand, argue that it upholds free speech rights and allows for a diversity of voices in the political process.

The fallout of the Citizens United case is still very much relevant to the American democratic ecosystem today, and has been a continuous point of discussion in all elections since 2010. Clearly, it is possible to argue for the allowance of Super PACs in reference to the First Amendment. But no matter the validity of the reasoning, it is relevant to question if the lasting effects of the verdict truly reflects a healthy democratic system. As the literature review will show, researchers have found that Super PACs have changed the rules of the American political game in multiple ways, and in extension how its democracy operates.

### 3. Literature Review

**Colbert:** So I could get money from my (c)(4), use that for political purposes, and nobody knows anything about it until 6 months after the election?

**Potter:** That's right. And even then they won't know who your donors are.

**Colbert:** That's my kind of campaign finance restriction... Okay, so now I can get corporate and individual donations of unlimited amounts for my (c)(4). What can I do with that money?

**Potter:** Well, that (c)(4) could take out political ads and attack candidates or promote your favorite ones as long as it's not the principle purpose for spending its money.

**Colbert:** No, my principle purpose is an educational entity, right? I want to educate the public that gay people cause earthquakes. Ok?

**Potter:** There are probably some (c)(4)s doing that.

**Colbert:** Can I take this (c)(4) money and then donate it to my Super PAC?

**Potter:** You can.

**Colbert:** But wait, wait, Super PACs are transparent.

**Potter:** Right...

**Colbert:** And the (c)(4) is secret.

**Potter:** Mhmm.

**Colbert:** So I can take secret donations of my (c)(4) and give it to my supposedly transparent Super PAC.

**Potter:** And it'll say given by your (c)(4).

**Colbert:** What is the difference between that and money laundering?

**Potter:** It's hard to say."

The conversation excerpt above comes from the talk show segment "The Colbert Report", where Stephen Colbert, in his satirical way, highlighted the lack of transparency and potential for corruption in the American political finance system (Hardy et al., 2014 p. 335-336). Colbert, who humorously ran for "President of the United States of South Carolina," aimed to educate his audience on the flaws of the system rather than pursuing real political ambitions, discussing this with a former commissioner of the FEC, Trevor Potter. We present this conversation as it encapsulates three problematic aspects in the democratic process: the influence of economic elites on elections, the risks of corruption, and the lack of transparency in politics.



This conversation was drawn from a 2014 article by Bruce W. Hardy, Jeffrey A. Gottfried, Kenneth M. Winneg, and Kathleen Hall Jamieson. Their analysis focused on Colbert's segment, assessing its effectiveness in educating the audience about the influence of money in elections. According to their 2012 survey, viewers of *The Daily Show with Stephen Colbert* were found to be more knowledgeable on this subject compared to non-viewers, and posing similar results in understanding as newspaper readers (Hardy et al., 2014, p. 330). This suggests a gap in public understanding of election financing, highlighting the importance of accessible information for a functional democracy. Building upon this article and the Colbert-Potter conversation as a starting point. Our focus is to analyze how these elements have affected the landscape of democracy in the United States.

Super PACs also attract interest from fields beyond political science. Law scholars often play a crucial role in discussions about campaign finance laws, and given the Supreme Court's significant role in upholding democracy and the rights of the individual in the US, their insights provide nuance for understanding the broader context. In this thesis, we draw upon one Note authored by legal scholars that scrutinize campaign finance laws. Specifically, we reference one from Harvard Law Review (2015), offering an analysis on laws pertinent to Super PACs. A Note, in legal scholarship, serves as a comprehensive examination of current laws, accompanied by recommendations for potential changes (NYU 2024). While these Notes primarily focus on legal aspects, they provide sufficient context for non-law scholars to comprehend the subject matter. Leveraging their expertise allows us to expand our understanding of Super PACs within a broader context.

Sociologists also play a role in this field, often focusing more closely on the nature of campaigning and the underlying messages conveyed by Super PACs and candidates. While their emphasis may differ from that of political scientists, their insights can be valuable for framing our analysis within a broader context. For instance, Nathan Katz (2022) examined the marketing strategies employed by Republican candidates in the 2012 and 2016 elections, shedding light on the strategies deployed and the underlying motivations. This offers a distinct perspective that enriches our understanding of democracy, complementing our own measurements and conceptualizations.

With this in mind, most of our research is rooted in prior political science studies. Many of the articles we reviewed choose to scrutinize the financial aspects of elections, whether exploring trends, strategies, locations, or candidates (Dwyre & Braz 2015; Rocca & Clay 2021; Christenson & Smidt 2012; Magleby 2019). While acknowledging the effectiveness of this approach to understand the goals and strategies employed by Super PACs, our focus extends beyond mere financial transactions; we aim to examine not only the role of money but also its broader influence and impact. Moreover, recognizing the significant presence of ‘dark money’, that cannot be traced, inherently limits the conclusions drawn from studies focusing solely on expenditures. By adopting a more expansive scope, we can derive alternative more contextualized insights, drawing on the contributions of prior scholars in the field.

Our contribution to the field primarily centers around the introduction of a fresh theoretical perspective. The emergence of Super PACs presents an unprecedented challenge that necessitates thorough examination, especially considering the global influence of changes in the United States. If independent campaign spending becomes the new norm, it is crucial to understand its potential impacts on democracy. This knowledge is essential not only for assessing the current state of American democracy but also for anticipating and mitigating similar effects in other democratic societies around the world. Our exploration encompasses aspects not only pertinent to established democratic states but also crucial for emerging democracies striving to establish and fortify their societal foundations. In the forthcoming theoretical section, we establish Dahl's criteria for democracy as our foundational benchmark. However, we extend this baseline by delving deeper into the prerequisites for a robust democracy, emphasizing the pivotal roles of transparency, anti-corruption efforts, ensuring a level playing field for all participants, and actively working against democratic backsliding.

## **4. Theory**

The theoretical framework for this thesis will be based on an elite focused theory. We base this choice on the hypothesis that economic elites have gained an unproportional amount of influence on deciding the next president, or at the very least an avenue for increased influence given the increased impact of money in elections. Another perspective will be that of corruption, which we hypothesize has been exacerbated by the Citizens United ruling. Therefore, we will also add a theory about institutional corruption as an additional perspective for the analysis.

### **4.1 Elite Theory**

The elite theory presents the idea that a small fraction of society always holds the power, and are able to influence society to better benefit their agenda (Mariotti, 2022, p. 427). The theory was first introduced by the Italian “Machiavellian school” and later expanded upon in the 1950’s by the sociologist professor C. Wright Mills. The theory suggests that this small group of elites, who tend to come from wealthy and advantaged backgrounds, have the ability to impact the state's policies and decisions through media, corporations and more. In this sense all governments are oligarchies, according to elite theory (Mariotti, 2022, p. 428).

The term “circulations of elites” was introduced by sociologist Vilfredo Pareto and is a concept connected to the elite theory, which implies that there always is an elite group in society, regardless of the stability of specific individuals. The concept was built upon by sociologist Gaetano Mosca who claimed that society is divided into levels, with the elites at the top exercising their power over the general public. Mills also coined the term “power elite” which refers to the idea that the main power in society is gathered within a small group of intertwined citizens connected to politics etc. These individuals tend to work together in order to reach common goals and sustain control and power. Mills suggested that the power of the elites is not defined by the power of the individual, but rather what positions the individual holds in institutions within the military, economic or political spheres, and how these positions relate to one another (Mariotti, 2022, p. 428-429).

The elite theory offers a lens through which to analyze the role of economic elites in shaping political outcomes, and specifically how the Citizens United ruling has impacted their influence. With the proliferation of Super PACs and the influx of ‘dark money’ into the

electoral process, understanding the dynamics of elite influence becomes paramount. By applying the insights from the elite theory, we can assess if economic elites have an outlet to leverage their resources to advance their interests and manipulate the political agenda, through this new perspective.

#### **4.2 Institutional corruption theory**

Institutional corruption theory challenges the conventional understanding of corruption as limited to bribery and similar acts. Instead, it posits that corruption manifests differently across societies, with varying salience depending on societal development (Thompson, 2018, p. 496). This theory primarily examines how institutions can be corrupted and the conditions under which such corruption becomes prevalent.

Fundamentally, institutional corruption theory operates on three key principles. Firstly, it suggests that individuals can exploit institutional loopholes to gain undue advantages from the system. In this scenario, the corrupt actor manipulates existing legislation or regulations to maximize personal benefits beyond the intended scope (Thompson, 2018, p. 496). Secondly, institutional corruption is characterized by its impersonal nature, distinguishing it from traditional *quid pro quo* exchanges. Unlike the typical notion of corruption where favors are exchanged for specific benefits, institutional corruption may involve actions that serve the self-interest of the individual without explicit corrupt motives (Thompson, 2018, p. 496). Lastly, institutional corruption transcends governmental spheres and extends to various institutions such as media, healthcare, education, and finance. This broad scope highlights the pervasiveness of corruption beyond the political realm, implicating diverse sectors of society (Thompson, 2018, p. 496). This theory provides a lens through which to examine whether the emergence of Super PACs has resulted in some forms of corruption being more prevalent.

#### **4.3 Robert Dahl's conditions for democracy**

It is essential to establish a clear understanding of democracy before delving into the analysis. Our framework for assessing democracy draws heavily from Robert Dahl's seminal work, particularly his conditions for a democratic process and the necessary political institutions. Dahl outlines five fundamental criteria for a democratic process: effective participation, voting equality, enlightened understanding, control of the agenda, and inclusion of adults

(Dahl, 2021, p. 37-38). These criteria collectively aim to ensure political equality for all citizens, safeguarding against policy decisions being dictated solely by a minority. Of particular interest to us is the fourth criterion, control of the agenda. Political agendas are determined by elected officials, who are entrusted with making policy decisions. However, our focus lies on the ability of economic elites to influence this agenda, a concern exacerbated by the Citizens United ruling. Our aim is to scrutinize this influence and its impact on politicians and policy decisions.

It is worth noting that these criteria serve as an ideal model—a benchmark against which to assess real-world democracies (Dahl, 2021, p. 42). While not directly applicable in practice, they provide a framework for comparison. Additionally, Dahl identifies six political institutions essential for democracy: elected officials, free, fair, and frequent elections, freedom of expression, alternative sources of information, associational autonomy, and inclusive citizenship (Dahl, 2021, p. 85). Of these six, our focus centers on elected officials, freedom of expression, and associational autonomy. Elected officials are crucial for representing the will of the people, while freedom of expression gains significance in light of the Citizens United ruling, which framed independent campaign spending as a form of free speech. Associational autonomy underscores individuals' rights to form and mobilize independent organizations without government interference.

The tension between allowing independent expenditures as an expression of free speech and ensuring elected officials remain accountable to the electorate raises complex questions. Our analysis will explore these concepts in relation to each other, navigating the democratic dilemma they present. While this thesis may not resolve this dilemma outright, it aims to shed light on the extent of elite influence resulting from the Citizens United ruling. Since our research question specifically focuses on the implications on democracy, these criteria allows us to study this through a clear framework, being these ideal types presented by Dahl.

## **5. Method**

### **5.1 Research design**

This thesis undertakes a comprehensive examination spanning the decade subsequent to the Citizens United ruling in 2010. Central to our analysis are elections, encompassing both midterms and presidential races, as well as pertinent party primaries. While our approach does not involve direct comparisons between individual elections, the chosen timeframes offer crucial contextual insights, facilitating the identification of overarching trends in democracy post-2010. This detailed case study of the ten years following the Citizens United ruling enables an exploration of its effects on democracy (Teorell & Svensson, 2007, p. 82).

Our analysis will delve into three critical dimensions with significant implications for American democracy: elite influence, corruption and transparency. Each dimension will be thoroughly examined in separate sections to evaluate its impact on democratic values. This approach sets our research apart, as previous studies have typically focused on isolated aspects of Super PAC implications without contextualizing them within a broader framework.

The selection of these three focal aspects stems from our analysis of previous research. While existing literature often explores various aspects of democracy, none have sought to amalgamate these dimensions into a comprehensive examination. Most reviewed articles partly exhibit a normative outlook, focusing on specific facets of the broader issue of Super PACs. However, none have undertaken such a broad focus in integrating multiple aspects of democracy. Accordingly, our thesis also adopts a partially normative outlook, aiming to evaluate a multitude of democratic values we believe are challenged as a consequence of the Citizens United ruling, and seek resolutions to the issues.

This study maintains high internal validity by operating under well-defined conditions. The pivotal Citizens United case, alongside its consequential counterpart, SpeechNow.org, introduced specific amendments to the legal framework. Using 2010 as a starting point, we can discern distinct before-and-after scenarios, focusing solely on pertinent changes, carefully selected variables and actions made possible by the ruling.

However, external validity is limited as this study is not intended for broad generalization to other contexts. The intricacies of American politics, and by extension, its democratic landscape, are unique and rooted in distinct historical, legal, and cultural foundations. Therefore, attempting to extrapolate similar cases or outcomes to other parts of the world would be imprudent.

## **5.2 Delimitation**

We have deliberately chosen not to confine our review to specific types of elections but have instead limited the number of dimensions of democracy we scrutinize. This strategic decision stems from our aim to focus solely on particular effects on democracy arising specifically from this case (Teorell & Svensson, 2007, p. 84). The selection of these three aspects for examination is informed by prior research, acknowledging that campaign finance laws affect numerous facets of democracy beyond what can be feasibly explored in a single thesis. For example, we will not explore topics like media coverage and influence, intra-party financing, or implications for voter turnout. Although each of the three sections represents a substantial effort in summarizing complex themes, they collectively address fundamental aspects essential for democracy studies. We acknowledge that these sections only provide general outlines, and there might be overlooked elements that could have been included. However, due to constraints in time and resources, we have prioritized these three core dimensions.

As previously mentioned, we have opted to confine our study within a specific timeframe. Given that significant changes to campaign finance laws transpired in a single year, 2010, we will analyze the decade following this ruling. This timeframe aligns well with the objectives of our thesis. Additionally, as this thesis is being composed in the spring of 2024, with an election scheduled for this year, we will use 2020 as our latest frame of reference to ensure no influence from ongoing electoral dynamics. With that being said, it is worth noting that we may draw upon information from the years preceding this ruling, if and when it offers pertinent contextual insights for our analysis.

## **5.3 Data and Material**

The material is based on previous political research. As a part of our goal is to explain and describe this subject in a useful way for European scholars, we used the data available from

American political scientists and their studies, while aiming to be more available for scholars who were not as well versed in the context of American politics. It was essential to note that our study built upon existing research as its cornerstone, rather than embarking on a new empirical investigation in the traditional sense. Rather than delving into real-world observations, we aimed to synthesize, analyze, and critique previous studies through our theoretical point of view. This approach aims to yield valuable insights by consolidating multiple studies into a comprehensive examination (Teorell & Svensson, 2007, p. 91).

The chosen articles that were considered were projects that have been peer reviewed, where the work had been reviewed by scholars in the relevant field to ensure high academic and scientific quality (Lund University, 2024). We used the library database Ebscohost, which gathered scientific research from all fields. Through their search functions, one can browse through thousands of articles, while sorting for only peer reviewed articles. This ensures that all information presented in this thesis holds the highest quality possible. Furthermore, information has been gathered from non-profits such as Open Secrets, that produce works and reviews of current issues regarding democracy in the United States. Additionally, one graph has been included in the appendix, for illustrative purposes.

## **5.4 Relevance**

The intradisciplinary relevance of our work lies primarily in its consolidation of existing scientific literature into a coherent and accessible thesis. Our study serves as a valuable resource for scholars seeking to navigate the complexities of American politics, even without prior expertise in the field. Our interdisciplinary relevance stems from the significance of the topic we are addressing, which holds relevance not only for Americans but also for global stakeholders. As highlighted in the introduction of this thesis, the functioning of democracy in America sets a precedent for democratic practices worldwide, given the country's involvement in numerous conflicts and democratic missions across the globe. By offering a diagnosis of American democracy, our work has the potential to enhance the democratic landscape worldwide.



## 6. Conceptualization and operationalization

### 6.1 Conceptualization

#### 6.1.1 Super PACs

Since this paper is based on the *Citizens United v. FEC* case, we will start by defining the Super PACs, which were the offspring from this case:

“Technically known as independent expenditure-only committees, Super PACs may raise unlimited sums of money from corporations, unions, associations and individuals, then spend unlimited sums to overtly advocate for or against political candidates. Unlike traditional PACs, Super PACs are prohibited from donating money directly to political candidates, and their spending must not be coordinated with that of the candidates they benefit.” (Open Secrets, 2024)

Some scholars have tried to categorize Super PACs further by looking at their goals and motives, which is important to note in the context. For instance, Dwyre and Braz (2015 p. 254) categorize them based on their strategies leading up to elections, and outlined four main types of Super PAC spending goals.

1. The Candidate Specific Super PAC
2. The Partisan Super PAC
3. The Ideological Super PAC
4. The Access Oriented Super PAC

According to their research, the overwhelming majority of Super PACs are classified as candidate specific, which means they aim to get one particular candidate elected, either by smearing rivals or promoting the candidate they support. 64% (154 out of 240) of the registered Super PACs in the 2012 election cycle were coded as this type (Dwyre & Braz, 2015, p. 257-258). Because this is the most common type of strategy for a Super PAC, and they are the most likely to be affected by some sort of corruption, they will be the main focus of this thesis, as their close connection with candidates challenges the notion of independence, and therefore exacerbates the risk of *quid pro quo* exchanges. Partisan Super

PACs put their focus on supporting multiple candidates, whether in the senate or presidential campaigns. Their aim is to influence a specific party by supporting several different members of it. Ideological Super PACs aim to change the dynamics within a party. Their purpose is to support certain candidates that the Super PAC approves of in order to affect the overall ideology of the party in the long run. The access-oriented Super PACs focus on specific objectives rather than ideology. They tend to not support specific candidates and instead usually keep their focus on current executives (Dwyre & Braz, 2015, p. 255-256).

### **6.1.2 501(c)(4)**

501(c)(4)s earn their name from their tax classification:

“Often referred to as "social welfare" organizations, these nonprofits are the most common kind of dark money group. They may engage in political activities, as long as these activities do not become their primary purpose. The IRS has never defined what "primary" means, or how a percentage should be calculated, so the current de facto rule is 49.9 percent of overall expenditures, a limit that some groups have found easy to circumvent. Donations to these groups are not tax-deductible.” (Open Secrets, 2024)

This is one of the prevalent loopholes in electoral spending, because they do not have to disclose who their donors are, but are allowed to donate to Super PACs (Hardy et al., 2014, p. 333).

### **6.1.3 First amendment (Freedom of Speech)**

To make sense of the ruling in the Citizens United case, and the arguments for the allowal of Super PACs, we will make a point of defining the First amendment in the US constitution:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (Constitution Annotated, 1791).

The court ruled that “government may not suppress speech on the basis of the speaker’s corporate identity” (Dwyre & Braz, 2015, p. 247). As mentioned in the background, the Citizens United case only ruled that unions, interest groups and corporations would be allowed to make independent expenditures, followed by individuals in the SpeechNow.org case in the same year. The main argument was that the freedom of expression and assembly was enough to allow their independent expenditure, so long as it was not in coordination with the candidate (Dwyre & Braz, 2015, p. 247-248).

#### **6.1.4 Coordination**

This conceptualization delves into two key aspects of the laws governing Super PACs. Firstly, it addresses the issue of independence within Super PACs, and the potential for illicit coordination between candidates and external interest groups. Despite the ruling in the Citizens United case, where the court determined that the risk of corruption was negligible due to existing anti-corruption laws (Harvard Law Review, 2015, p. 1482), concerns persist regarding the true independence of these groups. For instance, a presidential candidate is permitted to participate in fundraising events organized by a Super PAC, provided they do not directly solicit donations exceeding the legal limit of \$5,000. However, once the candidate has left the event, organizers could potentially encourage donors to contribute amounts surpassing the candidate's suggested limit, all while remaining within the bounds of 'independence' and legality (Harvard Law Review, 2015, p. 1489). The question of whether such actions constitute coordination and independence from candidates remains a murky area within the law, highlighting unresolved gaps that may facilitate corruption.

#### **6.1.5 Quid Pro Quo Corruption**

Corruption extends beyond mere bribery; it encompasses the exchange of something for something else. Quid pro quo, Latin for "this for that," encapsulates this concept in the political realm, representing the exchange of something valuable for official action (Robertson et al., 2016, p. 377). Integral to democracy is the notion that elected officials enact the will of the people in policymaking. However, when officials prioritize the interests of those who aided their election, concerns arise regarding the legitimacy of their authority.

A crucial consideration in the Citizens United ruling was its potential impact on the "appearance" of corruption, as public perception of government legitimacy is paramount (Robertson et al., 2016, p. 378). Preserving absolute sovereignty among the people is essential for democratic governance; any compromise in this regard undermines the foundational principles of democracy.

Moreover, defining what constitutes a quid pro quo exchange hinges on the motives underlying the transaction, according to the current laws. Individuals and corporations are permitted to donate to parties and candidates to support their electoral efforts, provided such contributions are not made with a corrupt intent (Robertson et al., 2016, p. 378). However, the vagueness of these laws leaves room for interpretation, as one can argue that their actions were not driven by a corrupt state of mind.

The requirement for evidence of exchanges involving something of value presents a significant challenge (Robertson et al., 2016, p. 379). Given that such agreements can occur discreetly, proof of wrongdoing may be elusive, while also necessitating evidence of corrupt intent. Therefore, it is crucial to consider not only tangible evidence but also the appearance of corruption. Even in the absence of concrete proof, the perception of corruption can significantly impact public trust in the legitimacy of the government.

## **6.2 Operationalization**

In order to conduct the analysis we will need to operationalize democratic backsliding into units of analysis. These units will be elite influence, corruption and transparency.

### **6.2.1 Elite Influence**

References to elite influence, and the potential 'disproportional' amount of influence, do not challenge the principle of "one man, one vote." Instead, the scrutiny lies in their impact on politicians, the political agenda and the mobilization of voters. The primary focus is on their capacity to shape policy changes. Any influence they exert on specific policies or politicians will be regarded as undemocratic, given that the general public lacks a similar level of influence compared to these economic elites. Their influence will also be assessed based on their impact on election outcomes. Any indication that the money spent by these elites

influences the outcome of a state or general election will likewise be deemed problematic from a democracy perspective.

### **6.2.2 Corruption**

To assess the level of corruption, our analysis will focus on whether the potential for exploiting power for personal gain has escalated since the inception of Super PACs. Despite the ruling in *Citizens United*, which asserted that "independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption" (Dwyre & Braz 2015, p. 247), our thesis seeks to revisit this assertion. We aim to critically evaluate whether this determination holds true concerning the corruption dynamics within democracy. It is worth noting that the citation pertains explicitly to the appearance of corruption, suggesting that any perception hinting at potential corruption is also considered unlawful. As articulated in our conceptualization, this aspect will be central to our operationalization, as any indication that the risk of fostering the "appearance" of corruption is amplified will be regarded as problematic.

### **6.2.3 Transparency**

Government transparency stands as a cornerstone of democracy. Prior to the *Citizens United* case, the issue of transparency in campaign financing was minimal, as all election funds were directly linked to candidates, mandating their disclosure by law. For the purposes of this thesis, transparency is defined by the disclosure of financial contributions. While the essence of dark money is its secrecy from the public, we will identify operational indicators, such as the risk associated with undisclosed expenditures and loopholes in campaign finance laws, as examples of democracy erosion in relation to campaign financing.

## **7. Analysis**

The analysis is divided into three sections, each examining an aspect of democracy we believe has been impacted by the Citizens United ruling. These three areas are: elite influence, corruption and transparency. Our analysis is structured around the established theoretical framework. The section on elite influence will draw upon the elite theory, analyzing its implications in the post-Citizens United landscape. Likewise, the examination of corruption and transparency is framed within the context of the institutional corruption theory. They are presented as two different sections, but note that they are intertwined, since lack of transparency leads to risk of corruption. Observe that we are connecting the empirical information to the theories directly in each section.

### **7.1 Elite Influence**

The political influence of societal elites has become a pivotal aspect of contemporary politics. This is true globally, amidst the rise of populism, and perhaps especially evident in the United States. The trend has sparked debates about the extent of influence held by economic elites in both societal and political realms. In our examination, we delve into the newfound avenues of influence available to economic elites in the aftermath of the Citizens United ruling, which granted them the ability to spend unlimited funds on independent expenditures and their own campaigns.

While the scrutiny of elite influence on elections has intensified since 2010, the root cause of the problem was already highlighted by Martin Gilens in 2004. Of particular interest in Gilens' survey, for our purposes, was the question concerning campaign finance laws. His study showed that the wealthy respondents showed a slight preference for stricter campaign finance regulations, while the lower-income population did not. Moreover, the affluent expressed support for publicly financed elections, a stance overwhelmingly opposed by the less affluent (Gilens 2004, p. 22).

Gilens concluded that American politics largely catered to the desires of the wealthy, with the opinions of the poor often being overlooked in Washington. His study utilized a questionnaire to gauge the alignment of actual policy decisions with public opinion. The results were striking; Gilens found that a policy was six times more likely to be adopted if it had support

from the affluent, compared to just 1.3 times for policies supported by the less affluent (Gilens, 2004, p. 16).

Gilens' study underscored the longstanding sway of economic elites in shaping policy decisions, even before the Citizens United ruling. This prompts the immediate question: has this influence intensified post-Citizens United? According to a report by Karl Evers-Hillstrom for Open Secrets in 2020, the adage 'he who holds the gold, makes the rules' remains apt. In his report he underlines that the escalating expenditures in political campaigns have become an increasingly reliable barometer for predicting the occupants of the Oval Office for the ensuing term. Since 2010, Super PAC spending has emerged as the predominant force in presidential elections. The cumulative spending by external groups between 2010 and 2018 reached approximately \$4.5 billion, a stark increase compared to the \$750 million spent in the preceding two decades (Evers-Hillstrom, 2020, p. 8). Furthermore, the amount of money spent by Super PACs and other outside groups are becoming proportionally larger by each passing midterm and presidential election (Evers-Hillstrom, 2020, p. 10).

The Open Secrets report also sheds light on what is known as 'The Modern Megadonor,' referring to the top 10 highest spenders in independent expenditures, composed mainly of billionaires and their spouses (Evers-Hillstrom, 2020, p. 23). In the 2018 midterm elections, these top 1% of donors accounted for a staggering 96% of Super PAC donations, amounting to \$818 million out of the total \$852 million spent (ibid). Similar patterns were observed in previous elections, as indicated in Figure 1 (see appendix).

The reason for the prominence of economic elites in this discourse lies in their capacity to swiftly amass funds—a task that would otherwise be time-consuming and difficult when soliciting contributions for extensive advertising or campaign endeavors. A prime illustration of this is Michael Bloomberg's 2020 donation of \$20 million to a Super PAC, a sum that can instantly nullify the crowdfunding efforts of thousands of Americans (Evers-Hillstrom, 2020, p. 24).

Given this, we can infer that the most efficient approach to fundraising for an independent Super PAC campaign would be to secure a substantial sum from a single major donor, rather

than rely on numerous smaller contributions. The rationale behind this strategy is the perceived ease of effort in gathering such significant sums. However, a logical deduction also follows: the donor, having potentially invested millions into a Super PAC, would likely expect a degree of influence over how and where their money is utilized. This underscores the problem with unregulated amounts of political donations from individuals through Super PACs, since they lead to political influences of previously unattainable levels.

Returning to the theory of elite influence in society, we observe a scenario where multiple donors contribute to various Super PACs, each backing different candidates and agendas. This dynamic creates a sort of 'bidding war' among elites with divergent viewpoints, launching campaigns and advertisements targeting opposing candidates and causes. The electorate, in turn, is subjected to this barrage of campaigning and ads, which can significantly sway election outcomes.

Presidential election outcomes hinge heavily on winning key swing states—those battleground states where the race between Republican and Democratic candidates is neck-and-neck, offering a chance for either party to clinch victory (Merriam-Webster, 2019). States like Michigan, Florida, Pennsylvania, and Ohio often find themselves in this pivotal role, though their swing state status can fluctuate across elections. Understanding the state-by-state context is crucial, as it significantly shapes Super PAC spending strategies, because tight races lead to greater Super PAC spending (Rocca & Clay, 2021, p. 245).

However, Super PAC spending is not solely determined by swing state dynamics. The ideological positioning of both the incumbent and potential new Members of Congress (MCs) also plays a pivotal role. While research suggests that Super PACs tend to favor ideologically moderate MCs, their support is far from guaranteed. Complicating matters, Super PACs and their donors often hold more extreme ideological positions than the candidates they back. This dynamic places MCs in a delicate position, where they may feel pressured to adopt more extreme stances to secure continued Super PAC support, potentially leading to a more polarized Congress (Rocca & Clay 2021, p. 243-244). Furthermore, the influence of Super PAC support extends to the strategic maneuvers adopted by incumbent candidates vying for office. With the backing of a Super PAC, candidates can allocate their personal campaign



funds toward positive self-promotion while entrusting Super PACs to disseminate negative messaging targeting their opponents (Magleby, 2016, p. 26).

In essence, the growing influence of money in elections has rendered MCs increasingly reliant on Super PAC support, often necessitating compromises on their own principles and beliefs to secure funding necessary for reelection. This marks the significant power wielded by economic elites in shaping political agendas, in part thanks to the ramifications of the Citizens United decision.

## **7.2 Transparency**

One cornerstone of democracy lies in the principles of transparency and accountability upheld by politicians and political entities (Hardy et al., 2014, p. 337). Transparency of information is vital to help citizens understand the underlying motivations behind government policies. Conversely, the absence of transparency might create fertile grounds for corruption, as it can give wrongdoers a chance to operate under the cloak of anonymity.

The crux of the transparency issue concerning Super PACs stems from the intricate laws governing fundraising disclosure. Reflecting on the exchange between Stephen Colbert and Trevor Potter, it becomes evident that voters are left in the dark regarding who is the driving force behind political campaigns as they cast their ballots. While Super PAC regulations are often criticized for their ambiguity, it might be the regulations surrounding 501(c)(4) organizations that are truly in need of critical observation since these entities can receive funding from any source without the obligation of disclosure (Hardy et al., 2014, p. 333).

Given the preceding analysis of Super PACs' influence on politicians, a pivotal question arises: Are we truly operating within the confines of democracy? The essence of democracy lies in the premise that power should be held by people, yet the current landscape raises doubts about the actuality of this principle. It seems naïve to assume that external actors would abstain from exploiting available ambiguities in the existing legal framework. Thus, the fundamental question persists: Is the current system truly democratic, or are we merely witnessing the veneer of democracy, underpinned by vague and susceptible laws?

It is crucial to consider the structure of the Federal Election Commission, which is the agency tasked with enforcing campaign finance laws. The FEC is comprised of six commissioners, and to ensure balance, no more than three commissioners can belong to the same political party, and any decision requires the support of at least four commissioners. Given the political polarization in the United States, this often leads to no decision being taken at all (Evers-Hillstrom, 2020, p. 18).

The FEC's ineffectiveness in enforcing the laws it is mandated to uphold is apparent in its track record: not once has it levied a fine for any wrongdoing. The sole instance where someone faced penalties for misconduct stemmed from the Justice Department's investigation, which unearthed evidence of coordination between a politician and a Super PAC (Evers-Hillstrom, 2020, p. 17). This suggests that the commission tasked with addressing such matters is falling short in fulfilling its duties. Whether attributed to insufficient resources, the challenge of uncovering transgressions, or the ideological chasm within the commission, the absence of convictions over the span of a decade reflects a failure to meet the standards expected of an agency entrusted with upholding regulations.

Dark money refers to funds used for independent expenditures in elections, whose origins cannot be traced back to their original source. In order to accomplish this, corporations funnel money through shell companies to 501(c)(4) organizations, which then donate to Super PACs, thus shielding the corporations' involvement while influencing election campaigns (Evers-Hillstrom, 2020, p. 40). During the 2018 midterms alone, dark money outside groups contributed \$176 million to election activities (ibid).

In addition to dark money, "gray money" groups emerged post-Citizens United, claiming significant influence. While these groups disclose some donors, many remain undisclosed (Evers-Hillstrom, 2020, p. 40). Attempts to increase transparency, such as the FEC's 2015 initiative, have faltered because of the ideological rift within the commission. A subsequent district court ruling in 2018 criticized the FEC for inadequate action, prompting the release of new disclosure guidelines from the FEC for Super PAC donors. However, the vague language of these guidelines left loopholes open for exploitation. For instance, the guidelines stipulated that any organization spending more than \$250 must disclose donors contributing over \$200

for vaguely defined "political purposes" (Evers-Hillstrom, 2020, p. 42-43). During the 2018 midterms, the FEC requested donor disclosures from 17 groups, but only four complied—with their lists merely revealing further dark money groups as donors. Exploiting the ambiguity of "political purposes," many groups simply ignored disclosure requests, claiming their funds were not earmarked for political activities (Evers-Hillstrom, 2020, p. 43).

As long as the FEC does not operate efficiently, politicians and donors can use loopholes and enjoy the benefits of independent expenditures. As the people in charge of deciding these issues are inherently the ones reaping the rewards, there is no real motivation to regulate. The ideological rift in government and within the FEC has left democracy exposed, and issues with transparency are a contributing factor. Since lack of transparency leads to risk of corruption, this issue needs to be dealt with, however, there is no clear solution currently.

### **7.3 Corruption**

Corruption in this context extends beyond mere financial transactions; it encompasses political corruption, including quid pro quo corruption, as discussed in the theory section. Quid pro quo corruption lies at the core of the issue, as obtaining favors from politicians in exchange for support is a form of payment for investing in the election. The concept of "independence" in the law thus becomes a pivotal point of contention.

The existence of coordination between politicians and donors, as illustrated in the fundraising meeting example (see section 6.1.4 Coordination), provides a potential avenue for such exchanges. A Harvard Law Review Note from 2015 critiqued the vagueness of laws governing Super PACs, suggesting that it allows for interpretation where clarity is needed. The Note proposed four specific changes to the law to delineate the boundaries of coordination between candidates and Super PACs:

“First, candidates should not be able to attend Super PAC fundraising events. Second, candidates should not be able to solicit contributions — whether unlimited or within FECA limits — on behalf of Super PACs. Third, candidates and Super PACs should not be able to share outside fundraising consultants. Fourth, candidates should not be

able to provide lists of supporters directly to Super PACs for use in fundraising efforts.” (Harvard Law Review, 2015, p. 1495).

Even Donald Trump, who is not typically regarded as a political scholar, has voiced criticism of the Super PAC system and its associated laws. He famously labeled his opponents in the 2016 primaries as “puppets” for the influential megadonors and denounced the system as “corrupt” (Evers-Hillstrom, 2020, p. 13). While his rhetoric may raise eyebrows, there is some truth to his assertions. Trump notably navigated the 2016 primaries without Super PAC support, only gaining such backing after securing the primary win (Evers-Hillstrom, 2020, p. 13-14).

However, Trump's presidency also provides direct evidence of Super PAC support translating into policy action and governmental favor. In 2017, during a meeting with the then Japanese Prime Minister Shinzo Abe, Trump reportedly advocated for one of his prominent supporters, casino billionaire Sheldon Adelson, to obtain a casino license in Japan (Elliot, 2018). While Trump may be viewed as an outlier in many respects, his actions have pushed the boundaries of presidential conduct, potentially establishing a new norm. It could potentially be argued that he is operating within the confines of evolving legal standards, particularly as the first newly elected president to assume office following the Citizens United ruling, but this case certainly suggests that, from here on out, it is possible to get the aforementioned *quo* for your *quid*.

While numerous theses could be crafted on Trump, our central focus diverges from this trajectory. In another study conducted by Christenson and Smidt (2014), an analysis of the spending behaviors of Super PACs dedicated to individual candidates in the 2012 Republican primaries was undertaken. Their objective was to ascertain whether there was a connection between the expenditures of the candidates' campaigns and the corresponding Super PACs, aiming to detect any potential indicators of coordinated spending practices. However, their findings failed to yield evidence suggestive of coordination in this instance (Christenson & Smidt, 2014, p. 428). Instead, they propose an alternative dynamic, wherein the relationship between the two entities was characterized by complementarity. This implies that, for instance, if a candidate campaigned in a specific state for a particular cause one week, the

corresponding Super PAC would respond the following week by complementing the campaign efforts, either by undermining rival candidates or further amplifying support for the favored candidate (Christenson & Smidt, 2014, p. 426-427).

Another intriguing revelation, while not necessarily on the topic of corruption, from this article pertains to the significant impact of Super PAC support, or the absence of Super PAC opposition, in primary elections. In the 2012 Republican primaries, three prominent candidates emerged: Rick Santorum, Newt Gingrich, and Mitt Romney, who eventually secured the party's nomination for the presidential election. The study delves into the financial backing, both in support of and in opposition to each of these candidates, revealing an insightful pattern. It turns out that Mitt Romney experienced a net disadvantage—indicating more expenditure directed against him than in his favor by Super PACs—in only one state (South Carolina), coincidentally one he failed to win (Christenson & Smidt, 2014, p. 422). This observation suggests that Super PAC spending wields a discernible influence in determining the victor in primary elections, implying that external groups' financial contributions play a noteworthy role in shaping electoral outcomes.

Once again, the issue of dark money necessitates discussion, particularly concerning funds originating from outside the US—a practice strictly prohibited under all circumstances. However, existing loopholes allowing for non-disclosure have paved the way for global entities to directly influence elections. A prime example, among numerous others, is the National Rifle Association's 501(c)(4) group, which has received contributions from companies such as Germany's SIG Sauer and Italy's Beretta, ostensibly for political purposes (Evers-Hillstrom, 2020, p. 45). Present regulations render it impossible to make sure of the extent of foreign funding, effectively obscuring the identities of organizations, interest groups, and individuals seeking to sway election outcomes.

## **7.4 Key findings**

In summary, our analysis reveals that the impact of Citizens United on democracy has been multifaceted. The three aspects we examined are intricately intertwined, with the absence of transparency heightening the risk of corruption. This dynamic tilts the scales in favor of monetary elites, who exploit the system under the guise of First Amendment rights. The

central concern in this context is undeniably the proliferation of dark money spending, which underpins and exacerbates each of these interconnected issues. As a consequence, to a certain degree, Citizens United has contributed to some form of democratic backsliding. Quantifying this impact into precise figures or articulating it in clearer terms than the discernible effects is challenging. Nevertheless, it's apparent that the democratic process in the United States no longer operates under conditions deemed sufficient for sustaining democracy.

## 8. Discussion

### 8.1 Reflection

With this analysis we can conclude that there has been a major shift in political forces in the United States since Super PACs entered the political arena. Our analysis shows how Super PACs give the economic elites a way to further influence which policies are adopted. In addition, transparency of political actions, which is vital to democracy, is endangered. Since there are ways to conceal the origins of money that is being put into Super PACs, the threat of foreign influence is greater than ever, which poses a big problem to the democracy of the United States. It can also be determined that this ruling has opened up an entirely new way for corruption to take place. Since the verdict, a presidential candidate or MC has larger incentives to engage in *quid pro quo* corruption, to, once elected, act in their donors best interests. These transactions of favors can be hard to track since they tend to occur behind closed doors, but the mere increase of this risk is hazardous enough for democracy to be endangered.

To scrutinize this topic further, we shift our focus from specific issues to a broader context. One key area we wish to explore further is the influence of global actors in national elections. The pathway created for global actors to sway US elections is concerning due to its potentially devastating consequences. Presently, there are not many barriers preventing, for instance, a Russian oligarch from funneling money into a 501(c)(4), which then channels funds to a Super PAC supporting a presidential candidate sympathetic to Russian interests. If such a candidate were to win a presidential election, they could reshape American foreign policy to align with Russian objectives across various fronts. The mere possibility of this scenario underscores the urgency of reevaluating campaign finance laws to prevent such undue influence.

While this might pose as significant a threat in the context of a smaller nation, the magnitude of America's impact on global affairs, in particular, can not be overstated. Moreover, the exacerbation of polarization within American politics due to Super PAC influence further muddles the issue. Increased polarization fosters internal discord, making extreme viewpoints and candidates more prevalent. Considering the additional layer of global influence, it is conceivable that an already polarized political climate could spiral into multifaceted conflicts.

What, then, is the solution to the issue? While it may appear straightforward in theory, the persistent inaction of involved parties suggests its practical implementation is filled with challenges. Despite the criticism voiced by all three presidents who have held office since 2010, no concrete steps have been taken. Complicating matters further is the FEC's glaring ineffectiveness in enforcing existing laws. The inefficiency of the FEC largely stems from internal polarization within the agency. One potential solution could involve broadening the representation within the party system to include more political parties, which could promote negotiations and compromises between the commissioners. However, delving deeper into this topic exceeds the scope of our current discussion.

Our assessment of the health of American democracy over the decade following Citizens United indicates a system currently operating below desirable standards. To address these shortcomings, we propose a two-pronged approach. Firstly, the FEC must undertake decisive action against violations of campaign finance laws, whether they involve explicit breaches, or instances where the perception of democratic integrity is compromised. Secondly, the lack of disclosure requirements for 501(c)(4) organizations is perplexing and demands immediate rectification. Given our findings linking transparency deficits to corruption, and the heightened influence of elites and global actors, there is no logical justification for the absence of such restrictions.

That said, we recognize and do not contest the allowance of independent expenditures. The argument that such expenditures constitute an expression is valid within democratic principles. However, it is imperative for voters to be informed about the campaign content aimed at influencing them and the entities behind it. While monetary elites may inherently possess societal advantages—an intrinsic feature of capitalism—it is crucial to establish a functional system compelling elites to disclose their influence on democratic processes. This ensures every voter has the opportunity to make well-informed decisions when exercising their right to vote.

This thesis has aligned itself with prior literature by synthesizing multiple studies and integrating their findings into our own analysis. Additionally, it extends beyond the



conventional focus on campaign spending to incorporate insights from the realms of elite influence, transparency and corruption. By broadening the scope of our investigation, we have contributed to the broader field of democracy studies. This integrated approach not only enriches our understanding but also provides a comprehensive view of the multifaceted dynamics inherent in the democratic process. Reflecting on the exchange between Colbert and Potter, it becomes evident that the ramifications of Citizens United extend far beyond mere transparency issues. The profound impact of this ruling surpasses initial expectations, highlighting the crucial significance of transparency in the realm of politics. While numerous institutions play vital roles in sustaining democracy, the true value of transparency may have been underestimated within the field of democracy studies. This study underscores the need for further research to delve deeper into the implications of transparency on democratic processes.

As previously mentioned, our method of compiling multiple studies into a comprehensive review has proven to be both straightforward and effective. However, we acknowledge that our contribution primarily lies in offering a new perspective rather than introducing entirely novel findings. Nevertheless, we firmly believe that fostering diverse viewpoints on the same subject is essential for advancing scholarly discourse. While this study could have been approached in various ways, we contend that our specific focus on elites, transparency and corruption represents some of the most significant implications of the Citizens United case. Indeed, democracy in the United States warrants thorough examination, given the inherent challenges it faces as a result of Citizens United.

## **8.2 Ethical considerations**

The main consideration for our study in regards to ethics was keeping the integrity of our research untainted by our values. As mentioned in the introduction, as political scientists, our allegiance is to democracy, and with that comes a responsibility to uphold and protect its core values. However, navigating this terrain while striving for objectivity presented a challenge. Our analysis revealed multiple facets of the subject that we perceive as detrimental to democracy, prompting a delicate balancing act in presenting the issue from a neutral standpoint. We tried to offer a comprehensive view by presenting counter arguments in a fair and reasoned manner, fostering understanding of diverse perspectives. Nevertheless, our

selection of focal issues was selective, guided by our assessment of their significant impact on democracy. While this focus may appear to magnify the scope of the issue, each of these aspects is integral to the functioning of democracy and thus warrants thorough examination and attention.

### **8.3 Further Research**

Our recommendations for further research stem from the original concept behind this thesis. Initially, we considered comparing two elections—one pre-Citizens United and one post (our suggestion: 2000 and 2016)—to isolate the effect of Super PAC support on a presidential candidate's bid. However, we opted against this approach, partly due to time constraints and partly because of the unique contextual nuances of each election. Variables such as candidate personalities, campaign strategies, incumbency status, previous election cycles, and numerous other factors can and should be considered when analyzing the outcome of a presidential race. However, given our findings, we suggest that there could be multiple intriguing revelations of such a study. Additionally, due to the scope of this thesis, we had to omit a section on the influence of campaign data, which has become increasingly significant since Citizens United. Campaign data, including mailing lists and personal voter information, plays a crucial role in election outcomes and is one of the primary resources for Super PACs. Future studies could focus on how Super PACs utilize campaign data to fortify their position as key influencers in the political arena.

## **9. Conclusion**

In conclusion, the impact of the Citizens United case on American democracy is multifaceted. Our research highlights several significant changes resulting from this ruling. Through our method of compiling multiple studies and examining them through a new theoretical lens, we have multiple conclusions. Firstly, there has been a notable increase in the influence of monetary elites, marked by the inflation of both the impact and volume of money in politics. The prevalence of "dark money" further exacerbates this phenomenon, providing external actors with a means to sway elections on par with the electorate. Moreover, the heightened risk of corruption, and the perception thereof, undermines the legitimacy of politicians in the world's most influential nation.

As shown by this thesis, there appear to be some deficiencies in the democratic processes of the United States related to the campaign finance laws. Considering its global prominence and professed commitment to democratic principles, the functionality of the American government also necessitates closer examination. Our study serves to shed light on these critical issues, particularly for European scholars seeking to comprehend the complexities of American politics. We hope that our analysis prompts deeper reflection on the delicate balancing act between multiple, and sometimes opposing, democratic values and their practical implementation.

## 10. References

### 10.1 Book references

- Dahl, Robert 2021. "On Democracy" 6th ed. New Haven & London: Yale University Press
- Mariotti, Claudia, 2022. "Elite Theory" in Harris, Phil - Bitonti, Alberto - Fleisher, Craig S. - Skorkjær Binderkrantz, Anne (eds.), *The Palgrave Encyclopedia of Interest Groups, Lobbying and Public Affairs*. 1st ed. Springer Nature Switzerland AG, p. 427-429.
- Teorell, Jan – Svensson, Torsten, 2007. "Att fråga och att svara: Samhällsvetenskaplig metod." 1st ed. Malmö: Liber.

### 10.2 Journals

- Christenson, Dino P. - Smidt, Corwin D. 2014. "Following the Money: Super PACs and the 2012 Presidential Nomination", *Presidential Studies Quarterly*, Volume 44(3): 410-430
- Dwyre, Diana - Braz, Evelyn, 2015. "Super PAC Spending Strategies and Goals", *The Forum*, Volume 13(2): 245–267
- Hardy, Bruce W. - Gottfried, Jeffrey A. - Winneg, Kenneth M. - Hall Jamieson, Kathleen, 2014. "Stephen Colbert's Civics Lesson: How Colbert Super PAC Taught Viewers About Campaign Finance", *Mass Communication and Society*, Volume 17: 329-353
- Harvard Law Review, 2015. "Working together for an independent expenditure: candidate assistance with Super pac fundraising". *Harvard Law Review*. Volume 128(5): 1478-1499.
- Katz, Nathan, 2022, "Polling, Partisanship, and Promoting Violence: New Developments in Impression Management From Candidate and Super PAC Advertisements", *Journal of Communication Inquiry*, Volume 48(1): 24-46
- Thompson, Dennis F. 2018. "Theories of Institutional Corruption", *Annual Review of Political Science*. Volume 21: 495-513
- Robertson, Christopher - Winkelman, Alex - Bergstrand, Kelly - Modzelewski, Darren. 2016. "The Appearance and the Reality of Quid Pro Quo Corruption: An Empirical Investigation." *Journal of Legal Analysis*, Volume 8(2): 375–438
- Rocca, Michael S. - Clay, Jared W. 2021. "Allocating Unlimited Money: What Explains Super PAC Spending in Congressional Elections?", *The Forum*, Volume 19(2): 229-252

### 10.3 Online documents

- Constitution Annotated, 1791. *U.S. Constitution - First Amendment*. [online] Available at: <https://constitution.congress.gov/constitution/amendment-1/>. Retrieval date: 2024-03-18
- Elliott, Justin, 2018. *Trump's Patron-in-Chief: Casino Magnate Sheldon Adelson*. [online] Available at: <https://features.propublica.org/trump-inc-podcast/sheldon-adelson-casino-magnate-trump-macau-and-japan/>. Retrieval date: 2024-05-08
- Evers-Hillstrom, Karl. 2020. *More money, less transparency: A decade under Citizens United*. [online] Available at: <https://www.opensecrets.org/news/reports/a-decade-under-citizens-united> Retrieval date: 2024-04-17

- Federal Election Commission, 2010. *Citizens United v. Federal Election Commission*. [online] Available at: <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/> Retrieval date: 2024-04-09
- Federal Election Commission, (2019). *Mission and History - FEC.gov*. [online] Available at: <https://www.fec.gov/about/mission-and-history/>. Retrieval date: 2024-05-07
- Gilens, Martin, 2004. *Inequality and Democratic Responsiveness: Who Gets What They Want from Government?*. [online] Available at: <https://www.princeton.edu/~mgilens/idr.pdf>. Retrieval date: 2024-04-02
- Lund University, 2024. *Vetenskaplighet*. [online] Available at: <https://libguides.lub.lu.se/c.php?g=296971&p=1989118> Retrieval date: 2024-03-25
- Magleby, David B., 2019. *Change and Continuity in the Financing of the 2016 U.S. Federal Election*. [online] Available at: [https://www.brookings.edu/wp-content/uploads/2018/02/9780815736592\\_ch1.pdf](https://www.brookings.edu/wp-content/uploads/2018/02/9780815736592_ch1.pdf) Retrieval date: 2024-04-08
- Merriam-webster.com, 2019. *Definition of SWING STATE*. [online] Available at: <https://www.merriam-webster.com/dictionary/swing%20state>. 2024-04-18
- Merriam-webster.com, 2020. *Definition of QUID PRO QUO*. [online] Available at: <https://www.merriam-webster.com/dictionary/quid%20pro%20quo>. 2024-04-11
- Open Secrets, 2022. *Super PACs*. [online] Available at: <https://www.opensecrets.org/political-action-committees-pacs/super-pacs/2022>. Retrieval date: 2024-03-06
- Open Secrets, 2016. *Dark Money Basics*. [online] Available at: <https://www.opensecrets.org/dark-money/basics>. Retrieval date: 2024-04-12
- NYU School of Law, 2024. *Types of Notes*. [online] Available at: <https://www.law.nyu.edu/students/studentwriting/typesofnotes> Retrieval date: 2024-04-23

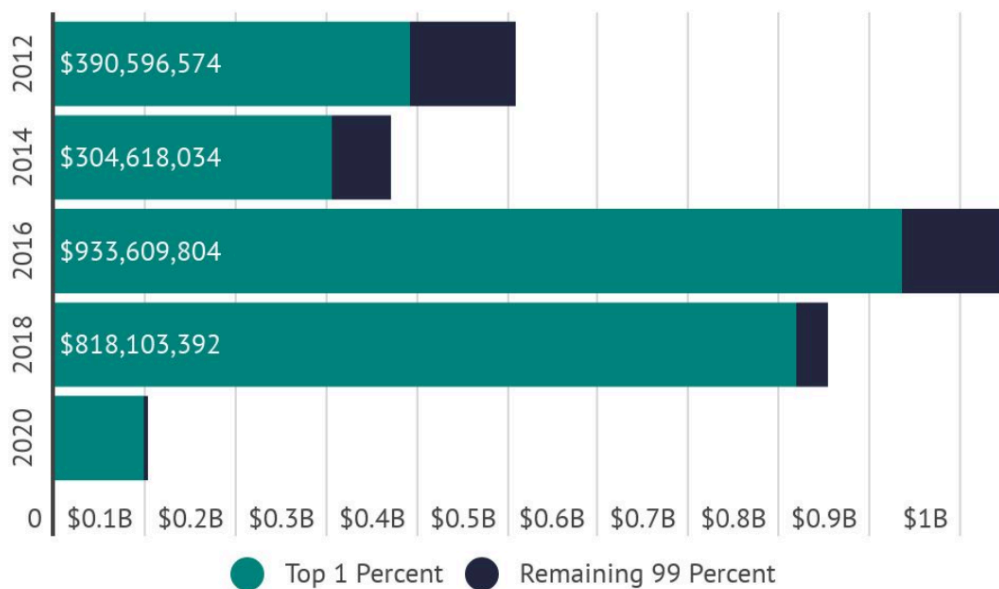
## 11. Appendix

Figure 1

# Super PAC Donors (2012-2020)



The percentage of money going to super PACs from the top 1 percent of super PAC donors has increased in every full cycle since 2012.



\*Note that these were the statistics from January 2020. The money spent for the 2020 election was not yet at a level comparable to the others

Source: <https://www.opensecrets.org/news/reports/a-decade-under-citizens-united>