

Bill Kraus: Chasing the wrong squirrel?

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Our federal representatives are up in arms over the possibility [probability?] that Russian propagandists were able to influence votes and voters in the 2016 presidential election. The charge is that the Russians used social media to spread their word to members of Facebook.

Let's say they did.

Let's say a law is passed suppressing them and what they say.

Let's say the law is challenged and the challenge gets to the Supreme Court.

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Will the Supreme Court say—as they have about corporations and organizations of all varieties—that the Russians are people and what they have to say about issues and candidates in our elections is protected by the 1st amendment as long as they don't say “vote for” or “vote against”?

There is, however, a law on the books which prohibits foreign nationals from making any expenditures in connection with any election in the U.S.

This is more restrictive than the rights given to domestic organizations where, in effect, where money is speech.

So the Supreme Court could use that to justify ruling against the Russians.

Fortunately the incumbents in legislatures everywhere have made it easy for the Russians to get around or past this restriction. The reigning laws about disclosing who is spending money on politics and politicians are weak to nonexistent.

So all the Russians have to do is set up Political Action Committees and/or corporations which are friendly to them and their positions, staffed of course by U.S. citizens. This gives them access to election mischief along with all the other people and groups of all kinds that live in the “dark money” world.

This freedom puts the Russians and everyone else with money and a cause into what has become a party-free, discipline-free, money driven entrepreneurial election system.

That’s a squirrel worth chasing.

— Kraus is a longtime Republican strategist and former co-chair of Common Cause in Wisconsin.