

January 10, 2012

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
Main Justice Building
950 Pennsylvania Ave NW
Washington, DC 20530

Re: Candidate-specific Super PACs in 2012 elections

Dear Attorney General Holder:

I am enclosing for your information a Report issued last week by Democracy 21 which documents the web of connections and relationships between the leading presidential candidate-specific Super PACs and the presidential candidates they are supporting. These Super PACs are raising and spending tens of millions of dollars in unlimited contributions to support their respective presidential candidates.

As the Report explains, the controlling Supreme Court law requires such purportedly independent spending to be “totally independent,” “wholly independent,” “truly independent” and made “without any candidate’s approval (or wink or nod)....”

The Report documents the serious questions that exist about whether this standard has been met by the candidate-specific Super PACs that have been established and are controlled by longtime close associates of the candidates on whose behalf they are solely operating.

Since the issuance of the Democracy 21 Report last week, press stories this week have reported that a single donor, Sheldon Adelson, has made a *\$5 million* contribution to Winning Our Future PAC, the candidate-specific Super PAC promoting the campaign of former House Speaker Newt Gingrich. Individual donors also have given contributions of \$1 million and \$2 million to Super PACs that are supporting Mitt Romney and President Obama respectively in the 2012 election.

As you are aware, the limit on contributions from an individual to a federal candidate is \$2,500 per donor per election.

Mr. Adelson is described in a recent news report as “a billionaire casino owner in Las Vegas who has long supported Mr. Gingrich.” (T. Gabriel & N. Confessore, “PAC Ads to Attack Romney as Predatory Capitalist,” *The New York Times*, January 9, 2012). The story further notes, “Mr. Adelson is especially close to Mr. Gingrich, a kinship that stretches back to the former speaker’s days in the House and has evolved into a relationship that is as much personal as political, according to people who know both men.”

The central problem posed by candidate-specific Super PACs is that they serve as vehicles to eviscerate candidate contribution limits, the core anti-corruption provisions in the federal campaign finance laws which have long been held constitutional by the Supreme Court.

Super PACs provide a means for supporters of presidential candidates to give multi-million dollar donations to a political organization run by former aides and longstanding political operatives of the candidate, who spend the money exclusively for the benefit of that candidate.

Candidate-specific Super PACS are the most dangerous vehicles for corrupting our democracy in existence today.

It denies reality to think that this arrangement does not pose the same threat of corruption or the appearance of corruption that candidate contribution limits have been enacted to prevent.

It strains credulity to believe that the presidential candidate-specific Super PACs were established without some formal or informal involvement or signoff by the presidential candidates being supported or their campaigns or agents.

We urge you and the Justice Department to review the findings of our Report and to closely monitor the activities of the presidential candidate-specific Super PACs in the 2012 presidential election.

Sincerely,

Fred Wertheimer
President

Copy to:

Lanny Breuer, Assistant Attorney General, Criminal Division
Jack Smith, Chief, Public Integrity Section