February 9, 2012 - ABC News: Pacs and Candidates Get Close, but Not Too Close *By Matt Negrin*

Standing behind Rick Santorum Tuesday night, Foster Friess sure looked proud.

Santorum, jubilant after triumphing in the night's voting contests, began his victory speech by thanking God, and then his wife and his kids, and finally the voters of Missouri, as Friess grinned and clapped. Santorum made no mention of Friess, of course, and he probably won't for as long as he stays in the race, even though the millionaire investor might be the person whom the candidate should be thanking the most.

Candidates like Santorum and Newt Gingrich have been able to stay relevant in the 2012 presidential election because of newly formed "super Pacs," groups that are aligned ideologically with the candidates and can raise and spend unlimited amounts of money to support them. Because there are no limits on what donors can give to the Pacs, supporters like Friess can essentially bankroll a single candidacy with a steady stream of money.

Friess gave the super Pac supporting Santorum, the Red, White and Blue Fund, $331,000 last year, almost half of the group's total fundraising, according to FEC filings released last week. And although the super Pac isn't technically allowed to "coordinate" with the campaign over how to spend money on advertising, Friess has attached himself to Santorum on the campaign trail, blurring the line between Pac and candidate even further.

The problem with that, good-government advocates say, is that the new level of money influencing elections is entirely legal.

"I am going to work hard to find funding in addition to what I am putting in to give Rick legs to make it all the way to the convention, which is his intention," Friess told ABC News in an email last week.

Critics of the Citizens United Supreme Court case that birthed the super Pacs have long argued that the 2010 decision had opened the doors to unprecedented levels of corruption. If a rich supporter helps elect a candidate, for example, to what end does that candidate then owe the

benefactor once in office?

This issue surfaced last month as Sheldon Adelson, a monstrously rich casino tycoon, gave the pro-Gingrich super Pac $5 million before the South Carolina primary, and his wife gave another $5 million before the Florida primary, becoming the most generous (known) benefactors of a single candidacy. In Last Vegas last week, Gingrich and Adelson spoke with each other at a meeting with other donors.

The Federal Election Commission forbids candidates and their campaigns from discussing with their super Pacs how to spend money on ads, although critics of the rules point out that enforcing such a law is nearly impossible. Besides, with the way that most campaigns detail their ad purchases in press releases, super Pacs don't have to risk talking about illicit topics when they can just look at the candidates' websites to see in which markets the ads are running and what they're saying.

"The real scandal of 2012 with respect to super Pacs and candidates is how much is legal," said Paul Ryan, a lawyer at the Campaign Legal Center, which fights for changing campaign finance rules.

This week, the Democrats smudged the line between super Pac and campaign as well, as they announced that President Obama would start sending his cabinet secretaries to fundraising events for the super Pac supporting him, Priorities USA Action.

The Democratic super Pac is sticky for Obama. After crusading against super Pacs and the Citizens United decision in 2010, Obama abandoned the clean-up-campaign-finance message as two of his White House aides, Bill Burton and Sean Sweeney, quit to form the super Pac. For months, Obama still maintained that he wouldn't accept money from outside groups, but he reversed on that completely this week.

FEC rules state that people associated with the campaign — be they staff members or, in Obama's case, his cabinet secretaries — aren't allowed to solicit donations for super Pacs. But they are allowed to be sort of featured guests at fundraising events for those super Pacs.

"The campaign's lawyers are threading the needle between what the law allows," Ryan said. "This is all a very specifically designed, very carefully designed plan."

Advocacy groups blame the FEC for what they say is a lethargic attitude on enforcing the coordination rules. For example, to be investigated, an instance of "coordination" must be reported by an outside party — a watchdog or a rival campaign, perhaps — and it must include specific and straightforward evidence, not just speculation. Needless to say, complaints like that are rare. The FEC declined to respond to such claims.

But advocates also blame Obama for not appointing a single FEC commissioner since 2009, while five out of its six often-divided commissioners are serving terms that have expired. The White House declined to give a reason for why Obama hasn't appointed new commissioners.

A senior Obama campaign official who refused to be named said that conversations between the campaign and the pro-Obama super Pac will be only about the dates of fundraising events and who will be there.

"There will be no conversations beyond what's necessary to bring the particular appearance off," the official said. "There will be no discussion of strategic nonpublic information that would be in any way helpful to a political committee."

ABC News' Devin Dwyer contributed to this story.