

Campaign Finance in the Senate

There has been no shortage of rhetoric about the lessons of Watergate in the early rounds of Senate debate on the campaign finance bills, S. 372. It would be wrong, however, to regard or advertise that bill as a definitive response either to "Watergate" or to the ills and evils of the present system of campaign funding in general. The bill is too little, too soon. It comes before the Ervin committee has even begun that phase of its investigation which will focus directly on the financing of the 1972 presidential campaign. At the same time, S. 372 fails to reflect what is already known. That is that, even if Watergate is set aside, there is so much which is corrosive and corrupting in the way that campaigns are financed—the ordinary, legally permissible interplay of money, power, vested interests and candidates—that the system cannot be righted by a few quick fixes and cosmetic changes on a summer afternoon.

This is not to say that S. 372 is valueless. It contains one central feature which ought to be enacted at once, before the 1974 campaigns get under way. That feature is the creation of an independent, non-partisan federal elections commission to enforce all campaign spending and disclosure laws. The commission would have the full legal authority required for strict, impartial regulation, including subpoena power and the ability to prosecute violations without having to turn to or wait upon the Department of Justice. This crucial aspect of the bill would be further enhanced if, as Sen. Lloyd Bentsen (D-Tex.) has proposed, an official of the General Accounting Office were made a statutory member of the commission. This makes good sense in light of GAO's experience as the watchdog of the current campaign laws.

On a related aspect of disclosure, the Rules Committee had proposed a backward step. As brought to the floor, S. 372 would have repealed the present requirement that everyone must disclose not only his full name and address, but also his occupation and principal place of business. Fortunately, the Senate has rejected this attempt to dilute the disclosure laws. This may seem to be a matter of detail, but it is precisely such details which make the difference between meaningful and meaningless reports of contributions from people who may have a very direct interest in a candidate's views.

Full disclosure and strict enforcement are doubly important because S. 372 attempts to curb the influence

of big money in politics by limiting the amounts which individuals, families and special-interest groups may give. The bill as reported would have allowed an individual or political committee to give no more than \$15,000 to a presidential campaign, \$5,000 to any one Senate or House campaign and \$50,000 overall. These ceilings were widely criticized as too high, especially for congressional campaigns. And yesterday the Senate adopted, 54-39, the Bentsen amendment, which lowers the limits on individual gifts to any candidate for federal office to \$3,000 per election.

Such ceilings have considerable appeal, for if they are vigorously enforced they would compel candidates for federal office to finance their campaigns from a broad base of small contributions. Ironically, however, this approach—like low ceilings on expenditures—could turn out to be anticompetitive in two ways. One possibility is that some otherwise capable candidates would simply be unable to raise enough from small contributions to mount effective challenges against incumbents, given the huge head start which incumbents enjoy. The second unliberating prospect is that candidates would become even more beholden to state and national party committees or the congressional campaign committees, the only groups to whom the ceilings on contributions would not apply.

In short, it is almost impossible to devise a system of private financing of campaigns which is open in every sense: above board, broadly based, and hospitable to candidates of all persuasions and every degree of independence from established party or interest-group lines. The obvious remedy is to turn to an entirely new system of public support for both presidential and congressional campaigns. This week, Sens. Edward Kennedy (D-Mass.) and Hugh Scott (R-Pa.) have proposed one plan for public financing of general-election campaigns for federal offices. Sens. Walter Mondale (D-Minn.) and Richard Schweiker (R-Pa.) have unveiled a proposal for public backing of presidential primaries and general election drives. Other approaches have been introduced by Sens. Phillip Hart, Adlai Stevenson and Charles Mathias and others. Yet as the flurry of bills suggests, many questions remain to be resolved even among the advocates of the principle of public campaign financing. What the subject needs now is a full exploration in public hearings, not as a device for delay but as a necessary step in legislating an important, incredibly complex and enormously far-reaching political reform.