Lawrence Meyer

Common Cause Lawsuit Helps 'The System' Work

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At a time when we need some, a little good news has trickled out of the Senate Watergate committee.

The news was that Common Cause, the so-called citizens' lobby, had played a key role in compelling the disclosure of clandestine illegal activity by pressing its lawsuit against the Finance Committee to Re-elect the President. Common Cause's suit, filed in the fall of 1972, sought the disclosure of the identity of the secret donors of more than $20 million in campaign funds to the Nixon re-election committee, who had made their contributions before a new disclosure law went into effect on April 7, 1972.

Several corporations now have come forward voluntarily to admit that they made illegal campaign contributions. The likelihood that they would have done so in the absence of the Common Cause suit and without the pressure of the Special Watergate Prosecutor is remote.

Thus those of us who like to believe that public spirited groups, working through the "system," can make a difference can take some heart—but not too much—from the revelations about the illegal gifts from American Airlines, Goodyear Tire and Rubber, Ashland Oil, American Shipbuilding, Braniff Airways, Gulf Oil and several others yet to be made known.

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George A. Spater

For years it has been suspected that corporations were making contributions to candidates for federal office, a violation of federal law. Occasionally information came out that supported these suspicions. But despite the suspicions, a certain cynicism developed not only among politicians, but among corporations and the public as well.

George A. Spater, the former chief executive officer and board chairman of American Airlines, put his finger on part of the problem during his testimony before the Senate Watergate committee. "For the first time since 1910, the law is being enforced," Spater said. "The law has been in effect for 60 years and has never been enforced until a special prosecutor was appointed."

Orin E. Atkins, board chairman of Ashland Oil, testified that the law against corporate contributions had come to be looked at as something like the Volstead Act which enacted Prohibition. "More honored in the breach than by observation," Atkins said. "In thinking back on it," he told the committee, reconstructing his frame of mind when the contribution of $100,000 was solicited from him by the re-election committee, "it all has a somewhat unreal atmosphere today—we were more concerned about the income tax aspects of the situation than we were about the contribution aspects. I guess we had our priorities in the wrong sequence."

That last sentence speaks volumes about the entire mess that we have come to call the Watergate affair.

The committee has had a parade of witnesses who have lamented their bad judgment and wished that they had had the gift of hindsight in advance. Spater said he had feared the consequences for his company if a contribution were not given. Atkins said he had hoped that Ashland's gift would bring an opportunity to be heard. The re-election committee, according to the official version, did not ask where the money came from and no evidence suggests that it cared.

Sometime in April 1973, officials of the re-election committee began ap-

proaching the pre-April 7, 1972 cash donors. The committee was seeking a list of persons to put beside the contributions that corporate heads had turned over to it. The re-election committee was forced to seek this information because Common Cause was likely to win its suit against the re-election committee. At that point, Spater testified, he decided that the illegal contribution should not be "compounded" by more illegality and he decided to make a clean breast of the whole matter. Other corporations followed that example.

That it took a Special Prosecutor and a citizens' lobby to ferret all of this out is some sort of commentary on the operation of the "system" over the last 60 years. That it came out at all is a tribute to Common Cause and to the office of the Special Prosecutor. In fact, Common Cause resisted a number of attempts by the re-election committee to settle the suit out of court, attempts that would have resulted in less than complete disclosure of the pre-April 7 donors.

So much for the good news. The bad news is that when the corporations that already have come forward got around to paying the price for their crimes—and that is what they were—they were generally fined $5,000, the maximum penalty. For corporations doing business calculated in the hundreds of millions and billions of dollars annually, it hardly need be said that the fine was a small price to pay.

In fact, Senate Watergate committee chairman Sen. Sam J. Ervin Jr. (D-N.C.) has said that the penalties must be made "far more" severe for corporate law breakers.

More severe penalties may help. Imposing limits on the amount of money a candidate can spend may help. Public financing of campaigns—which is rapidly becoming a favorite watchword—may also help.

What we really need, though, is to get our priorities back in the right sequence, which is to say that people must come to perceive the law as fair, just, equitable and something to be obeyed, rather than as an obstacle to be circumvented through phony bonuses, bogus lists and Swiss bank accounts.

All the righteous indignation and all the reform laws will come to nothing at all unless we rediscover that conviction, demonstrated by Common Cause, that the system is something that ought to work and ought to be respected—by everyone.