ABROAD AT HOME

By Anthony Lewis

cians and political commentators givcomplex act have looked to the Suhighly political matter. seemed a certain irony in that: politigarded as its defects. There always preme Court to cure what they recampaign reform law, critics of the ing up on the political process and seeking salvation from Ever since the passage of the 1974 judges on a

several, parts of the reform act un-constitutional. Political critics of the grounds remote from reality. unconvincing. It has an arbitrary tone stitutional law, the Court's opinion is 1937, when judges used to strike down reminiscent of the bad old days ocfore cess may well feel differently. As conthose concerned with the judicial prostatute have naturally applauded. But Now the Court has spoken, holding reforms on theoretical

olation of the First Amendment. didates. The justices found this a viceiling in the case of Presidential canon a candidate's use of his own or his campaign law, for example, put limits immediate family's money, a \$50,000 One disallowed provision of the

on oneself, it said, was the hope of ment by the First Amendment's guarexpression, protected against abridgjustification for limiting expenditure antee of freedom of speech. The only money in a campaign was a form of The Court reasoned that the use of

he Court on Politics

equalizing candidates' financial re-It concluded that "the First Amendnotion and might not work anyway. sources, which was an "ancillary" to speak without legislative limit on behalf of his own candidacy." tions upon the freedom of a candidate ment simply cannot tolerate restric-

a Rockefeller from spending \$4 mil-There can be no limits whatever. tem is absolutely powerless to prevent billionaire from spending \$100 million. governor—or to prevent some future lion in family money to elect himself In other words, the American sys-

lem, is a lot more than "speech." We know money in politics. For of course money know nothing about the power of to live in a never-never land where we simple-minded. It does not require us that money talks; but that is the probmake any constitutional sense? I think the American Constitution is not so Does that make any sense? Does it not the answer.

by an individual to anyone seeking tions to candidates, for example \$1,000 Federal office. But it approved ceilings on contribumillion for Presidential candidates. campaign spending, for example \$20 held unconstitutional over-all limits on two parallel provisions of the act: It Or consider what the Court did with

distinguishing the constitutionality of down an understandable principle for question is whether the Court has laid two provisions are wise or unwise—that is not the Court's business. The The question is not whether those

one from another, of spending from contributions. Principle is the Court's business.

campaign. the people...who must retain control over the quantity" of debate in a tion. In our free society, the opinion said, "it is not the government but paigns," was not a sufficiently strong stantial restraints on the quantity of political speech." It said the aim of opinion said, "impose direct and subgovernmental interest to justify restricskyrocketing costs of political camthese ceilings, to reduce "the allegedly "The act's expenditure ceilings," the

to start his 1968 challenge to Presi-

dent Johnson?

tributor does not increase perceptibly with the size of his contribution. . . . quantity of communication by the conunderlying basis for the support. The date, but does not communicate the expression of support for the candisubstantial" restraint on expression. "A contribution serves as a general Court found, was a less "direct and But a limit on contributions, the

tions and spending as "speech"? persuasive? Do they agree that big the difference—the constitutional difwith their money? Do they understand political contributors send no message ference—between campaign contributhe Court really find that reasoning Can the political experts who praised

'We know that money talks; but that is the problem, not the answer. dence" in the record that low ceilings critics, who relied on big contributions isfy Eugene McCarthy, one of the act's community." Can such bromides satsaid. It added that they are usually do defeat incumbents," the opinion "well known and influential in the lengers. "Challengers can and often on contributions hurt political chal-Again, the Court found "no evi

concentrated power. He warned against the Court quoted a statement made in "the misuse of wealth." But he also spent a lifetime fighting Yes, Brandeis believed in free speech. 1927 by the revered Justice Brandeis public discussion is a political duty." In general support of its reasoning

Court forgot the restraint that protects its role in our system. largely untested law the 1976 Supreme experience. In its haste to deliver what and speculative decisions, waiting for power, especially avoiding premature in the use of their great constitutional could never have been with the majorwas almost an advisory opinion on a the justices should restrain themselves ity of the Court last week. He thought For a particular reason, Brandeis