# P.S. to the NEWS

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by PHYLLIS SCHLAFLY

Box 618, Alton, Illinois 62002
Phone: **618-462-5415**

## CAMPAIGN.FlNANCING LAWS

Now that the 1978 election returns and financial statements have been tallied up, editorials are bemoaning the fact that $150 million was spent in behalf of poli tical candidates. Americans will spend at least $25 billion this. year on the alcohol of their choice and $15 billion on the tobacco of their choite. So what's wrong wUh spending $150 mil_l ion of our own '1Joney on the· candidates of our choice?

Watergate spawned a vast network of complicated, oppressive, and expensive campaign expenditure/disclosure laws at both the federal and state levels. They impose severe restrictions on your right to support the.candidates of your choice with your own money, and they raise grave Fir.st Amendment questions that need to be reexamined.

As far as making elections or candidates more honest,. these laws completely fail to achieve their purpose. They have simp.ly raised the cost of running for public office and discouraged many fine men and women from doing so.

The Federal Election Campaign Act of 1971, ,as amended, limits individual poli tical contributions and expenditures, requires detailed public disclosure, makes the taxpayers pay for presidential campaigns, and, of course, established a new federal agency. It was partially upheld and partially mangled by j:he U.S. Supreme Court in Buckley v. Valeo {_1976). In the light of our 1978 election experience, the exce11ent dissenting arguments of Chief Justice Burger and Justice White deserve reexamination.

For example, the Court upheld the provisioo that.prohibits any individual from contributing more than $1,000 to the candidate of his choice, but it wiped out all limits on the amount of money a candidat can spend in his own behalf. Thus, in the Illinois Senate race, Charles Percy spent $450,000 of his own money and his opponent spent $750,000 of his own money. It is hard to s e how a non-wealthy

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potential candidate would dare to enter a race against that kind of an advantage.

The present law is unfairly weighted in favor of incumbents by its requirement that all contributors of $100 or more be reported by name, address and occupation. Many people are reluctant to put their nam(on a public document as supporting a challenger against a powerful incumbent, especially in the fact. of the depressing statistic that most incumbents are reelected.

This provision encourages candidates to rely on contributions of less than $100. In theory that sounds democratic, but in reality it is fantastically more expensive. It forces a candidate to spend a large percentage of his contributions on the cost of raising campaign funds. It also encourages candidates to go outside their own districts for funds because out-of-state contributors have less fear of incurring the wrath of a powerful incumbent.

The state legislatures followed the federal example and got so carried away by the Watergate reform syndrome that many enacted election financing/disclosure laws even more restrictive than the federal law. Florida required all contributions even down to $1 to be fully reported by name and address. I know of one political action committee treasurer who was called to task by 1i-he- state **autRePitias** because she reported a $1 anonymous campaign contribution..

Technical violations can be ventilated in the media by Common Cause against candidates it opposes, whereas simi.lar violations by Common Cause-supported candidates never see the light of day. These "violations" might not even be vi-0lations at all because lawyers differ on what the confusing **laws** and regulations actually require. The regulations are so numerous that even an over-extended bureaucr,acy cannot e°'pJ·ain or.enforce, all the details.

The whole purpose of the Watergate election reform laws was to restore and maintain public confidence in the electoral process. What the laws have done is to create an expensive new bureaucracy that.has a chilling effect on our constitutional right of freedom of expression and costs both the taxpayers and the candidates a great· deal more money. It's time to reform ele tion reform laws.

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