
Making Pols into Crooks

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This selection first appeared in *Newsweek*, October 6, 1997. Samuelson's view is that the campaign finance laws are so "arbitrary and complex," and the restrictions so unrealistic, that they make criminals out of virtually all politicians and thus promote public cynicism. He argues that genuine reform of the campaign finance system would mean abandoning limits on contributions but enacting tougher disclosure laws, as Representative John Doolittle recommends.

The prospect that an independent counsel will be named to investigate the alleged campaign-law violations of President Bill Clinton and Vice President Al Gore exposes a central contradiction of "campaign finance reform." The "reformers" claim they're trying to lower public cynicism by cleansing politics of the evils of money. Actually, they're doing the opposite: by putting so many unrealistic restrictions on legitimate political activity, the "reformers" ensure that more people—politicians, campaign workers, advocacy groups—will run afoul of the prohibitions. Public cynicism rises as politics is criminalized.

The distasteful reality is that politics requires money. To compete, candidates must communicate; and to communicate, they need cash. Someone has to pay for all the ads, direct mail, and polls. There is no easy way to curb the role of money in politics without curbing free expression. If I favor larger (smaller) government, I should be able to support like-minded candidates by helping them win. Campaign "reformers"—who would like to replace private contributions with public subsidies and impose strict spending limits—reject this basic principle.

Money, they say, is corrupting politics. It isn't. Campaign spending isn't out of control or outlandish. In the 1996 election, campaign spending at all levels totaled \$4 billion, says political scientist Herbert Alexander of the Citizens' Research Foundation. That was one-twentieth of 1 percent of the gross domestic product (GDP) of \$7.6 trillion. Ameri-

cans spend about \$20 billion a year on laundry and dry cleaning. Is the price of politics really too steep?

Nor have contributions hijacked legislation. Consider the tax code. It's perforated with tax breaks, many undesirable. Some tax breaks benefit wealthy constituents who sweetened their lobbying with generous campaign contributions. But the largest tax breaks stem mostly from politicians' desire to pander to masses of voters. In the 1997 tax bill, Clinton and Congress provided huge tax breaks for college tuition. Does anyone think these passed because Harvard's president is a big contributor?

The media coverage and congressional hearings of today's alleged campaign-finance "abuses" have, of course, revealed the frenzied and demeaning efforts of politicians of both parties to raise money. But there hasn't been much evidence of serious influence buying. The worst we've heard is of President Clinton's, in effect, subletting the Lincoln Bedroom to big contributors and of businessman Roger Tamraz's giving \$300,000 to Democrats in the hope of winning government support for an oil pipeline. All Tamraz got was a brief chat with Clinton and no blessing for the project. This sort of preferential "access" isn't dangerous.

More menacing are all the artificial limits that "reformers" have imposed on political expression. What's been created is a baffling maze of election laws and rules that, once codified, establish new types of criminal or quasi-criminal behavior. Anyone tiptoeing around the rules is said to be "skirting the law." And there are violations. In the futile effort to regulate politics, the "reformers" have manufactured most of the immorality, illegality, and cynicism they deplore.

Today's "abuses" stem mostly from the 1974 "reforms" enacted after Watergate. Congress then limited the amount individuals could give a candidate to \$1,000 per election; total giving to all candidates (directly, through parties or committees) was limited to \$25,000 a year. What happened? The limits inspired evasions. Suppressing contributions to candidates encouraged new political-action committees. People give to

PACs, which give to candidates. In 1974, there were 608 PACs; now there are nearly 4,000.

Another evasion is “independent spending”: groups (the Supreme Court says) can promote a candidate by themselves if they don’t “coordinate” with a candidate. The present evasion of concern is “soft money”: contributions to parties for “party-building” activities like voter registration. Soft money contributions have no limits; so Tamraz could give \$300,000. But soft money can also be used for general TV ads that mention candidates as long as they don’t use such words as “vote for.” Does any of this make sense? Not really. Ordinary people can’t grasp all the obscure, illogical distinctions.

No matter. The failure of past “reforms” is no barrier to future “reforms.” The latest effort is the McCain-Feingold bill now before the Senate. Named after its sponsors (Republican John McCain of Arizona and Democrat Russell Feingold of Wisconsin), it would outlaw soft money and try to ban “issue advocacy” ads in the sixty days before an election. (*Issue advocacy* ads favor or oppose candidates; the distinction between them and “independent spending” cannot briefly be explained.) Most of the bill flouts the spirit, if not the letter, of the First Amendment: “Congress shall make no law . . . abridging the freedom of speech . . . ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The connection between campaign “reform” and the Clinton-Gore predicament has emerged, ironically, in the complaints of some “reformers” that the president and vice president are being unfairly targeted. In the *Washington Post*, Elizabeth Drew says that Gore behaved like a “klutz,” but that “klutziness isn’t a federal crime.” The 1883 law that he and the president may have violated (soliciting contributions from federal property), argues Drew, aimed to protect civil servants from being shaken down by politicians. In the *New York Times*, former deputy attorney general Philip Heymann says the campaign against Gore aims only to “destroy the Democratic front runner for president.”

All this is true. But it misses the larger point: the campaign finance

laws are so arbitrary and complex that they invite “criminality” or its appearance. Bad laws should be discarded. Rep. John Doolittle of California sensibly suggests abandoning all contribution limits and enacting tougher disclosure laws. The best defense against the undue influence of money is to let candidates raise it from as many sources as possible—and to let the public see who’s giving. That would be genuine reform.