
Introduction

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Campaign finance reform has been an issue on the American political agenda for several years. Legislation mandating reform failed to pass again in the fall of 1999. This issue will continue to be with us because Americans are concerned about the political system—whether there is too much money in campaigns and whether the need to raise money to run effective campaigns subverts the political process, occupying too much time and effort of candidates and making them beholden to contributors.

At the core of campaign finance reform is the issue of freedom of speech and freedom of association versus censorship of political speech by the government. Censorship is a word proponents of further regulation do not like to use, but all so-called reforms involve additional restrictions on contributions or spending or both. This control of resources is the method of censorship most commonly used by modern governments.

Current law regulates the amounts individuals and the associations in which they participate—political action committees—can donate to federal campaigns. Many states also have such limitations. Spending is limited in presidential elections if candidates choose to accept federal funds. The current morass of rules and regulations is the result of the 1974 Federal Election Campaign Act and various amendments, Supreme Court decisions relating to this act, and efforts to find legitimate ways around specific restrictions, most prominently contributions to political parties for purposes more general than the specific support of a candidate and expenditures made by individuals and organizations independent of the candidate.

The Supreme Court's decisions are central to the debate. The Court

rejected all but voluntary spending limitations as a restriction on freedom of speech, including spending by candidates themselves. Thus a wealthy candidate can spend a fortune on his or her own campaign but not contribute those funds in support of a chosen candidate. The Court left in place, however, limits on contributions, on the grounds that the government had a legitimate role in controlling corruption and the appearance of corruption. Contribution limits were upheld with the court's January 2000 decision in a case challenging a state law limiting contributions.

Although Supreme Court decisions have thus far protected freedom of speech and explicitly stated that the people, not the government, must decide how much is appropriate to spend on elections, we cannot indefinitely depend on the Court to protect freedoms that we do not ourselves understand and support. Attempts have been made to amend the Constitution to give the U.S. Congress the power to regulate campaign contributions and spending. The latest attempt failed resoundingly in the Senate; even the senators who wrote the proposed legislation voted against it.

Public opinion polls reflect support for added government control, possibly because both the print and the television media have beaten their drums for so-called reform and claimed that its failure to pass is merely the result of craven self-interest. But the media has its own self-interest: its power would increase if the money candidates could raise and spend to communicate directly with the electorate were limited.

Allowing government to decide how much can be spent by candidates for public office will have important ramifications for our political future. This book is a collection of selected articles and essays that I hope will let readers reach an informed and independent conclusion of the issues involved. It includes articles by experts on the American political process, selections from decisions of the Supreme Court, shorter pieces by a variety of commentators, and speeches and articles by politicians prominently involved in the debate. Several authors support further restrictions—what most call reform—but because the me-

dia reporting and editorializing has been so one-sided, the majority of the selections attempt to redress the imbalance.

The alternative to increased control proposed in several of the selections is deregulation—getting rid of restrictions on contributions and spending altogether—coupled with prompt and full disclosure. Internet technology makes prompt disclosure possible and inexpensive. Proponents of regulation object that people are not capable of monitoring contributions, absorbing the information, or making decisions about it, even though the information would be widely available to individuals, organizations, campaign opponents, and the media in an easy-to-analyze form. This view expresses a distrust of the people's ability to make judgments about their government, those they want to elect, and, ultimately, their ability to control their government rather than be controlled by it.

Would deregulation lead to more campaign spending? The amount of money spent in the 1995–96 election cycle on all the primary campaigns and the general election campaigns for federal offices—the U.S. House of Representatives, the Senate, and the presidency—was only about \$10 per person of voting age in the country, including the money spent by the national political parties. Another \$4 per person was spent independently. The amounts in the 1999–2000 cycle are expected to be a little larger but are still minor, dramatically so when compared with the taxing and expenditures for which our elected officials are responsible. This per-person calculation cuts the ground from under the argument that we spend too much on elections. Under deregulation, direct contributions to candidates would probably increase at the expense of contributions to independent groups and political parties. This shift would increase accountability and make it easier to know where a candidate's money was coming from.

Would deregulation increase the influence of those with money? Supporters of contribution limits argue that the wealthy should have no more influence in the political process than their one-person, one-vote gives them. But the wealthy are diverse in their political preferences.

Although wealth is often considered an advantage of Republicans, private fortunes provided the initial seed money for two Democratic presidential candidates in recent memory, George McGovern and Eugene McCarthy. We might also see fewer campaigns by the very wealthy themselves with their money. Ultimately a candidate's ability to raise money, in small and large amounts, depends on her or his ability to attract the support of the public. Prompt and full disclosure would give us the information essential to making the decision for whom to vote.