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A CALL FOR FREE ELECTIONS

By Maurice Rotstein

Americans take pride in their nation's electoral process. Many feel that the orderly, well-regulated and stable organization by which, each year, our country selects its political leaders might well serve as a model for people in the developing world, where fraud and violence all too often accompany political contests. We have only to note the turmoil that has marked election campaigns in recent years, in places like Haiti, the Philippines, South Korea and elsewhere, in order to appreciate how fortunate America is in the relative calm and efficiency with which its political machinery operates.

The beginning of a presidential administration is a particularly appropriate occasion, therefore, to re-examine the American political process. There are some in our country who are not altogether satisfied with the way the system works, claiming that it is in fact far from perfect. It is charged that, stable and orderly as they are, our political contests are seriously in need of improvement. It is true that over the years numerous reforms have been made. The nuts and bolts, so to speak, of the voting process have steadily improved; voting precincts are safeguarded, private booths insure a secret ballot, and nowadays computerization provides quick and accurate information on the outcome.

All this is true, say the critics, but it is not sufficient. What remains imperfect about our elections, they claim, is the undue influence of money in the entire process. There is gross inequality in the amount of funds available to competing candidates, and this remains a galling matter. The imbalance between the economic "haves," those with

rich friends and big war chests, and the "have-nots," those less fortunate in their access to money sources, prevents anything like an even contest for public office. What we have, then, are not really *free* elections. Indeed elections, as we know them, are very expensive.

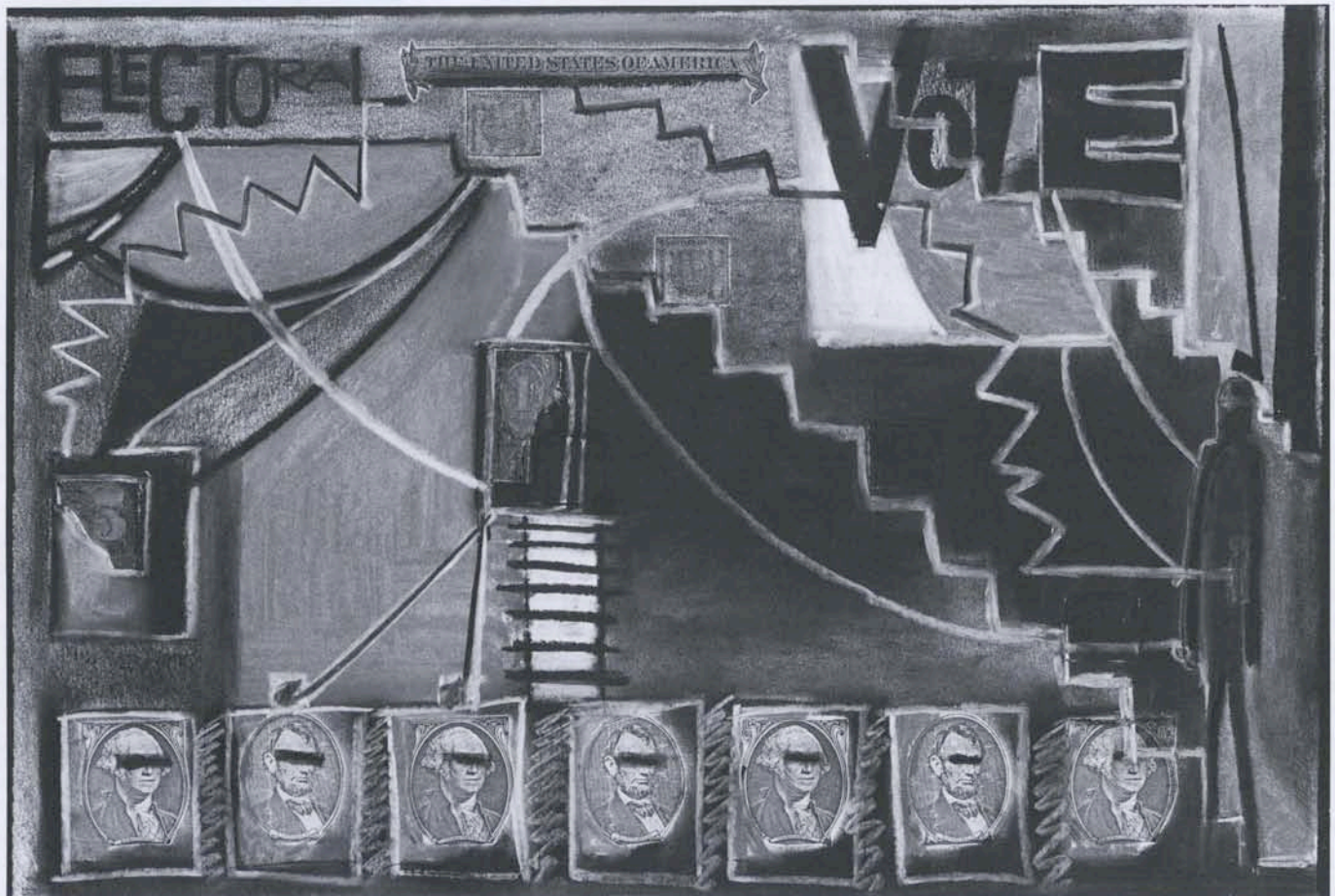
Moreover, this financial disparity is continually widening. What has happened is that the amount of money spent in campaigning has steadily grown, far out-distancing even the rate of inflation. The driving force behind this ever-increasing hunger for financing has been the growing level of organization involved in modern campaigning practice. Nowadays even modestly run campaigns require large professional staffs, comprising experts of many kinds: campaign managers, speechwriters, special poll-takers, advance men, public relations specialists. In addition there are all the highly visible features which have come to be expected in the political wars: posters and banners, buttons and bumperstickers. And beyond these, what dominates everything else is the concentrated use of the communications media, particularly television. And all of this requires great fund-raising effort.

The immensity of financial resources being accumulated by the more affluent campaign committees in recent years has even led to some unhappy results. Sometimes, finding themselves with a good deal more than they could use in legitimate ways, these committees have resorted to what is referred to as "dirty tricks," underhanded activity designed to destroy an opposing candidate's image before the public. This was the sort of business that sent several of Richard Nixon's aides in the 1972 presidential campaign, including John

Mitchell, Nixon's campaign manager and former attorney-general, to prison. What made such things possible was that so much of the money collected by Nixon's re-election campaign committee came in "laundered," that is, passed through banks in such a way that it couldn't easily be traced to its source. Then, because such money did not have to be officially listed as having been received, it could be used without being accounted for, as required by the election laws.

What has happened, in short, is that political campaigning has become something of a "growth industry." Indeed, as one adds up the amount of money spent on political contests, the sheer volume becomes ever more impressive. Thus, for example, during the elections of 1980, in which President Carter was running for re-election, all of the Democratic presidential primary candidates spent over \$35 million, while all the Republican presidential primary candidates spent more than \$56 million, for a total of some \$92 million. Needless to say, the overall total spent on that election of 1980 ran to well into nine figures.

Each succeeding round of elections has demanded ever greater expenditures. The presidential race of 1984 outdid that of 1980 and was in turn outdone in 1988. Also, we should bear in mind the money spent for seats in Congress, for the 100 Senate places and 435 in the House of Representatives. In 1986, the most recent federal election year in which there were contests for Congress alone, candidates running for the House and Senate all together spent 71% more than the amount used four years earlier, for a grand total of \$350



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million. Elections have indeed become big business. Incidentally, one should also note that all the figures given here omit any mention of the funds allocated by Americans to elect their state and local officials.

How well does all of this money translate into achieving a satisfactory election process? How does such infusion of cash into the business of selecting our political leaders affect the system? What is the level of participation by the citizenry? Actually, it is difficult if not impossible to find any direct connection between money spent and voter participation. In fact, the history of recent elections shows that voter turnout has shrunk while the money spent has grown. For example, voter turnout in the presidential elections of 1960 was 62.8%. It was 61.9% in 1964, 60.6% in 1968, 55.5% in 1972, 54.3% in 1976, 53.9% in 1980, 53% in 1984, and in 1988 dipped for the first time below 50%. More than half the people simply didn't bother to come

out. What the American people seemed to be saying last year was that their choice for president was "none of the above." Meanwhile, in congressional contests the results were similar: in 1986 only 37.7% of those eligible voted, and although the figure was somewhat higher in 1988 it can be ascribed to the fact that it was a presidential election year.

It must be clear from all this that half of the people of the United States don't seem to care enough about their electoral system to take part in it. Truly such apathy should disturb us all. One can't help thinking: "Could the democratic process be made to work better?"

The revelations of corruption that emerged from the Watergate scandal led Congress in 1974 to pass one more change in the long history of election reforms. It was generally agreed that the business of raising funds for campaigns clearly tended to corrupt politics. Any individual or corporation that contributed large sums to a political

campaign wasn't doing it out of simple generosity; something was expected in return, one way or another. This of course was nothing new. It had always been recognized that money had influence and that big money wielded big influence. The act of 1974 aimed to lessen private influence by providing candidates with government funds. It meant to accomplish this by matching, within certain limits, the amount a candidate could raise privately. At the same time, it limited the amount individuals or groups could give a candidate. Competition for office, it was thought, would thus become more equal.

It turned out that reform could create as many problems as it was supposed to solve. It soon became clear that any candidate able to attract more money privately than his or her rivals would therefore also get more public money. Critics pointed out that this would make political races *more rather than less unequal!* Also, the Federal

Elections Commission, which was to pay out the matching funds, tended to become deadlocked over technicalities. Suppose an office-seeker spent \$100,000 in a mailing appeal for financial support, which then brought in \$200,000. To which sum was he or she entitled, the original amount, the newly raised money — or both? It isn't necessary for us to agonize over this, merely to note the complications that could arise. Thus, the basic problem of controlling money in politics had not changed.

In fact, the power of money to affect politics had not really been addressed at all. The Washington lobbying system, for example, was not affected by the election reform of 1974. Special interests continued to wield their influence as they always had. *The Wall Street Journal* — hardly an anti-establishment newspaper — has attacked the evil effects of lobbying in a series of articles during the past few years, showing how the practice of giving honoraria to members of Congress has become "pernicious." These "honoraria," payments for a congressman's attendance at a meeting, have been quite common. Typical of such practice, for example, the lobby for the American Trucking Association would invite key members of the House and Senate to a breakfast, where each one would receive a check — \$1,000 for a House member, \$2,000 for a senator. As the newspaper expressed it, these congressmen, in effect, for the trouble of a short walk from the Capital would stay for an hour or so, answer some questions concerning pending legislation, then leave. Presumably these politicians weren't collecting money for their next election campaigns but were being paid to enlighten industry representatives on what the lawmakers were up to. Thus the election laws were technically not being broken. Altogether, the paper reported, during one congressional session some 47 House members and 24 senators had received such "fees." It also reported that the fifteen largest Washington lobbies had spent something over \$960,000 within one year's time in such gifts.

These practices have continued over the years. A sample study of three

major lobbies, The American Medical Association, The National Association of Realtors and the National Rifle Association, showed that these have steadily raised their level of contributions to political action committees (PACs), from \$630,000 in 1982, to \$1.6 million in 1984, to \$3.6 million in 1986. The total of PAC contributions to members of Congress in 1988 reached a staggering figure of \$117.5 million.

What is the reason for such large sums going into politicians' hands? Office-seekers, whether in or out of office, are constantly building their war chests. The pressure to increase campaign funds has led many of them closer and closer to unethical, if not illegal, conduct which, when exposed, has become an embarrassment. Thus, Senator Bentsen, the Texas Democrat who ran for the vice-presidency last year, created something of a furor when it was revealed that he had been asking lobbyists to contribute \$10,000 each to his next re-election contest, even though it was still two years off. One lobbyist has acknowledged in a television interview that such requests are not unusual.

Meanwhile the cost of individual campaigns has continued upward. Getting elected to Congress takes intensive radio and TV advertising, mass mailing and highly paid expert help. By 1984 the average cost of waging a hard-fought contest for a House seat had risen to \$484,949, up by one-third from 1982. Senate races cost even more. Republican Jesse Helms of North Carolina, widely recognized as the tobacco industry's foremost defender in Congress, spent \$16.5 million to win re-election in 1984, while his opponent spent \$9.5 million.

It isn't only the size of private money that bothers critics; it is the hypocrisy involved. Law-breaking by politicians has of course resulted in jail sentences. Yet, the critics say, receiving honoraria or other methods of taking money privately, even though strictly legal, should be outlawed. The Senate in 1986 voted to limit gifts from PACs and to require disclosure of corporate and union contributions, but that has not ended the problem. The controversy over House Speaker Jim Wright is a case in point. And so the issue

remains alive. A few politicians have even sought to profit from growing public indignation by declaring they would refuse any PAC money. Unfortunately, few others have followed their lead. Thus the post-Watergate move to limit the power of money in politics has achieved nothing.

What then needs to be done? Simply enacting yet another election reform would end up, as so many have in the past, leaving the usual loopholes. The time has come to break the bond between lobbies and lawmakers. We have to make public officials immune to the power of money in private hands. To accomplish this it is necessary to destroy the ability of money to affect elections by making elections free — really free — thus ending what amounts to the buying of public officials impossible. This means to bar altogether the use of all money — anyone's money — from the election process, to forbid it by law, in short to prevent the spending of any non-public funds in support of any candidacy. The purpose of an election campaign is to air before the voters the issues and the viewpoint of each candidate. There is no need for "selling" him or her in the way that merchandisers sell pain relievers or deodorants. There should be an absolute ban on advertising of any kind, no banners, no parades, no bumper-stickers or buttons, no singing commercials on the air.

What is needed instead is simply a discussion of the issues, without appeal to emotion, without any attempt to sway voters by gaudy display. We can learn a lesson from John Stuart Mill, one of the most important contributors to democratic theory in the nineteenth century, who made precisely this point when he himself was urged by friends to stand for election (in Britain candidates "stand" instead of run for office). He made one simple stipulation: neither he nor anyone else was to spend as much as one penny on his behalf. He offered to speak in public and to answer any questions on campaign issues, nothing more. It is worth noting that he won a seat in the House of Commons.

How can we adapt that principle to our society? The fact is that it is well

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within the possible. Of course we live in a different world and the media of communication are far more diverse and complex than in Mill's time. Modern technology can make the application of his ideas quite easy. The government should provide for the printing and mailing of campaign literature to all registered voters. Clearly, the cost of such a provision, compared to present-day campaign expenditures, would be practically nothing. In addition, election laws should require all radio and television stations to make available an equal and specified amount of broadcast time to all candidates without charge. No other campaigning would be permitted. Within this context, adequate broadcast debates could be included, as they are nowadays.

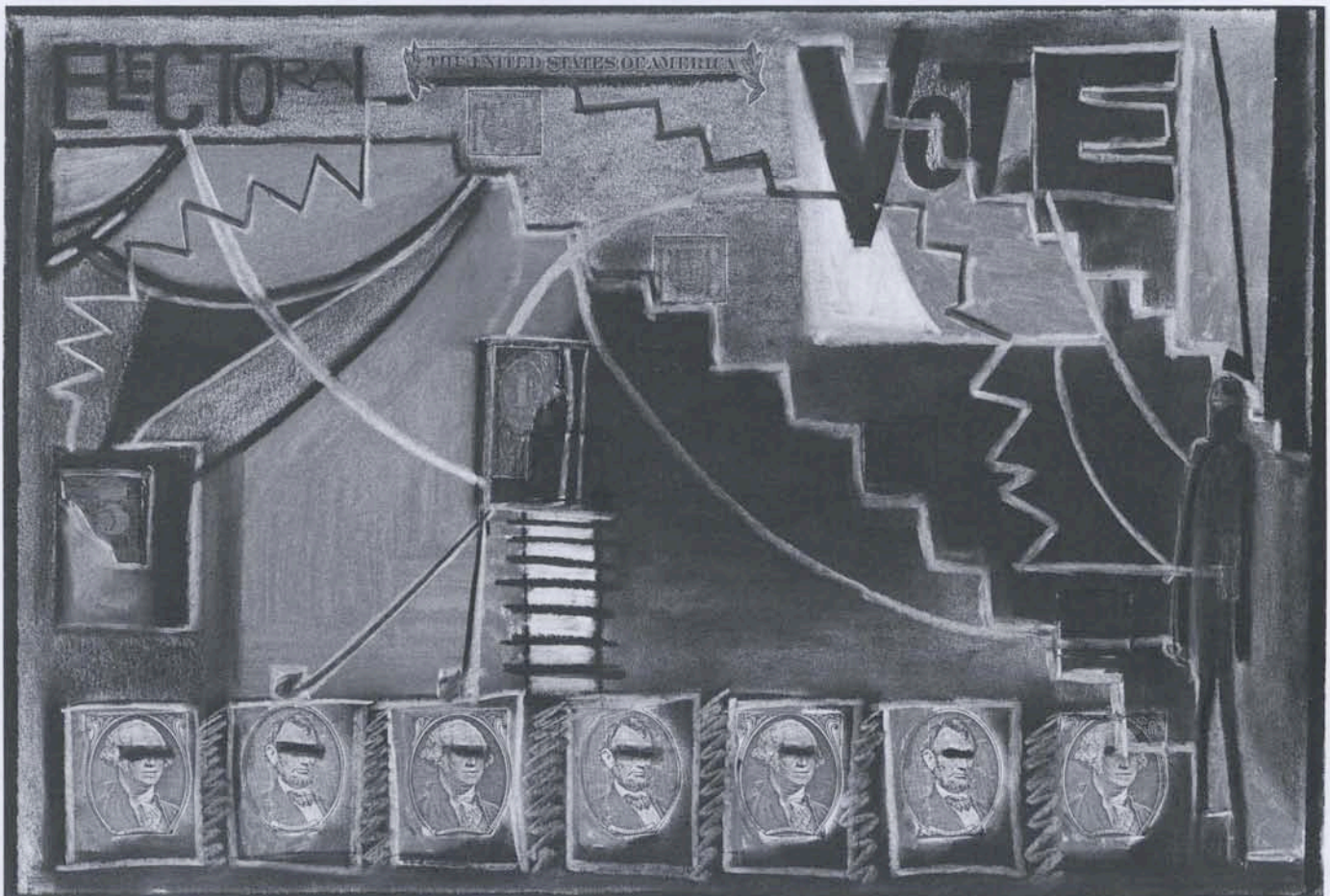
What about the cost of using radio and TV? We tend to forget that the

airwaves are public property; they do not belong to the broadcasters and never have. The airwaves have been assigned by a license given free by the Federal Communications Commission in accordance with law. This law states that use of radio frequencies and TV channels is allotted to the broadcasters "in the public interest." In practice this has meant, over the years, that stations have been expected to devote a portion of the broadcast day to programs of public interest. Clearly it is their obligation to put campaign programs on the air.

Thus, freed from the stranglehold of money, the individual politician would no longer be in the position of asking for financing support from the lobbyist. Does this mean the death of lobbies? Not at all. The aim of a lobby is to bring particular viewpoints regarding public matters before the lawmakers. It

is desirable that Congress be made aware of what people think; lobbies are a legitimate channel for that purpose. Everybody in a democracy is entitled to the free expression of his or her ideas. Lobbies are justified, even necessary in our modern world. However, under a publicly funded electoral system lobbies would have to depend on the persuasion of logic, not on their economic power. This could not help but promote the public good.

Could such a fundamental change be brought about? Those who benefit from the present system will naturally fight to retain it. But they are the very ones upon whom any change depends. Here lies a great irony. In the final analysis, reform of our entire electoral system could be achieved only by the organization of a lobby yet more powerful than any in the past. ■



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