1976

Recent Reforms in Campaign Finance Regulations and Their Potential Effect on Federal Elections and Reflections on Washington as a Congressional Intern

Randy D. Funk
Utah State University

RECENT REFORMS IN CAMPAIGN FINANCE REGULATIONS AND THEIR POTENTIAL EFFECT ON FEDERAL ELECTIONS

AND

REFLECTIONS ON WASHINGTON AS A CONGRESSIONAL INTERN

by

Randy D. Funk

A thesis submitted in partial fulfillment
of the requirements for the degree

of

HONORS BACHELOR OF ARTS

in

History

UTAH STATE UNIVERSITY
Logan, Utah

1976

ACKNOWLEDGEMENTS

As I complete this senior project, there are several people whom I would like to thank for their help in this endeavor. First, Congressman Gunn McKay and his staff who not only provided the opportunity which served as a catalyst for this project, but also supplied many of the source materials on campaign finance. Dr. Wendell Anderson, my thesis advisor, and Dr. Douglas Alder, Honors Program Director, have provided much constructive advise and encouragement. Finally, I sincerely thank two very patient typists and moral supporters, my mother Rebecca Funk and my fiancee Andrea Clyde.

Randy D. Funk

TABLE OF CONTENTS

Page

ACKNOWLEDGEMENTS ii

INTRODUCTION iv

PART I: RECENT REFORMS IN CAMPAIGN FINANCE REGULATIONS AND THEIR POTENTIAL EFFECT ON FEDERAL ELECTIONS v

Early History of Campaign Finance Legislation 1

Federal Election Campaign Act of 1971 5

Federal Election Campaign Act Amendments of 1974. 7

Constitutional Controversies of the 1974 Amendment Act. . 9

Supreme Court Ruling. 12

Impact of Recent Reforms. 18

Conclusion. 24

APPENDIX A vi

BIBLIOGRAPHY viii

PART II: REFLECTIONS ON WASHINGTON AS A CONGRESSIONAL INTERN . xi

INTRODUCTION

In the spring of 1975, upon learning that I had been selected as a summer intern in Congressman Gunn McKay's office, I thought that such an experience might readily serve as the basis for my senior Honors project. I discussed this possibility with Dr. Douglas Alder, the Honors Program Director, and Dr. Wendell Anderson, the intern advisor. With their approval, I decided to write one paper on my impressions of Washington as an intern and then upon my return to school, research and write another paper on an issue related to Congress. This is the reason my thesis project is in two parts.

When I selected the topic of "Campaign Finance" in the fall of 1975 I had little anticipation of the subject changing as greatly as it has. It has been fascinating to observe the changes invoked by the Supreme Court ruling, though frustrating in trying to complete the project. Because the topic is continuing to change and other reforms may still be made, some of the anticipated effects of the recent changes may not come to fruition. Nonetheless, I feel there is merit in examining where we are in the spring of 1976 and where that may lead us in the future.

PART I:

RECENT REFORMS IN CAMPAIGN FINANCE REGULATIONS AND THEIR POTENTIAL EFFECT ON FEDERAL ELECTIONS

EARLY HISTORY OF CAMPAIGN FINANCE LEGISLATION

Twentieth century America -- the incubator of big business, labor unions, mass media, rapid transportation and public relations experts -- seems to have hatched a bad egg that it cannot destroy. For more than a century politicians and electors alike have proclaimed the need to eliminate campaign financing practices which are excessive, unfair, or blatently corrupt. A long chronology of legislation has been passed, yet the problem has continued and increased in magnitude.

Since 1967 when the first piece of legislation dealing with campaign financing was adopted, literally hundreds of controls and reforms have been proposed. For nearly a half century, from 1925 to 1972, the principle statute controlling political campaign financing for federal elective offices was the Federal Corrupt Practices Act of 1925. The 1925 Act looked good on paper but it did not limit the amount of money that could be expended in federal election nor did it provide the public with any satisfactory knowledge as to the source or dispursement of campaign funds.[1] This may have been the cause for statements such as the one found in an anonymous article in the April 1967 University of Pennsylvania Law Review: "Campaign finance laws are typical of attempts by politicians to regulate their own affairs; and, although the statutes create the impression that regulation has been attempted, they all too often embody carefully drafted loopholes which drain them of any substance."[2]

---

[1]Robert Burdette, Campaign Financing, Issue Brief Number IB73017 (Washington, D.C., The Library of Congress Congressional Research Service Major Issues System, September 23, 1975), p. 1.

[2]Robert A. Diamond, ed., Dollar Politics (Washington, D.C.: Congressional Quarterly Inc., 1971), p. 15.

Occasionally it is asserted that campaign finance legislation has created more corruption rather than less. In 1946 Louise Overacker wrote in Presidential Campaign Funds: "The Hatch Act limitations were included in an act which purported to 'Prohibit Pernicious Political Practices." One might..... parody it to read: 'an act to Promote Pernicious Political Activities." It defeats its own purpose by encouraging decentralization, evasion and concealment."[1] While testifying before the Subcommittee on Elections of the House Administration Committee on July 21, 1966, Representative James C. Wright said, regarding campaign finance legislation, "I dare say there is not a member of Congress, myself included, who has not knowingly evaded its purpose in one way or another."[2]

The main problem with the Federal Corrupt Practices Act of 1925, which was in effect through April 6, 1972, was that it allowed such evasion to be flaunted. It only limited the campaign spending of congressional candidates and not of candidates for the offices of president or vice president. Many of the terms in the Act were defined in such a way as to make it inapplicable in many situations. The limitations on committee expenditures could be overcome merely by forming numerous committees which individually remain under the limit but which far exceed it in total expenditures. Such manipulation also allowed contributors to exceed their nominal limits by dividing more than the maximum legal amount among several committees or in the name of another person. These problems were perpetuated because the disclosure provisions in

---

[1] Ibid., p. 17.

[2] Ibid.

the Act were not susceptible to adequate enforcement.[1]

During the sixties numerous attacks were made on the 1925 Act and reforms were attempted. On May 25, 1967, President Johnson sent a message to Congress proposing election reform. He said of the Federal Corrupt Practices Act and the Hatch Act: "Inadequate in their scope when enacted, they are now obsolete. More loophole than law, they invite evasion and circumvention."[2] Common Cause, members of Congress and political and legal theorists clamored for change. Those in policy or law making roles seemed uncertain of the types of reform desired. In 1966 Congress enacted Public Law 89-809, the "Long Act." Named for its main sponsor, Senator Russell Long, this Act supported a limited concept of public financing of Congressional political campaigns. A year later, however, the Act was suspended with P.L. 90-26. The concept of public financing was reaffirmed in 1971 with P.L. 92-178, which provides funds to presidential and vice presidential candidates through the U.S. Treasury. These funds are accumulated from a $1 ($2 if joint return) "tax-checkoff" which the taxpayers may opt for.[3]

Developments in this area of public financing began to raise questions as to what extent the rich should be or would allow themselves to be controlled. David Nichols argues,

> The elite have no intention of relinquishing their election finance input. The proposal is only to supplement the corporate input with a visibly increased amount of small gifts to realize "citizen involvement" - to make things look better and to make people feel better about government. In the long,

---

[1] Burdette, Campaign Financing, p. 1.

[2] Diamond, Dollar Politics, p. 17.

[3] Burdette, Campaign Financing, p. 1.

> and possibly in the not-so-long run, it would be dangerous for the corporate rich to eliminate the direct financial dependency on them of major government office-holders. Virtually no one - not the academic experts who testify before Congress, not the members of Congress, and most certainly not the elite policy formulators - proposes foreclosing campaign giving by the rich.[1]

This seemed to be verified when the provision in the Federal Election Campaign Act of 1971 which set upper limits on individual campaign gifts was repealed.

Delmer D. Dunn, in Financing Presidential Elections, takes an opposing position to Nichols. He asserts that private campaign financing has been tried and has failed. It "subverts election and policy processes by providing men of wealth undue power, and by adulterating the democratic ideal of relatively equal influence among voters." Dunn wanted reform which would aid in:

(1) assuring all serious candidates minimum access to voters;

(2) increasing voters' knowledge of and about alternatives, by enabling candidates to wage more effective campaigns;

(3) reducing pressures on candidates to raise money, regardless of the response of large contributors;

(4) decreasing candidates' obligations to donors and thereby contributors' leverage on public policy matters that affect them;

(5) diminishing the impact of the monied as brokers who decide who can and cannot run for office; and

(6) decreasing the advantage held by the wealthy in the quest

---

[8]David Nichols, Financing Election: The Politics of an American Ruling Class (New York: New Viewpoints, 1974), p. 145.

for office.[1]

FEDERAL ELECTION CAMPAIGN ACT OF 1971

Congress attempted to accomplish these aims with the passage of the Federal Election Campaign Act of 1971, P.L. 92-225. After passing through the legislative process and undergoing several revisions in the latter part of 1971, the new Act was signed into law on February 7, 1972 and became effective on April 7, 1972. The comprehensive new law provided the following:

. Retained the "equal time" requirement of the Communications Act of 1934.

. Limited to 10 cents per voter the amount that could be spent by candidates for Congress and the presidency for advertising on television, radio, newpapers, magazines, billboards and automatic telephone equipment. Up to 60 percent of the over-all media limitation could be spent for broadcasting purposes.

. Required broadcasters to sell candidates' advertising at the lowest unit rate in effect for the time and space used. The requirement would be in effect during the last 45 days preceding a general election.

. Provided for an escalation in the media spending limit based on annual increases in the Consumer Price Index.

. Strengthened the requirements for reporting to the public how much a candidate spent on his campaign and his sources of contributions and other income.

. Specified that all candidates and political committees report

---

[1]Delmer D. Dunn, Financing Presidential Campaigns (Washington, D.C.: The Brookings Institution, 1972), pp. 140-141.

names and addresses of all persons who made contributions or loans in excess of $100, and of all persons to whom expenditures in excess of $100 were made.

. Authorized as the supervisory officers for collection of campaign reports the secretary of the Senate for Senate candidates, the House clerk for House candidates and the comptroller general for presidential candidates. Copies of reports would be filed with the secretaries of state in those states where the election was held.

. Defined more strictly the roles unions and corporations could play in political campaigns.

. Limited the amount a candidate or his family could contribute to his own campaign to $50,000 for president or vice president, $35,000 for senator and $25,000 for representative.

. Repealed the Corrupt Practices Act of 1925.[1]

Although these provisions closed many loopholes, others remained gaping open to receive a flood of criticism. For example, a donor could give money to a congressional or senatorial committee but earmark it for a particular candidate. Though the candidate would benefit from the contribution, the contributor's name would only appear on the report of the congressional campaign committee. Such transactions were prohibited by the law but were unenforceable.

Another evasion was possible by forming $999 committees. Because political committees must collect or spend $1000 or more a year to be covered by the law, such committees could exist without having their records subject to public disclosure.

---

[1]Wayne Kelley, ed., CQ Guide (Washington, D.C.: Congressional Quarterly Inc., Fall 1972), p. 49.

Though candidates were limited in the amounts they or members of their immediate family may contribute to their campaign, a wealthy candidate could give cash gifts to friends which could then be donated back to him. This could also be done by other wealthy donors who may have wished to remain anonymous.

Donations of services, manpower, postage and other gifts in kind could be made without being listed on disclosure reports. An obvious loophole, which is also obviously unethical, is a gift of cash directly from the contributor to the candidate which is unknown and unreported to anyone else.[1]

It took only one election to prove that the new law was rather disappointing. The loopholes were discovered and frequently penetrated in the 1972 election. In response to these problems Congress once again tried to make corrections through legislative reforms. The result was the Federal Election Campaign Act Amendments of 1974 (P.L. 93-443).

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The 1974 Amendment Act passed the Senate as S-3044 (Cannon) on April 11, 1974 and passed as H.R. 16090 (Hays) in the House on August 8, 1974. The conference version of S-3044 was signed into law on October 15, 1974 to become effective on January 1, 1975.[2]

The new law is extremely broad in its efforts to remedy former inadequacies. It replaces previous limitations on media expenditures with limitations on total expenditures. It imposes new restrictions

---

[1] Ibid., pp. 49-50.

[2] Burdette, Campaign Financing, p. 2.

on amounts, sources, and form of contributions; adopts different reporting requirements; changes the criminal code and criminal penalties invoked; amends some provisions in the Federal tax laws and the Hatch Act; provides matching funds to pay for Presidential primary campaigns; and provides for public financing of Presidential nominating conventions. In addition a Federal Election Commission was established to administer the campaign laws.[1]

As the first real overhaul of the campaign financing system in 49 years, the law was not adopted without severe criticism and side effects that few of its sponsors anticipated. Some claimed that the bill did not go far enough, particularly in the area of public finance. Senator Edward M. Kennedy called it a "half-a-loaf approach." He claimed the absence of public financing for congressional races was a great deficiency. "Abuses of campaign spending and private campaign financing do not stop at the other end of Pennsylvania Avenue. They dominate congressional elections as well. If the abuses are the same for the presidency and Congress, the reform should also be the same. If public financing is good anough for presidential elections it should also be good enough for Senate and House elections." Senate Minority Leader Hugh Scott agreed, "the regret I have principally is that we did not extend federal financing on a matching basis to congressional elections..."[2] Opponents of the bill strongly criticized the public financing provisions and low spending limits. Senator James B. Allen asserted, "To use the terms

---

[1] Ibid. A more detailed breakdown of the provisions of the 1974 Amendment Act as summarized in Wayne Kelley, ed., CQ Guide (Washington, D.C.: Congressional Quarterly Inc., Spring 1975), pp. 31-32, is included as Appendix A at the conclusion of this paper.

[2] Kelley, CQ Guide, Spring 1975, p. 30.

'public financing' and 'campaign reform' interchangeably or as synonyms is erroneous." He claimed the only real reforms were spending and contribution limitations, full disclosure and an independent election commission. Senator James L. Buckley tabbed the low spending limits as measures to protect incumbents. "To offer this bill in the name of reform is an act of cynicism." he said.[1]

CONSTITUTIONAL CONTROVERSIES OF THE 1974 AMENDMENT ACT

Though this type of opposition in Congress was overcome and the compromise bill was agreed upon by both houses, legal and political scholars became extremely interested in the political and constitutional ramifications of the 1974 amendments. The major issue that was argued in the legal and political journals was the constitutionality of contribution limitations. Many of the arguments were predicated on the provisions of the 1971 Act, but since the 1974 Amendments presented even stricter limitations the debate became more intense rather than less.

In a North Carolina Law Review article, Joel C. Fleishman argues that limitations on political contributions are a limitation on the "amount" of free speech a person may have.[2] He contends that many forms of governmental subsidies would be more effective in deterring the dangers of undue advantage or influence. Such subsidies, he said, would not only be more effective but also, "more likely to be immune from

---

[1] Ibid.

[2] Joel C. Fleishman, "Freedom of Speech and Equality of Political Opportunity: The Constitutionality of the Federal Election Campaign Act of 1971," North Carolina Law Review, Vol. LI (1972-73), p. 453.

constitutional challenge."[1] Fleishman concludes that, "Every major scholar and study of campaign financing has opposed contribution and expenditure limitations: Herbert Alexander, the President's Commission on Campaign Costs, the Committee for Economic Development, and the Twentieth Century Fund. They have regarded such limitations as being difficult to administer, incapable of dealing satisfactorily with the problems of supporter's rights, issue committees and anti-candidate committees,and inevitably discriminatory in favor of incumbents."[2]

A year later, 1973-74, Fleishman's arguments were attacked in other law review articles. An anonymous note in the University of Pennsylvania Law Review stated, "The enactment of political contribution limits affirms the most fundamental goals of the constitution: equality of political access, integrity of political representation, and freedom of political expression. Instead of infringing upon first amendment values, contribution limits reaffirm this country's basic belief in a system of political expression and representation free from the undemocratic constraints of large-contribution influence."[3] Marlene Arnold Nicholson, in the Stanford Law Review, basically supports this position. She feels that the limitations assure the right to equal protection more than they limit individual freedoms.[4] Nicholson points out that the courts have ruled it constitutional to limit the volume of sound a person can make

---

[1] Ibid., p. 482.

[2] Ibid.

[3] "The Constitutionality of Restrictions on Individual Contributions to Candidates in Federal Elections," University of Pennsylvania Law Review, Vol. CXXII (1973-73), p. 1646.

[4] Marlene Arnold Nicholson, "Campaign Financing and Equal Protection," Stanford Law Review, Vol. XXVI (1973-74), p. 822.

on the assumption that individual rights should not supercede those of the public to the degree that the latter's rights are abridged. Using similar logic it should not be unconstitutional to limit the volume of dollars a person can give.[1]

A related point of constitutional contention dealt with public financing of election campaigns. In an examination of this topic Fleishman seems to pursue the argument introduced earlier. That is, rather than limit contributions, provide funding to all candidates to assure relative equality in campaign resources. Fleishman referred to Harper vs. Virginia Board of Education 383 U.S. 663, 668 (1966), wherein the court ruled that, "Wealth, like race, creed, color, is not germane to one's ability to participate intelligently in the electoral process."[2] All candidates, rich or poor, should have equal access to the voter. Similarly, all voters should have equal access to the candidate. He feels that, "by failing to subsidize candidates, thereby forcing elections to be financed by private funds, the government invidiously discriminates against those who have insufficient funds to back candidates."[3] Once again Fleishman tries to document his argument with a court ruling. In Burroughs and Cannon vs. United States, the Court held up broad congressional powers to safeguard the integrity of elections. The Court concluded, "To say that Congress is without power to pass appropriate legislation to safeguard such an election from the

---

[1] Ibid., p. 845.

[2] Joel L. Fleishman, "Public Financing of Election Campaigns: Constitutional Constraints on Steps Toward Equality of Political Influence of Citizens," North Carolina Law Review, Vol. LII (1973-74), p. 349.

[3] Ibid., p. 365.

improper use of money to influence the result is to deny the nation in a vital particular the power of self protection."[1]

It appears that the issue being argued among legal scholars was who has the greatest right to constitutional freedoms. Does a wealthy contributor have the First Amendment right to "speak" as loudly with his money as he would like, or does the average citizen have the right to have that voice limited so that his may be heard equally as loud? Should the arena of political representation be a market place of supply and demand with "representation" being purchased by those willing to pay the greatest price? Until the Supreme Court ruling early in 1976 these were little more than academic questions which had been answered by judicial opinion. The courts had sustained regulations similar to Section 610 of the 1974 Act which restricted corporation and union contributions. They had not, however, ruled on the constitutional validity of contribution limitations applied to individuals.[2]

SUPREME COURT RULING

On January 2, 1975, the day after the 1974 law became effective, Senators James L. Buckley, Eugene J. McCarthy and other parties filed a challenge to the law.[3] The U.S. Court of Appeals for the District of Columbia upheld all of the law's major provisions in a ruling given on August 14, 1975. On Monday, November 10, 1975 the Supreme Court heard

---

[1] Ibid., p. 371.

[2] "The Constitutionality of Restrictions," pp. 1619-1624.

[3] Congressional Quarterly Inc., "Campaign Law Decision," CQ Weekly (Washington, D.C.: Congressional Quarterly Inc., January 31, 1976), p. 253.

arguments on the case and on January 30, 1976 issued a decision[1] which once again set federal elections in a confused situation.

The Court upheld the provisions of the law which: (1) limited the amounts individuals and committees may contribute to candidates; (2) provided for the public financing of presidential primary and general election campaigns; and (3) required public disclosure of contributions of more than $100 and expenditures of more than $10. The Court declared unconstitutional the provisions which established spending limits as well as the method for selecting the members of the Federal Election Commission.[2] Rather than immediately abolishing the FEC however, the Court delayed the ruling for 30 days to "afford Congress an opportunity to reconstitute the commission by law or to adopt other valid enforcement mechanisms without interrupting enforcement of the provisions the Court sustains, allowing the present commission in the interim to function de facto in accordance with the substantive provisions of the act.[3]

Congress reacted in a typically divided and ponderous manner. The original sponsors of the campaign finance bill of 1974. Senators Hugh Scott and Edward M. Kennedy, submitted legislation on February 2, 1976 to establish an election commission appointed by the president and to extend public financing to senatorial campaigns. On the same day, Senator Richard S.Schweiker introduced a bill which would continue the commission with its existing powers but have its members appointed by

---

[1]Bruce F. Freed, "Campaign Finance: Congress Weighing New Law," CQ Weekly, February 7, 1976, p. 267.

[2]Ibid.

[3]"Supreme Court Rules on Campaign Reform Law," Herald Journal (Logan), January 30, 1976, p. 1.

the president.[1] President Ford later recommended to Congress a proposal similar to Schweiker's. On February 17th he sent Congress proposals recommending that the six current members of the commission be retained under his appointment with Senate confimation. Ford asked Congress to reinstate the commission at least through the year until he and Congress could examine its effectiveness. Ford stated that, "The commission has become the chief instrument for achieving clean federal elections. If it becomes an empty shell, public confidence in our political process will be further eroded and the door will be opened to abuses in the coming elections."[2]

Unfortunately for the sake of expediency, not all members of Congress shared this view. Representative Wayne L. Hays, chairman of the House Administration Committee which has jurisdiction over campaign legislation, felt a hostility towards the commission. Several congressmen had criticized the commission for going beyond Congress' original intent of the law. Conversely, the panel had not been able to get Congress to accept its first two regulations on congressional office accounts and on where disclosure reports should be filed. When the Supreme Court announced its decision Hays said he planned to introduce legislation to abolish the commission because,"The commission went so far astray from congressional intent in their interpretation of the law that it appears wisest for Congress to reevaluate this prior approach and perhaps look toward a different way of monitoring election campaigns."[3]

---

[1]Freed, "Campaign Finance," CQ Weekly, February 7, 1976, p. 269.

[2]Helen Thomas, "Ford Wants FEC Kept in Business," Herald Journal (Logan), February 16, 1976, p. 2.

[3]Freed, "Campaign Finance," CQ Weekly, February 7, 1976, pp. 269-270.

After two weeks of political argument and congressional vacation it appeared certain that the commission was not going to be constitutionally re-structured prior to the Court's March 22nd deadline. However, on February 18th Representative Hays reversed his position and announced that he would sponsor legislation to re-establish the commission without any major changes.[1]

The problem which next arose was a conflict between President Ford and Congress. The President wanted only a simple reconstruction of the commission for a one year period and threatened to veto any legislation that restricted the activity of Republican-oriented political action committees (PAC's). The measures reported by Senate Rules Committee (S3065) and the House Administration Committee (HR12406) did what Ford had cautioned against. The bills weakened the 1974 law's disclosure requirements, limited the commission's jurisdiction and restricted the PAC's. Though S3065 met the Supreme Court objections in less than two pages, the provisions in the remaining 49 pages created a great deal of controversy.[2]

Under the threat of a presidential veto, the Senate was entangled in a partisan wrangle to resolve the controversy. The Democrats ignored President Ford's request to merely reconstitute the commission and pushed through changes which the Republicans claimed would give the Democrats and organized labor an edge financially. The Senate debated and voted on numerous amendments on March 16, 17, and 18. These dealt mainly

---

[1]"New lease on Life: Election Commission," CQ Weekly, February 21, 1976, p. 434.

[2]Bruce F. Freed, "House and Senate Both Report Campaign Bills," CQ Weekly, March 13, 1976, p. 558.

with spending and contribution limits and franking privileges.[1] On March 24, the Senate passed S3065 in a form which they felt would satisfy President Ford as well as labor groups. The compromise measure, approved with a 55-28 vote, re-established the commission with eight rather than six members, restricted the role of special interest groups as political financiers and lifted the limit on honorariums congressmen may receive.[2]

The House adopted its version (HR 12407) of the bill on April 1. Though the bills differed in several respects it was hoped that the differences could be worked out. As in the Senate, the Republicans had pushed mainly for simple reconstitution of the commission. The Democrats, with their strong majority, made several changes in the 1974 Amendment Act provisions.[3]

The Senate and House conferees began negotiations on April 7 to resolve the differences on the two motions. Once again compromises were made and on April 13 the conferees felt they had a new campaign finance bill which would be acceptable to both sides of the Capitol as well as the White House. The compromise was closer to the Senate version than to the bill passed by the House. The conference version included the following provisions that are different from the 1974 act:

(1) Reconstituted the Federal Election Commission as a presidentially appointed body;

(2) Allowed business and union political action committees to

---

[1]Bruce F. Freed, "Partison Wrangle Delays Campaign Bill," CQ Weekly, March 20, 1976, pp. 603-604.

[2]Bruce F. Freed, "Senate Accepts Compromise Campaign Bill," CQ Weekly, March 27, 1976, p. 675.

[3]Bruce F. Freed, "Mended Campaign Bill Passes, 241-155," CQ Weekly, April 3, 1976, pp. 801-803.

solicit their respective employees twice a year for contributions;

(3) Set new contribution limits for political committees. Political action committees could give up to $15,000 to a political party party committee and up to $5,000 to another non-party committee. The amount the Republican and Democratic Senate campaign committees could give to Senate candidates was increased from $5,000 per election to $17,500 per year;

(4) Raised the ceiling on the amount of honoraria members of Congress may receive from $1000 to $2000 per event and from $15,000 to $25,000 annually. This new limit is a net amount and does not include any booking fees, or expenses for the speaker and a wife or an aide;

(5) Prohibited presidential candidates from receiving federal matching funds if they garner less than ten per cent of the vote in two consecutive primaries in which they ran.[1]

The new bill was passed by the House on May 3, 1976 and by the Senate the following day. President Ford failed to act, a delay which brought him a sufficient amount of political criticism. Because his campaign was in the best condition financially and because he could delay the payment of many bills (such as travel in the presidential jet), Ford had much to gain personally by sending the measure back to Congress. Possibly to avoid the attacks his opponents would have made and possibly because he agreed with the leaders of Congress, that though the bill was not without faults it needed to be adopted to prevent continued chaos in the 1976

---

[1]"Campaign Bill," CQ Weekly, April 17, 1976, p. 940.

elections, he gave it his signature on May 11, 1976. The FEC was once again back in business and able to distribute the $2.1 million in matching funds that had been accumulating since March 22 when the Commission lost its power.[1]

IMPACT OF RECENT REFORMS

The passage of the 1974 Amendment Act, the debate over its constitutionality, the Supreme Court ruling on it, and the subsequent rush by Congress to mend the situation has left many candidates wondering what the "real" guidelines are. Even the most astute observer may feel lost in the midst of all these changes. It would appear that the law which was meant to insure integrity in the 1976 elections and restore some of the public respect that was lost in 1972, has brought one thing which negates many of its virtues - chaos. Many problems remain unsolved and others have been created. An examination of the impact on federal elections of these recent changes in laws and rulings regulating campaign financing is worth our attention. Due to the recency of these changes much of our discussion will be speculation.

The 1974 law had its greatest impact as a result of the contribution and spending limits, the disclosure and reporting requirements, and for presidential candidates, the public funding provisions. Its general purpose was to free the candidate from the possible pressures imposed by a few fat cats or special interest groups. At the same time it was hoped that the candidates would involve more people in the fund raising process. Richard Kline, Senator Henry Jackson's finance chairman,

---

[1]"Candidates Continue to Await Funds," Deseret News, (Salt Lake City), May 12, 1976, p. A1.

emphasized the change. "The fat cat who could give us $100,000 or $200,000 isn't as important today," he said. "Now the most important people are the fund-raisers, the men who know where to tap the $1,000 contributions. We try to find in every community one or two people who are respected by their peers and work hard at raising money. The fund-raiser today is much like the precinct captain of old."[1]

The Supreme Court ruling on "indirect expenditures" somewhat changed the position of the fat cats. They have been handed an obvious loophole to determine how to use. The Court held that as long as the candidate did not authorize or know about such "independent expenditures", an individual may buy newspaper or television ads, hire doorbell ringers or mail out leaflets with no expense limitations. Any limitation, the Court said, "impermissibly burdens the constitutional right of free expression."[2] It is difficult to estimate how many fat cats will avail themselves of this "constitutional right." Shortly after the Court's announcement, General Motors heir and longtime contributor to liberal campaigns, Stewart Mott, indicated that he was already planning expenditures of $50,000 to $100,000 on Congressional campaigns and an equal amount on the presidential race. "I will find ways to spend my money and so will Joe Coors," he said, referring to the conservative beer millionaire.[3] Obviously some fat cats will be back in business.

The contribution limitations will affect special interest groups

---

[1]Kelley, CQ Guide, Fall 1975, p. 104.

[2]"The Money Game: Changing the Rules," Time, Vol. CVII, No. 6 (February 9, 1976), p. 11.

[3]David M. Alpern, et al., "The New Money Rules," Newsweek, Vol. LXXXVII, No. 6 (February 9, 1976), p. 16.

in varying ways. Some of the more decentralized groups indicate that they will be able to contribute nearly as much as before by funneling funds through their state and local offices. A fund-raiser for liberal, union-backed candidates, George Agree, criticized the law for discriminating against national groups because they had no way of redistributing their contributions. Both national and local groups have indicated that the limitations will free more money for educating members and for allowing staff members to help with such things as registration drives.[1] Despite the legislation the special interest groups have no intention of losing political influence.

The 1974 law also prevented the wealthy candidate from expending large amounts of money on his own campaign. Had this provision of the law not been declared unconstitutional it would have greatly altered the campaign of candidates such as Vice President Nelson A. Rockefeller who self-financed his 1964 and 1968 presidential bids.[2] The Supreme Court ruling restored the advantage of being independently wealthy. Aides of relatively poor candidates, Fred Harris and Morris Udall, immediately claimed that the ruling had penalized their candidates. As Udall's campaign manager and brother Stewart asked, "Is it fair? You put Fred Harris and Nelson Rockefeller in the same ring and say, 'Go at it, boys, and have a fair fight'?"[3]

The provision of the 1974 Act, which allows federal matching funds

---

[1]Kelley, CQ Guide, Fall 1975, p. 104.

[2]Ibid., p. 105. Nelson Rockefeller and his family spent an estimated $4.0 Million in his unsuccessful attempt to gain the Republican presidential nomination in 1968. "The Money Game," Time, p. 11.

[3]"The Campaign: What It Means to the Candidates," Time, Vol. CVII, No. 6 (February 9, 1976), pp. 13-14.

to be given to presidential candidates who qualify, also changed the methods of fund-raising. To qualify for the money a candidate must raise $5,000 in each of 20 states in contributions of no more than $250, for a total of $100,000. After acquiring that amount, the contributions he receives will be matched dollar for dollar up to $250 per contribution. John T. Calkins, a political aide to President Ford remarked, "It's a funny law because it makes it necessary to raise less money than before but forces you to think more about how to raise it."[1] After the primaries a candidate may choose to finance his own campaign entirely with private contributions limited to $1,000 each or accept federal funds totaling $20 million. Even with the court ruling that a candidate may not be limited in his personal spending, it is expected that all presidential candidates, with the possible exception of a Rockefeller or a Kennedy, would take the federal funding option.[2]

The total spending limits of the 1974 Act were not affected by the Supreme Court ruling or the newly passed law. Thus one of the more controversial arguments of the Act remains - will the limitations create an advantage for the incumbent or not. "I'm not much impressed by the advantage of incumbency," said David L. Rosenbloom, director of the Parkman Center for Urban Affairs in Boston. "Incumbents were greatly advantaged under the old system, where they always out-raised and out-spent the challengers. I anticipate that incumbents will continue to out-raise and out-spend challengers. But now at least there will be limits, and you won't have the extreme of incumbents vastly outspending their

---

[1]Kelley, CQ Guide, Fall 1975, p. 103.

[2]"The Campaign," Time, p. 14.

opponents." Others consider this equality in campaign spending a great disadvantage to the challenger who must spend more to receive equal exposure. Richard A. Viguerie, a conservative political fund-raiser, is one who shares this latter view. "There's no spending ceiling on the congressman's franked mail, staff size or use of radio and TV." he said. "The campaign spending limits prevents incumbents from being unseated by holding down challenger spending." The Americans for Democratic Action has estimated that the value of already holding a public office, exclusive of name recognition, is $376,000 a year.[1]

The new law will have strengthening effects upon the Democratic and Republican parties but may hinder the minor parties in their efforts to gain strength. The national and state organizations of the two major parties can each spend $10,000 per candidate in House general elections, two cents per voter or $20,000, which ever is greater, for candidates in Senate general elections, and two cents per voter in presidential elections. These amounts can be very attractive to a candidate because they are above his individual spending limits. This will give the party much more control over their candidates. As Eddie Mahe, executive director of the Republican National Committee put it, "Our position is very simple. Before we give candidates $10,000 of our money, we're going to know what the hell's going on."[2]

It is yet unclear how the new laws will affect minor parties. It may help to perpetuate them if they make strong showing in a particular election. Otherwise, they will be at a disadvantage because they must

---

[1]Kelley, CQ Guide, Fall 1975, pp. 105-106.

[2]Ibid., pp. 107-108.

obtain 5 percent of the vote before they may receive any public funding. George Agree sees this as being very discriminatory. "Usually third parties are one-shot deals under our system," he asserts. "Protest is not deferred for four years." On the other hand, Nelson Polsby, another political observer, feels that this very provision may institutionalize third parties. He says, "if they get 5 per cent in one election, they will get money in the next election far after they reach their peak. This can perpetuate third parties long after they've served their purpose and only splinter the party system."[1]

The total impact of the newly passed bill which re-established the FEC will also have to be seen. Some claim that it gives far too much power to organized labor.[2] It may also have a potentially fatal effect on President Ford's hopes of staying in the White House another four years. The original demise of the FEC hurt the campaigns of Ford's challengers much more than it did his. As Ronald Reagan charged in an interview in Salt Lake City on April 8, "The demise of the FEC and the irresponsible attitude in Congress today has not only had an effect on my campaign, but all other campaigns except that of the incumbent and the non-campaign of Hubert Humphrey. It does not hurt him (Humphrey) to have the Democratic candidates scrapping for funds and it certainly doesn't hurt the incumbent. He doesn't have to pay for his airplane in advance."[3] With the restoration of FEC's power to disperse federal funds, candidates such as Reagan and Jimmy Carter may receive the financial impetus that

---

[1] Ibid., p. 108.

[2] Editorial, Deseret News, (Salt Lake City), May 3, 1976, p. A5.

[3] Peter Gillins, "Reagan's Remarks about BYU Bring Applause in Utah," Herald Journal (Logan), April 8, 1976, p. 2.

is necessary to gain their party's nomination and subsequently a victory in November. Whether this happens or not, the losers will undoubtedly place part of the blame for their unsuccessful efforts on the Supreme Court's ruling and Congress' subsequent action or inaction, depending on how it affected them personally.

CONCLUSION

Undoubtedly proposals for campaign reform will continue to be introduced in Congress and debated by scholars. A Scorpio printout on November 13, 1975 revealed that 32 pieces of legislation had been introduced up to that date in 1975. There is still a strong interest in federal funding for congressional campaigns, for limiting even more the use of the franking privilege and of raising the spending and contribution limits. It is doubtful that any such changes will be made in the near future.

Obviously many weaknesses remain in the current legislation governing federal elections. Not every loophole has been closed and will not be even if that were possible. Some improved guidelines have been provided, but as has been said by others, "Laws don't control crooks, they only control honest people." Unfortunately it is impossible to legislate honesty. The burden now rests with the public to scrutinize the reports of their officials. Through public disclosure the corruptions of the past will ideally be avoided. Hopefully this ultimate goal may be achieved.

APPENDIX A

Provisions of the 1974 Amendment Act in CQ Guide, Spring 1975, pp. 31-32.

Provisions

As cleared by Congress, S 3044:

Established the following contribution limits:

- $1,000 per individual for each primary, runoff and general election, and an aggregate contribution of $25,000 to all federal candidates annually.
- $5,000 per organization, political committee and national and state party organizations for each election, but no aggregate limit on the amount organizations could contribute in a campaign nor on the amount organizations could contribute to party organizations supporting federal candidates.
- $50,000 for President, $35,000 for Senate, and $25,000 for House races for candidates and their families.
- $1,000 for independent expenditures on behalf of a candidate.
- Barred cash contributions of over $100 and foreign contributions.

Established the following spending limits:

- Presidential primaries—$10-million total per candidate for all primaries. In a state presidential primary, limited a candidate to spending no more than twice what a Senate candidate in that state would be allowed to spend *(see below)*.
- Presidential general election—$20-million per candidate.
- Presidential nominating conventions—$2-million each major political party, lesser amounts for minor parties.
- Senate primaries—$100,000 or eight cents per eligible voter, whichever was greater.
- Senate general elections—$150,000 or 12 cents per eligible voter, whichever was greater.
- House primaries—$70,000.
- House general elections—$70,000.
- National party spending—$10,000 per candidate in House general elections; $20,000 or two cents per eligible voter, whichever was greater, for each candidate in Senate general elections; and two cents per voter (approximately $2.9-million) in presidential general elections. The expenditure would be above the candidate's individual spending limit.
- Applied Senate spending limits to House candidates who represented a whole state.
- Repealed the media spending limitations in the Federal Election Campaign Act of 1971 (PL 92-225).

Made the following exemptions from the above spending limits:

- Expenditures of up to $500 for food and beverages, invitations, unreimbursed travel expenses by volunteers and spending on "slate cards" and sample ballots.
- Fund-raising costs of up to 20 per cent of the candidate spending limit. Thus the spending limit for House candidates would be effectively raised from $70,000 to $84,000 and for candidates in presidential primaries from $10-million to $12-million.

Made the following provisions for public financing:

- Presidential general elections—voluntary public financing. Major party candidates would automatically qualify for full funding before the campaign. Minor party and independent candidates would be eligible to receive a proportion of full funding based on past or current votes received. If a candidate opted for full public funding, no private contributions would be permitted.
- Presidential nominating conventions—optional public funding. Major parties would automatically qualify. Minor parties would be eligible for lesser amounts based on their proportion of votes received in a past or current election.
- Presidential primaries—matching public funds of up to $4.5-million per candidate after meeting fund-raising requirement of $100,000 raised in amounts of at least $5,000 in each of 20 states or more. Only first $250 of individual private contributions would be matched. The candidates of any one party together could receive no more than 45 per cent of total amount available in federal money. No single candidate could receive more than 25 per cent of the total available. Only private gifts raised after Jan. 1, 1975 would qualify for matching for the 1976 election. No federal payments would be made before January 1976.
- All federal money for public funding of campaigns would come from the Presidential Election Campaign Fund. Money received from the federal income tax dollar check-off would be automatically appropriated to the fund.

Made the following stipulations for disclosure and reporting dates:

- Required each candidate to establish one central campaign committee through which all contributions and expenditures on behalf of a candidate must be reported. Required designation of specific bank depositories of campaign funds.
- Required full reports of contributions and expenditures to be filed with the Federal Election Commission 10 days before and 30 days after every election, and within 10 days of the close of each quarter unless the committee received or expended less than $1,000 in that quarter. A year-end report was due in non-election years.
- Required that contributions of $1,000 or more received within the last 15 days before election be reported to the commission within 48 hours.
- Prohibited contributions in the name of another.
- Treated loans as contributions. Required a cosigner or guarantor for each $1,000 of outstanding obligation.
- Required any organization which spent any money or committed any act for the purpose of influencing any election (such as the publication of voting records) to file reports as a political committee. (This would require reporting by such lobby organizations as Common Cause, Environmental Action, Americans for Constitutional Action, and Americans for Democratic Action.)
- Required every person who spent or contributed over $100 other than to or through a candidate or political committee to report.

• Permitted government contractors, unions and corporations to maintain separate, segregated political funds. (Formerly all contributions by government contractors were prohibited.)

Made the following provisions for enforcement:

• Created an eight-member, full-time bipartisan Federal Elections Commission to be responsible for administering election laws and the public financing program.

• Provided that the president, speaker of the House and president pro-tem of the Senate would appoint to the commission two members, each of different parties, all subject to confirmation by Congress. Commission members could not be officials or employees of any branch of government at time of appointment.

• Made the secretary of the Senate and clerk of the House ex officio, non-voting members of the commission; provided that their offices would serve as custodian of reports for candidates for House and Senate.

• Provided that commissioners would serve six-year, staggered terms and established a rotating one-year chairmanship.

• Provided that the commission would: receive campaign reports; make rules and regulations (subject to review by Congress within 30 days); maintain a cumulative index of reports filed and not filed; make special and regular reports to Congress and the president; and serve as an election information clearinghouse.

• Gave the commission power to render advisory opinions; conduct audits and investigations; subpoena witnesses and information; and go to court to seek civil injunctions.

• Provided that criminal cases would be referred by the commission to the Justice Department for prosecution.

Established the following penalties:

• Increased existing fines to a maximum of $50,000.

• Provided that a candidate for federal office who failed to file reports could be prohibited from running again for the term of that office plus one year.

Set Jan. 1, 1975, as the effective date of the act (except for immediate pre-emption of state laws).

Provided that no elected or appointed official or employee of the federal government would be permitted to accept more than $1,000 as an honorarium for a speech or article, or $15,000 in aggregate per year.

Removed Hatch Act restrictions on voluntary activities by state and local employees in federal campaigns, if not otherwise prohibited by state law.

Prohibited solicitation of funds by franked mail.

Pre-empted state election laws for federal candidates.

Permitted use of excess campaign funds to defray expenses of holding federal office or for other lawful purposes.

BIBLIOGRAPHY

BOOKS

Alexander, Herbert E. Political Financing. Minneapolis: Burgess Publishing Company, 1972.

Bailey, Stephen K. Congress in the Seventies. New York: St. Martin's Press, 1970.

Diamond, Robert A., Ed. Dollar Politics. Washington, D.C.: Congressional Quartly Inc., 1971.

Dunn Delmer D. Financing Presidential Campaigns. Washington, D.C.: The Brookings Institution, 1972.

Nichols, David. Financing Elections: The Politics of an American Ruling Class. New York: New Viewpoints, 1974.

JOURNALS

"Congressional Perquisites and Fair Elections: The Case of the Franking Privilege." The Yale Law Journal, Vol. LXXXIII (1973-74), pp. 1055-1099.

"The Constitutionality of Restrictions on Individual Contributions to Candidates in Federal Elections." University of Pennsylvania Law Review, Vol. CXXII (1973-74), pp. 1609-1646.

Fleishman, Joel C. "Freedom of Speech and Equality of Political Opportunity: The Constitutionality of the Federal Election Campaign Act of 1971." North Carolina Law Review, Vol LI (1972-73), pp. 389-483.

Fleishman, Joel C. "Public Financing of Election Campaigns: Constitutional Constraints on Steps Toward Equality of Political Influence of Citizens." North Carolina Law Review, Vol. LII (1973-74) pp. 349-416.

Nicholson, Marlene Arnold. "Campaign Financing and Equal Protection." Stanford Law Review, Vol. XXVI (1973-74), pp. 815-854.

"Requirements of Certification of Newspaper Campaign Advertisements Under Rederal Election Campaign Act of 1971 is an Unconstitutional Prior Restraint of Speech." Harvard Law Review, Vol. LXXXVII (1973-74), pp. 1568-1579.

Sterling, Carleton W. "Control of Campaign Spending: The Reformers' Paradox." American Bar Association Journal, Vol. LIX (1973) pp. 1148-1153.

CONGRESSIONAL QUARTERLY INC.

"Campaign Spending: New Law Covers '72 Election." CQ Guide (Fall 1972), pp. 49-50.

"Congress Enacted Campaign Financing Reform." CQ Guide (Spring 1975), pp. 30-34.

Freed, Bruce F. "Amended Campaign Bill Passes, 241-155." CQ Weekly (April 3, 1976) pp. 801-803.

Freed, Bruce F. "Campaign Finance: Congress Weighing New Law." CQ Weekly (February 7, 1976), pp. 267-274.

Freed, Bruce F. "Candidates Find Money Still Matters in 1976." CQ Weekly (March 13, 1976), pp. 553-557.

Freed, Bruce F. "Federal Funds Prop Up Debt-Laden Candidates." CQ Weekly (February 14, 1976), pp. 318-320.

Freed, Bruce F. "Financing Elections: New Law Under Attack." CQ Guide (Fall 1975), pp. 101-110.

Freed, Bruce F. "Partisan Wrangle Delays Campaign Bill." CQ Weekly (March 20, 1976), pp. 603-604.

Freed, Bruce F. "Senate Accepts Compromise Campaign Bill." CQ Weekly (March 27, 1976) pp. 675-677.

"House Votes To Repeal Hatch Act Prohibitions." Congressional Quarterly Almanac Vol. XXXI (1975), pp. 711-714.

"New Lease on Life: Election Commission." CQ Weekly (February 21, 1976), p. 434.

"Watergate Fueled Pressure for Campaign Law." CQ Guide (Spring 1975), pp. 113-119.

PERIODICALS

Alpern, David M., Tom Joyce, James Doyle, John J. Lindsay. "The New Money Rules." Newsweek Vol. CXXXVII, No. 6 (February 9, 1976), pp. 14-16.

Deseret News (Salt Lake City), January 30-May 12, 1976.

Herald Journal (Logan), January 30-May 12, 1976.

"The Campaign: What It Means to the Candidates." Time Vol. CVII, No. 6 (February9, 1976), pp. 13-14

"The Money Game: Changing the Rules" Time Vol. CVII, No. 6 (February 9, 1976), pp. 10-13.

DOCUMENTS

U.S. Congress. House. Committee on House Adminstration. Federal Election Campaign Laws Relating to the U.S. House of Representatives. House Document No. 94-190. 94th Congress, 1st Session. June 1975.

U.S. Congress. House. Committee on House Administration. House Report No. 93-1239 To Accompany H.R. 16090. 93rd Congress, 2nd Session, 1974.

U.S. Congress. Joint Conference. Conference Report To Accompany S. 3044 93rd Congress, 2nd Session, 1974.

U.S. Congress. Senate. Committee on Rules and Administration. Senate Report No. 93-689 To Accompany S. 3044. 93rd Congress, 2nd Session, 1974.

U.S. Congress. Senate. Federal Election Campaign Act Amendments of 1974. Public Law 93-443, 93rd Congress, 2nd Session, S. 3044.

OTHER

Burdette, Robert. Campaign Financing: Issue Brief Number IB73017. The Library of Congress, Congressional Research Service Major Issues System. September 23, 1975.

Burdette, Robert. Questions and Answers Discussing the Federal Laws Regulating Campaign Financing. The Library of Congress, Congressional Research Service. March 1975.

Scorpio. Computer printout of all the bills on campaign finance that have been introduced in the 94th Congress up to November 13, 1975.

PART II:

REFLECTIONS ON WASHINGTON

AS A CONGRESSIONAL INTERN

In February of 1974 a friend of mine, Paul Willie, commented that he was going to apply for a Congressional Internship in the Washington office of Representative Gunn McKay. As Paul went through the application, interview, acceptance process I was kept informed. As school was ending and he prepared to leave, I began to realize that he was going to have a very exciting summer - much more so than I would. During the summer he called several times and verified that fact; indeed, he was having a very educational and enjoyable time in the nation's capital. It was after one of those calls, as I was spending one of many hundreds of hours of hot days and cold nights on a pea picking machine, that I decided I wanted to go to Washington.

In the spring of 1975 I underwent the same process Paul had undergone the previous year and late in April received a call saying I had been selected as Utah State University's intern in Gunn McKay's office.

On June 10th, Doug Young, the intern from Weber State College and also my roomate and traveling companion for the summer, and I left Utah with another student from Ogden, Dave Haun, who had interned with Senator Moss the previous year.

During our four day trip Dave prepped us on how to act like a true Washingtonian. "Wear a coat and tie to the office but take the coat off when you get there," he said. "Just after lunch, between 1:00 and 2:00, loosen your tie, undo your top button and roll your sleeves up - makes it look like you've been workin' hard. Wherever you go walk fast, walk up and down escalators - don't just ride 'em - and always carry a legal pad." "One last bit of advice," he added, "If you don't know where you are going, act like you do anyway and nobody will ever know the

difference. Above all, you don't want to be mistaken for a tourist."

My first two days at work were somewhat depressing. I came to the realization that Washington had not been eagerly awaiting my arrival and I was not going to solve all the world's problems in nine weeks. Worst of all the title "Intern" did not impress nearly as many people on Capitol Hill as it did in Cache Valley, Utah.

During those first two days I read a book on the capitol building and Jim McConkie, McKay's administrative assistant, gave us a tour of that historic structure. I also visited the Library of Congress and became familiar with the facilities there. Thus far, the only things of substance that I had done was call an agency for some information and write a short press release which wasn't written the way Pat Roylance, the press secretary, had wanted it.

On Wednesday things picked up as Doug and I were given instructions on how to do research, the tools to use, people to call, etc. We were given assignements as to who we would work with. I was to spend the first two weeks working with Kathi Gallegas on casework problems and the next two with Pat Roylance on press and Nancy Berry on legislative correspondence. Throughout the summer I was to help Jim McConkie with research, correspondence, public relations and anything else he desired. It was also the responsibility of the interns to give tours of the capitol building to constituents, run errands and occassionally help with less intellectually stimulating tasks, such as, cleaning the storage room.

It is difficult to say what an average day or week was like, each was different. We generally started work between 8:30 and 9:00 a.m. and finished between 5:30 and 6:00 p.m. Lunch lasted anywhere from a few

minutes, to eat a sandwich while trying to find some information in a hurry, to a couple of hours in "Jean Pierre's", the best French restaurant in Washington, at a lobbyists expense. Fridays were free to go sightseeing and many afternoons we had the opportunity to attend a speech by a Member of Congress or meet other interns at receptions. The Bi-Partisan Intern Committee and some of the universities with a large number of interns in Washington try to provide a wide variety of experiences for the interns to participate in. For many interns the seminars and receptions were the most beneficial part of their summer - for me the experiences in the office were more educational.

I hadn't been in Washington too long before I discovered that McKay's interns were given many more constructive tasks and much more responsibility than other interns. It is common to refer to interns as "gofers" - "go fer this and go fer that." I met several who spent most of their time running errands, filing letters, clipping articles out of newspapers and other clerical type tasks. In contrast, I had to run only one or two errands a day, I didn't even type my own letters much less do any filing, and for less than half of my internship I spent a half hour or less a day cutting articles out of the Salt Lake Tribune, Deseret News, Ogden Standard-Examiner and Provo Herald. In all only 10-15% of my time was spent being a "gofer".

Some of the most rewarding work I did was while helping Kathi with casework. I found this to be quite satisfying simply because what I did directly helped someone. In a speech to the interns, Hubert Humphrey said that 50 to 60% of his staff time was spent on casework due to the inefficiencies in our large bureaucratic agencies. After numerous

frustrations the average citizen either gives up trying to obtain help or he turns to his congressman. It was a good feeling to be able to help relieve some of those frustrations.

I also learned how political Washington is through casework. Among some people the prevailing attitude is "If you're bigger than me I'll help you now, if not, wait until it's convenient for me." Very few secretaries will forward a call to their boss without knowing who is calling. Who is calling can also stimulate a variety of reactions. For example, if Randy Funk, citizen, calls the Pentagon he won't get much further than the receptionist. However, if Randy Funk of Congressman Gunn McKay's office calls the Pentagon, he would be referred to a general who happened to be a specialist in the area Mr. Funk's question dealt with. Funk's question would be answered quickly and politely with the word sir being used quite generously. The password is CONGRESSMAN - it opens many doors. The fact that McKay is the second-ranking Democrat on the Military Construction Subcommittee of the House Appropriations Committee would be particularly helpful in this case.

The most common problems we dealt with involved the military, social security, EPA,HUD, and HEW. One case began with a complaint from the Emery County attorney over the fact that his county did not receive a particular grant to improve their water system and yet some larger cities (only Salt Lake City and Ogden in Utah) had received funds. In my investigation I found that more than 80 Utah communities had applied for funds through this HUD program, but since 75% of the funds available were required by law to go to urban areas most had not received anything. Realizing that that information would not be very consoling to Emery's

attorney I tried to find some alternative resources he could apply for. I located three other agencies or bureaus that had money available, especially since it was the beginning of a new fiscal year. I forwarded the information to him and then suggested to Jim that we notify the many other cities in Utah of these possibilities. Jim thought it was a good idea so I talked to Gunn and he agreed. I like to think that as a result of that effort a few deserving communities in Utah may receive a new water system, sewage disposal system or some other needed development.

Another significant part of my internship was researching legislation. I learned the process a bill goes through after it is written and placed in the hopper until it becomes law. I learned to call bill status, committees, House Documents, Congressional Research Service and, more importantly, I learned the correct questions to ask and what the answers meant. I learned to use the Congressional Record, Congressional Quarterly, Daily Digest, Union Calendar, committee reports and the CRS reports. I was extremely impressed with the volume and availability of information.

It was normal office procedure to assign an intern several projects to research and keep a file on. Any new information was to be placed in the file and if it was significant enough to influence Gunn's position it should be brought to Jim's attention. Some of the files I maintained were either on proposed legislation or problems that possibly required legislation. They included, the Food Stamp Reform Act of 1975, a bill to require annual audits of the entire Federal Reserve System by the General Accounting office, the proposal to close down concessions at Zions and Bryce National Parks, the possibility of decreasing or eliminating tobacco subsidies, two Bureau of Indian Affairs' conflicts with

Indians over roads and educational funding policies, and the rather expensive policy of allowing only Air Force printing facilities to print Air Force materials when private industry could print it less expensively. In addition to these, Jim would occasionally ask me to get the committee report on a bill or read some material from a lobbyist group and then brief him on it. I also outlined a CRS report on American Samoa for Mr. McKay. I enjoyed the research and learned a great deal about using government documents.

Another area of work was legislative correspondance. Answering the letters of constituents who had suggested a for or against vote on a particular piece of legislation helped me keep aware of how McKay felt on the issues and how some Utahans felt. It also helped me to become more patient and tolerant of ridiculous opinions expressed in an il-literate manner; to develop an extremely vague style of political rhetoric so that the recipient of my letter would not realize that my toleration level was still low and that I really did think he was an idiot. Actually, I didn't feel that cynical most of the time.

I didn't have many opportunities to work on press. Pat Roylance, the press secretary, wanted his press releases well done; he didn't feel they were well done if anyone but he had done them. He did let me call in taped interviews to the Utah radio stations and other related tasks, but I only wrote two press releases.

Probably the favorite job of the interns in McKay's office was giving tours of the Capitol Building. It was fun to meet constituents, talk with them, and attempt to impress them with our knowledge of the Capitol's history. I gave about one tour a week and except for the

first two tours, when I got lost, I managed to at least make the people think I knew something. With our staff cards we could go a few places that the regular tour doesn't permit. One morning before Congress was in session Gunn took a high school FFA president and myself onto the floor of the House. After watching from the gallery several times it was quite exciting to be down where the action takes place.

Occasionally I had the opportunity to attend a Utah Delegation meeting. Senator Moss generally took charge and Congressmen McKay and Howe participated quite a bit. Senator Garn, the lone Republican, didn't usually say much.

During my second week of work Jim asked me to attend a breakfast reception with the Vocational and Industrial Clubs of America (VICA) representatives from Utah. Apparently, Jim didn't think the reception would be that important so Mr. McKay attended his committee meeting while I went to the reception. To my surprize there were about 130 Utah students and the main purpose of the reception for them was to meet and honor the Utah congressional delegation. Senator Garn, Mr. Howe and I were present; so the three of us accepted honorary membership pins as a Bonneville television camera recorded the affair on film.

Doug and I participated in a portion of the internship activities though by no means as many as most interns. Nearly every day a lecture or forum was held for the interns. The participants generally were members of Congress or leading staff members in Congressional committees or Federal Agencies. I attended speeches by three candicates for the Democratic Presidential nomination - Senator Hubert Humphrey, Senator Lloyd Bentsen and Representative Morris Udall. Udall's office is next to

McKay's so I also had a chance to talk to his interns and staff people. We also visited the White House for an exclusive tour and to hear President Ford speak. One event which I unfortunately missed was a reception at the Chinese Embassy for all of the interns. After Arthur Ashe won the Wimbleton Tennis Tournament his congressman held a reception in the center plaza of the Reyburn House Office Building. I suppose I was somewhat dazzled to meet the people and attend the events that I would read about in the Washington Post the following morning.

We had Fridays free and were encouraged to see the sights of Washington and the surrounding area. Doug and I are both history majors and enjoy traveling, so every Friday and Saturday we became first-class, camera-totting, see-all-you-can-see, do-all-you-can-do tourists. We spent the majority of our weekends in Washington. We saw the typical sights - Washington, Lincoln and Jefferson monuments, Supreme Court building, Library of Congress, Arlington Cemetary, Mount Vernon, the Smithsonian Library (3 1/2 days there), the Mormon Temple, National Cathedral and Georgetown.

In addition we had special tours of the FBI building and the eighth floor reception rooms of the State Department building. We attended the play "By the Skin of Our Teeth" at the Kennedy Center and the musical "Gypsy" at the Shady Grove Music Hall. Both had professional casts and were excellent. The best feature of Washington, in my opinion, is the huge variety and outstanding quality of cultural activities that are continually going on, as well as the many museums and historical sites which are available. Most of the museums and outdoor concerts are free to the public.

On several weekends we left D.C. and traveled north or south along the coast. One weekend we visited Monticello, Ash Town and Williamsburg in Virginia. Another was spent in New York attending the Mormon Hill Cumorah Pageant and visiting historical Mormon sites. On the way home to Washington we came through Manhatten so I would see "the Big Apple". One Friday we drove to Gettyburg up in Pennsylvania Dutch Country. On a different Sunday we visited a boy scout camp in the Blue Ridge Mountain area of Virginia and spoke to the scouts. The Monday before we returned to Utah we went to the beach where I got burned badly enough to peel all the way home. On the three Saturdays that we were at home and not busy I played on a church softball team which won the Washington area championship. It would be an understatement to say that my leisure time was very enjoyable and educational. In the nine weeks Doug and I were in Washington we traveled over five thousand miles.

The two most frequently asked questions since my return have been, "What is Gunn McKay really like?" and "Do you want to be a politician now?" The first is much easier to answer than the second.

I found McKay to be a very non-political, unassuming, fairly hard working individual. As one of his staff members told a Ralph Nader reporter, "In a crowd of 5,000 people I would pick out Gunn McKay as the one from Huntsville." The staff tells numerous stories about him that seem to prove the adage, "You can take the boy out of the country but you can't take the country out of the boy." As a freshman congressman, McKay was invited by President Nixon to attend a dinner at the White House with the other newcomers. He put on one of the two suits his friends in Huntsville had bought for him following his election and went

shopping for a bed for one of his nine children before going to the White House. He got so involved in looking for the bed that he missed the dinner. His speeches reflect the fact that he is a former LDS Stake President. His aides have him go over a speech several times and yet he still rambles, tells long stories and expounds moral principles like he was in church.

Politically McKay has more shrewdness than he is generally given credit for. Speaker Carl Albert took a liking to him as soon as he arrived in Washington and he gets along well with the Southern Democrats and the rural congressmen. His influence is relatively strong though he is very unassertive. He has little or no interest in becoming involved in foreign affairs or the highly publicized investigation committees. McKay recognizes his weaknesses - he is not highly intelligent nor educated. He is not a lawyer or an economist, but a high school history teacher and farmer.

Like most Congressmen he puts in long hours. Even though I don't always agree with what Congress does I admire the tireless hours they devote. Many people may attempt to refute that statement by saying that much of the time is spent in social-type activities and would therefore be pleasure more than work. That may be true, but still it takes an unusual personality to maintain such a schedule of activities and, like it or not, such activities are necessary to a degree if one is to remain in office.

In response to the second question, "Do I want to be a politician now?" I would have to give a politician's answer, "Yes", "No", and "Maybe". Yes, I do believe that all citizens should participate in

government. The average person can have a say in what happens, but only if he screams loud enough. I feel a need to be involved on a state or local level and would enjoy holding a political office on that level. The occasional viciousness of big-time politics makes me somewhat hesitant to even fanticize holding a federal elective office. Those are the yes and no answers. The maybe is the result of a combined lust for power and a sincere desire to serve. If an opportunity arose that appealed to those two basic weaknesses, I would probably succumb and become involved in federal politics.

Washington is a fascinating city. The excitement of being at the center of national and international politics, of having unlimited cultural and historical resources so readily available, of working and associating with intelligent, dynamic people, and of feeling a sense of contribution to the governing process is an excitement not to be found elsewhere. I would really enjoy spending a part of my life there. For a small town boy however, the air pollution and crowds became quite excessive at times. It was refreshing to return to the cool, clean mountain environment of Utah. Like my friend Paul though, I can enthusiastically say that my summer in Washington was indeed a memorable experience.