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Recommended Citation

David L. Boren Special Interest Money: A Threat to Democratic Government, 14 Pepp. L. Rev. Iss. 3 (1987) Available at: https://digitalcommons.pepperdine.edu/plr/vol14/iss3/2

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Special Interest Money: A Threat to Democratic Government

Senator David L. Boren*

In this 200th-anniversary year of the United States Constitution, we should renew our focus upon the problems facing our electoral process caused by the influence of money in politics and on the divisiveness this money promotes. The entire system is out of balance. Campaign spending has increased at an alarming rate: In 1976, the average cost to win a seat in the United States Senate was about $600,000, while ten years later, that cost has risen to over $3,000,000.1 Such a startling statistic gives strength to the argument made by former Solicitor General Archibald Cox, one of the foremost constitutional lawyers in the nation, when he said, "Today the public sees a 'For Sale' sign tacked upon each congressional seat up for election."2

The 1986 congressional-election cycle illustrated the exploding cost of campaigns and the dubious sources of funds for those campaigns. The most disturbing aspect of those elections, and one that will be even more obvious in the 1988 elections, was the increased influence of special interest money through the proliferation of political action committees (PAC's).3 Ironically, PAC's originally grew out of cam-

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3. For a general discussion of PAC's and their effect upon the political system see
campaign reform legislation of the post-Watergate era. Now PAC’s have become a serious problem themselves.

The rising tide of special-interest money from PAC’s contributes to the fundamental problem that there is simply too much money in the system. Without a structure by which we can reform the system through overall expenditure limits, we risk the legitimacy of our democratic political process.

As millions of dollars have rolled into the campaign coffers of members of Congress, the conduct of our elected officials has changed dramatically. Senator William Proxmire of Wisconsin, while debating the Boren-Goldwater amendment last year on the Senate floor, made the following comment:

... the payoff by public officials for the PAC contributions they receive ... may not come in a vote. It may come in a speech not delivered ... in a colleague not influenced. It may come in a witness not invited to testify before a committee. It may come in hiring a key staff member for a committee who is sympathetic to the PAC. Or it may come in laying off or transferring a staff member who is unsympathetic to the PAC.

What is even more disturbing is that in scheduling time for votes in the Congress, consideration is given to the fund-raising schedule that night. Frequently, two- or three-hour “windows” are left open in the Senate’s schedule to allow members to go to each other’s fund-raiser that evening. It is clear that members of Congress are spending time raising money to fund outrageously expensive campaigns—time which they should be spending in working to solve the pressing problems facing our nation.

Another alarming issue is that this out-of-state money machine, coming from both business and labor groups, is discouraging new people with fresh ideas from getting involved in politics. Nearly eighty percent of PAC funds goes to incumbents rather than to challeng-

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B. SHEPPARD, RETHINKING CONGRESSIONAL REFORM (1985) (discusses, among other things, the rise to power of PAC’s); E. HANDLER & J. MULKERN, BUSINESS IN POLITICS (1982) (an analysis of PAC’s and their effect on the political system).


5. Any expenditure limits that are developed must stay within the confines of the United States Supreme Court’s decision in Buckley v. Valeo, 424 U.S. 1 (1976) (per curiam). In Buckley, the Court upheld establishment of the Federal Election Campaign Act of 1971, as amended in 1974. The Court held that the limitations imposed on contributions were constitutional. Further, the disclosure and record-keeping provisions of the Act were upheld as necessary for enforcement of the Act. Finally, the Court invalidated the Act’s expenditure ceilings as a violation of the first amendment.


The recipients of these funds are usually members of powerful committees in Washington to whom the lobbyists need to gain access. New candidates may be able to do well in their home states or districts, but they are often discouraged from running because they do not want to fight the large out-of-state PAC donations to the incumbents.

It is obvious to even casual observers that PAC's are further fragmenting an already destabilized Congress. PAC's do not rate members of Congress on their overall records, but only on the basis of a few votes that affect their economic interest. We face momentous decisions involving the future of our country—issues which demand a selfless commitment to the national interest. It is no surprise that it is difficult to form a national consensus when campaigns are increasingly being financed by special interest groups.

No one can expect PAC's to lead the fight for compromises or sacrifices for the good of the entire nation. Senate Minority Leader Robert Dole gave the public a candid and unsettling peek into the system by his comment that when PAC's contribute to a candidate "they expect something in return other than good government." 9

Ever since I first voiced concern about this problem in 1978, I have heard the argument that PAC's are really broadening political participation. In truth, while the original base of contributors to PAC's may be broad, it is usually Washington lobbyists, not grassroots contributors, who decide how to distribute their funds. Nothing requires PAC's to conduct a vote of contributors to decide where the money goes. Even data collected from the 1980 elections, which was summarized in a report written by the University of Michigan's Center for Political Studies, indicated that the average contributor to a political action committee is much less informed and less politically active than those who contribute directly to a candidate. 10

In response to this attack on our democratic process, I have introduced legislation that would put a limit on Senate general election spending through a voluntary system of partial public financing. 11

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11. S. 2 100th Cong., 1st Sess. (1987) seeks to amend the Federal Election Campaign Act of 1971 by providing for a voluntary system of spending limits and partial public financing of Senate general election campaigns. It also seeks to limit contribu-
This plan is similar to the current system for our Presidential elections. It would also put an aggregate limit on PAC contributions to Congressional candidates, close various loopholes in the contribution limits, and put a check and balance on the increasing independent expenditures. While the Boren-Goldwater amendment of last year addressed the symptoms of this growing illness, the bill that Senate Majority Leader Robert C. Byrd and I introduced, S. 2, attempts to attack the illness directly. We now have over forty co-sponsors with the first hearings scheduled for March, 1988.

With looming budget deficits, a frightening trade imbalance, and grave concerns over foreign policy, now is the time when the need for national leadership and consensus is uniquely great. Congress must promote integrity within itself and unity among our citizens, rather than falling into the trap of division promoted by our system of having special economic interests or single-issue groups finance our campaigns.

We have some serious housecleaning to do. The problem becomes more serious with each passing election, and politicians become more and more addicted to special interest money. Congress is unaccustomed to voting against its own special interests, but in this case we should be able to see the depth of public concern and the threat to our democratic form of government.

At the date of publication, S.2 was being considered by the full Senate. Opponents of S.2 engaged in a filibuster of the Bill. On July 1, 1987, I presented a new compromise amendment which involved a system of voluntary spending limits with no direct public finance. I expect that S.2, together with my new compromise amendment, will be voted on in July, 1987.