

# McCarthy supporters continue battle

By STEVE DODGE  
Of the Emerald

Public financing has been hailed in some quarters as the answer to limiting special interest group influence in presidential and congressional elections, but as might be expected, not everybody is happy with the "reform" legislation.

Oddly enough, two of the groups doing a good deal of jousting over the national public financing legislation, are groups generally considered liberal in their outlooks.

Common Cause, which lobbied heavily for the Federal Election Act of 1974 — the act providing public funds for presidential candidates in the last election — is at odds with the Committee for a Constitutional Presidency, the group that supported Eugene McCarthy for President in 1976.

Mary Meehan, treasurer of the McCarthy support committee headquartered in Washington, D.C., says the '76 campaign is still about \$165,000 in debt, partly due to restrictions imposed by the election act. She says button sales and direct appeals to contributors have whittled down the debt, which stood at \$200,000 at the end of 1976, but she says the going has been slow.

"The case against public funding, she says, both in constitutional theory and in practice, is 'overwhelming for anyone who cares about the survival of free politics in America.'"

Meehan says contribution limits, audit provisions and enforcement of the Act violate the Constitution and "Regulations of politics means regulations of speech and assembly — something the First Amendment forbids Congress to do," she says.

The Act as passed in 1971 and amended in 1974 limits political contributions in federal elections to \$1,000 per individual and \$5,000 per political committee for each candidate, with an annual personal contribution limit of \$25,000. However, the Act does not restrict the amount candidates can spend out of their own pockets.

The Act, which states that to be

## 'Little guys' call Election Act regulation of first amendment



Drawing by Jim Payne

eligible for federal subsidies, a party must gain five percent of the vote in a general election just prior to the one in question, also requires political committees to keep detailed records of contributions and expenditures, including the name and address of each individual who contributes more than \$10. It requires committees to file quarterly reports with the Federal Election Commission (FEC) disclosing the source of every contribution exceeding \$100.

Those rules, says Meehan, severely restrict an independent campaign (especially one with a relatively poor candidate) from raising enough seed money to solicit contributions and "can best be compared with a horse race in which the judges find the least favored horse — and break one of

its legs before the race begins."

On the other side of the issue, a Federal Court of Appeals hearing the Buckley v. Valeo case (brought by McCarthy and a bevy of groups including the New York American Civil Liberties Union against the Act) said it is "by far the most comprehensive reform legislation ever passed by Congress concerning the election of the President, vice-President and members of Congress."

Micheal Cole, a Common Cause lobbyist, agrees. "The day of the fat cat is over," he says. "The Act is a major step towards elimination of special interest influence" of presidential campaigns.

Meehan, who characterizes the McCarthy committee as one totally opposed to public financing, says the Federal

Election Commission should be abolished and the Act repealed.

She says Congress "voted without really examining the legislation," and passed it "to show the voters that they are pure" in the wake of the Watergate scandal.

Meehan outlined three areas of the law that she says favor wealthy established parties:

- Labor union expenditures: Labor she says, spent \$8-11 million on the Carter-Mondale ticket mostly through get-out-the-vote drives, admonitions to vote Democratic and direct advocacy of candidates in union communications — none of which need to be reported under the law.

- Political action committees: This provision of the Act allows

corporations and labor unions to spend money from their own treasuries on campaign, which "encouraged a mushrooming of corporate and labor political donations to congressional campaigns."

• Disclosure provisions and audits of campaigns not receiving public funds: This hampers independents because most cannot afford the time and the money to hire accountants. "I suggest that it is not the business of government to know how much a political committee pays its staff, where it buys its bumper stickers, how much it collects from button sales or how much money it transfers to its local affiliates. Requirements for disclosure of this sort of information have nothing to do with prevention of corruption."

"Audits," she says "should be allowed only in specific allegations of corruption...the present law appears to give the FEC license for unlimited fishing expeditions — another great potential for harassment of campaigns not favored by the government in power."

Meehan also says the law constitutes an invasion of the privacy of contributors and says the FEC has been guilty of enforcing the law when it comes to poor and minor candidates but of looking the other way when allegations concerning such people as former Pres. Ford and major corporations are involved.

Cole, whose lobby group has also supported open meeting laws, says the Election Act, rather than discouraging candidates with little money, would "allow them to compete on much more equal footing" because they are now eligible for federal matching funds.

He calls Meehan's accusations "hyperbole" and says the audit and disclosure provisions of the law are essential to the elections system. "It's in the public interest to know who's giving what," he says.

The law, he says, is "one of those balancing acts. On one side you have the possibility of invasion of privacy and harassment, but without enforcement the law is not worth having." He says the FEC has been "upstanding" in its enforcement of the law.

Meehan doesn't quite agree. Far from seeing the Act as a good law, she says it has "far more potential for abusing the political rights of American citizens than the CIA or the FBI have ever had. The Commission has, in fact, been trampling all over the Bill of Rights when dealing with the 'little guys.'"

Cole says comparison is like comparing organized crime with a five-year-old punk on the block.

So, the battle goes on. And legislation now before Congress will, if passed, extend the Election Act at Congressional campaigns for the first time.

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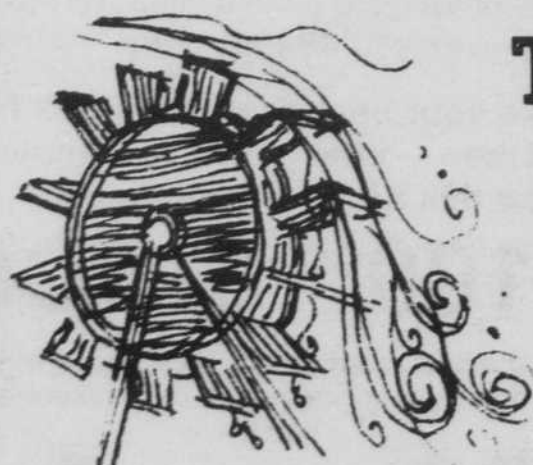


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