1991

False Hopes: The United States Senate and Campaign Finance Reform 1980-1990

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False Hopes:

The United States Senate
and
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Chapter One

The cost of winning a seat in the United States Senate has risen dramatically over the last ten years. It has become the norm rather than the exception to spend over $1 million on a campaign. For example, in the 34 Senate races in the 1988 election, 32 campaigns spent over $1 million. Due to the necessity to raise more and more money, candidates have had to turn to alternative sources of campaign funds. Thus, the rise in campaign costs has been accompanied by a rise in the role of the political action committee (PAC). PACs are special interest groups donating money to candidates whom they perceive as being supportive of their particular interests. The number of PACs has mushroomed since 1974. In 1974, there were a total of 608 registered PACs. By 1987, this figure had grown to 4211. PAC money donations have increased as well. In the 1977-78 election cycle, PACs contributed a total of $9.7 million to Senate races. This figure had risen to $45.6 million in the 1987-88 cycle. The increasing role of PACs and the constant rise of spending figures has lead to a call for reform.

The high cost of campaigns and the increasing presence of PACs are the two major issues in the recent attempts to reform the campaign finance system. Increasing campaign costs have had many perceived negative effects on the election process and the legislative process in the United States. In terms of raising money, the incumbent Senator has a large advantage over the challenger. An incumbent already has higher visibility, a crucial factor in

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2 The first year in which records have been required under current campaign finance laws.
an election, and this public profile opens to him or her money channels that do not exist for a challenger. These channels include out-of-state fund raising and PACs. PACs contribute most of their money to incumbents. In the 1987-88 election cycle, PACs donated a total of $44,448,467 to Senate races. Incumbents received 64% of this money, and challengers received only 17%. 5

This obvious roadblock may be discouraging to potential candidates. It discourages possible representatives who are not personally wealthy and capable to spend or raise large amounts of money. Consequently, we see elections without the greatest possible amount of competition. Fewer candidates are able to run, thus the contest becomes one of money rather than of ideas. Elections become fund-raising contests rather than political contests.

High campaign costs also mean that, once they are elected, legislators must spend more time raising money to insure re-election. Senator David Boren spoke on this issue before the Senate upon introducing the Mitchell-Boren reform bill in 1990:

To raise that $4 million, which it took a candidate on the average to spend to win a Senate race, means every single week for 6 years without exception a Member of the Senate would have to figure out how to raise $15,000 in campaign contributions. What does that mean? It means if he comes from a state like mine, with a depressed economy, he has to go to other parts of the country. He has to go whenever he can to raise the funds. He has to turn to interest groups, political action committees, whom he does not know, and cities he has never visited before. 6

In short, a legislator must spend a great deal of time raising money. This means less time is spent on debate, less time is spent on hearings, less time is spent doing the job he was elected to do.

5 Ibid.
The proliferation of PACs is a consequence of campaign finance reform legislation of the 1970s. With the establishment of individual contribution limits, candidates sought alternative sources of funding, since they could no longer rely on large contributors to finance their campaigns. PACs filled the gap. This explains the higher contribution levels for PACs. Since candidates now rely on this money, they want their access to PAC money to be uninhibited by reform legislation.

The issue of PACs has caused considerable turmoil within the Senate. The problem with PACs is not only a substantive one, but rather one of public perception. PACs are viewed quite negatively by the public. Scandals like the recent one involving the Keating Five have only fueled this perception. PACs are seen as machines of corruption, even though there is no concrete evidence that PACs have corrupting effects. A Gallup poll taken in 1980 asking whether or not people felt that members of Congress used unethical or illegal methods to win election showed that 78% of respondents believed the affirmative. Concern over the public's perception as to how incumbents are winning elections has lead to many reform attempts. Upon the introduction of the Mitchell-Boren Bill, Senator Kerry stated:

"Citizens are right to be concerned when candidates are seen to be beholden to special interest organizations that have narrow economic agendas. Citizens have to wonder whether those organizations are gaining undue influence in return for their contributions. They have to wonder whether their participation in the electoral process even counts anymore."

As a response to this type of concern, PACs have been placed on the campaign finance reform agenda.

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7 Ibid. p. 6042.
A Brief History of Reform

Campaign finance reform is by no means a new issue. In 1907, Congress passed the Tilman Act, which forbid corporate contributions to federal election campaigns. The Federal Corrupt Practices Act was passed in 1925, and this became the principal means of regulating campaign financing prior to 1972. This act called for disclosure of campaign receipts and expenditures by candidates to Congress. The next major piece of legislation was the Hatch Act, passed in 1940, which set up limits on the amount of money an individual can contribute to a campaign.

These acts were hardly enough to combat the problem of rising campaign costs. Due to the incredibly high cost of the 1970 congressional campaign, which was largely due to the increasing use of television as a campaign tool, Congress passed what is now the basis of campaign finance law; the Federal Election Campaign Act of 1971. The intent of the act was to strengthen expenditure reporting requirements and to limit the amount of money channeled towards media expenditures, especially money spent on television. The act sought to prevent extremely wealthy individuals from buying an election. It placed limits on the amount of money a candidate and a candidate's family could spend to win federal office. Also passed was the Revenue Act of 1971, a law which encouraged small contributions to political campaigns by allowing a tax credit or deduction for such contributions.

In 1974, in response to further increases in campaign costs, as evidenced by the 1972 Presidential election, and to the public's distrust of government after the Watergate scandal, Congress amended the FECA. The
1974 amendments and what eventually happened to them is key to understanding current problems with reform attempts. The amendments provided for public financing of Presidential elections for candidates willing to accept limits on spending. As a result of the increasing role television was playing in campaigning, they also lifted the limit on media spending for congressional elections and placed stricter limits on individual contributions. The amendments also established contribution limits at the following levels:

* 1000 dollars per individual for each primary, run-off and general election with an aggregate limit of 25,000
* 5000 dollars per organization, but no limit on the amount contributed to a party organization
* Independent candidate expenditure limits of no more than 50,000 for Presidential and Vice Presidential candidates, 35,000 for Senate candidates, and 25,000 for House candidates

The amendments also created the Federal Election Commission (FEC), an agency whose sole purpose was to watch campaign expenditures and to enforce federal campaign finance law. Finally, in order to make sure that the FEC was fully capable of doing its job, the amendments also increased the disclosure requirements of 1971. The effectiveness of these amendments was short-lived, however.

In 1976, due to challenges to these provisions by a large group of legislators and others involved in the election process, the case of *Buckley v. Valeo* was heard before the Supreme Court. At issue were questions of free speech and the right of association. The court ruled that certain provisions of the act were unconstitutional, and that these must no longer be included in the act. The Court found that limits on independent expenditures, limits on a candidate’s personal expenditures, and the total limit imposed on

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Congressional spending to be unconstitutional. The legal reasoning behind this finding was that this type of limitation was a violation of First Amendment rights. As a consequence of *Buckley v. Valeo*, decision, campaign costs rose almost unchecked. Limits imposed by the law were removed, thus allowing candidates to spend unchecked.

The court’s decision also helped lead to the growth of PACs. PACs were allowed to contribute a great deal of money because they too were protected by this legal reasoning. Thus, rather than helping control run away spending, the court’s decision on the original law actually lead to a greater problem.

Every Congress sees numerous bills being introduced to try to limit the growing influence of PACs and the rising costs of campaigns. And yet even with all this activity, little seems to be accomplished. This suggests that perhaps incumbents merely talk a good game when it comes to reforming the current system. It would seem that legislators have a lot to gain by changing the system. Many complain of the amount of time they must spend on fundraising. Senator Boren, one of the primary legislators calling for reform, stated that it was time for the Congress to "just say 'no'" to spending more time hopping from fund-raiser to fund-raiser, and say yes to spending more time doing their elected jobs. A more competitive Congress would bring in more legislators, and thus new ideas and energy. This would be in the best interests of the country, interests that legislators claim to serve. It would not, however, serve the best interests of legislators facing tough electoral competition.

**Partisanship and Reform**

In the 1980s, the cost of campaigns hit record amounts. According to *Vital Statistics on American Politics*, during the 1983-84 election cycle, Senate
Democrats spent a total of $67,146,187 on 33 candidates. Of these 33, twelve were incumbents, spending $21,060,054, 17 were challengers, spending $22,897,607, and four were vying for open seats, spending $23,188,526. Republicans during the same cycle spent even more. Running a total of 35 candidates in Senate races, the Republicans spent $76,314,077. Incumbents spent $50,996,668 of this amount, with challengers spending only $8,315,158 and open seat candidates spending $17,002,251. The total amount of money spent on Senate races in 1984 was $143,663,582. By the 1988 elections, this figure rose to $189,939,792.

An analysis of specific races points to the fact that both parties follow a trend of relying more on PACs and spending more in order to retain their seats. For example, Republican Senator Danforth spent $1,806,350 to win 51% of the vote in his 1982 campaign. PAC money made up $572,658 of this figure. In his 1988 campaign, Danforth spent $3,992,995 to win 67% of the vote. PAC money in this race totalled $1,175,156. On the Democratic side, the figures reveal the same trend. Senator DeConcini spent $1,807,358 in 1982 as compared to $2,640,650 in 1988. PAC contributions to his campaigns were $416,166 in 1982 and $989,181 in 1988. This shows a rise in the percentage that PAC money played in DeConcini's campaign. This figures reveal an interesting trend which is at the core of failed reform attempts. In looking at the differences between figures for the Republican candidate, it is seen that he spent over $2 million more on his 1988 campaign, yet the percentage of PAC money constituting his funds dropped from 31% in 1982 to 29% in 1988. On the Democratic side, we see the candidate's spending increase is under $1 million, but his percentage of PAC money has increased. In the 1982 election cycle, PAC money made up 23% of his funds, while in 1988, PAC money constituted 37% of his funds.
This example illustrates one of the main problems in achieving effective campaign finance reform. Republicans cast reform as removing special interest money from the political process. They argue PAC money is tainted, while regarding individual expenditures as a more desirable form of fund-raising. The GOP also sees PAC money as favoring Democrats. This view can be explained by the fact that the Democrats receive more special interest money than do the Republicans. Accordingly, the Democrats do not place PAC legislation as high on their reform agenda. They view the primary problem as runaway campaign costs. Thus, they view legislation that imposes spending limits as desirable. This can be explained by the Republicans record of outspending Democrats. The Democrat's fear of being outspent in the future is key in looking at reform bills of the late 1980s and early 1990s. This difference in what is termed as reform is vital in understanding problems reformers face in getting legislation through the Senate.

Questions to Be Answered

Every Senate sees numerous bills introduced to try to limit the growing influence of PACs and out of control campaign spending. However, as seen, the financial influence of PACs increases, as does the amount of money spent on campaigns. This suggests that incumbents merely talk a good game when it comes to reforming the current finance system. Senators talk of the need for reform. They talk of the problem with having to raise funds. They talk of the lack of voter participation. They talk of having to revive public faith in the Congress.

Yet, perhaps incumbents do not view reform as something that is in their own personal best interests. For one thing, reform would destabilize
their job security. Many legislators hold on to their seat simply by outspending their opponent. PAC money and high campaign costs may also provide incumbents with a certain degree of independence from party mechanics. Since they have alternative sources of funding, incumbents no longer have to rely on the party machines of old to assure their re-election. The independence from the party may also be an incentive not to tamper too much with the current system. No longer are the days of the powerful party machine, which could dictate how you voted on issues and how you performed in Congress.

This provokes some interesting questions regarding legislators’ attitudes towards campaign finance reform. The most important question is whether incumbents vote in their own self-interests on reform issues or according to the views and opinions of his or her constituency? Does the margin of victory in the last election affect how a candidate will vote on a finance reform bill? That is to say, if Senator X won by a 20% margin in the 1980 election, spending $700,000 and won by a 10% margin the 1986 cycle, spending over $1.5 million, would he be more likely to vote against finance reform, or for it? Does the amount of PAC money a candidate receives have an influence over their voting record on campaign finance reform? Does the amount of money an incumbent spent in his or her last election factor into a decision on finance reform? Do partisan differences affect voting patterns? All are intriguing questions, and all are important in understanding why it is that reform attempts do not do the job they were intended to do.

It is important to define what is meant by an incumbent's "self-interest." Obviously, an incumbent's primary objective is to get re-elected. What must also be looked at, though, is the incumbent's party, and the effect that the party has on campaign finance. Both parties view campaign finance
reform as something that is in their own best interests. However, their views of what constitutes the most necessary reforms are quite different. Republicans view PACs as the major problem. Democrats, on the other hand, are more concerned about spending limits than they are about PACs. This difference in views is one of the major obstacles blocking an effective finance reform package.

I intend to analyze three major reform bills introduced in the Senate since 1980 to determine whether or not incumbents do vote in their own self-interest. The Proxmire Bill of 1983, the Boren Bill of 1987, and the Mitchell-Boren Bill of 1990 all dealt with the problem of PAC money and rising campaign costs in the federal election process. Not one of these bills has become law. Why is this? The Proxmire Bill died in committee. The Boren Bill was filibustered to death on the floor. The Mitchell-Boren Bill passed through the Senate, but died in conference before the end of the session. Why did each of these bills die the way they did? With campaign costs increasing with every election cycle, and dissatisfaction with the system becoming more widespread, it would seem that major overhauls are needed in the Federal Election Campaign Act, yet whenever these overhauls are attempted, they are blocked.

The key to answering questions regarding how Senators vote on campaign finance issues lies in an examination of the way legislators voted on each of the bills. The factors to be analyzed include the incumbent's margin of victory in the previous two election cycles, the amount of money the incumbent spent to retain his or her seat, and the amount of money the incumbent received from PACs. I argue that those incumbents who rely on PAC money will tend to vote against reform, as will those who have suffered a narrow margin of victory, and those who have outspent their challenger by
large amounts. This would lead directly to the conclusion that incumbents do indeed vote in their own self-interests as opposed to the interests of the constituents whom they represent.

Other Factors

In order to prove conclusively that self-interests block reform, the political environment for each Senate must also be understood. The political make-up in the Senate underwent many changes in the 1980s, and these changes may be factors in why reform attempts failed. What must be looked at is not only how each party did in each election, but the vulnerability of each party in upcoming elections as well.

98th Congress

The 98th Senate was controlled by the Republican party. As a result of the Reagan victory in 1980, the Senate experienced an increase in Republican seats. Republicans controlled 54 seats to the Democrat's 46. Five freshman Senators were elected in 1982, three were Republicans. Two Democratic seats, one in Nevada and one in Virginia, switched to Republican control. The same happened to two Republican seats, one in New Mexico and one in New Jersey. The 1982 election showed an absence of change in the political make-up of the Senate. What is important to note, however, is that six Republicans were elected with 53% or less of the vote. This pointed to a possible window of opportunity for the Democrats to try to gain re-control of the Senate in the 1984 elections. However, 1984 saw only slight change in the Senate, with the Republicans losing only one seat. This too can be attributed to Reagan's coattails. Reagan's resounding defeat of Walter Mondale strengthened Republican hopes of maintaining control of the Senate. Democrats were hoping to increase their strength in 1986. Three seats opened up, giving the
Democrats the windows of opportunity that they sought. The conservative environment that the Republicans enjoyed meant that there was little chance of reforms dealing with spending going through. PAC legislation had a better chance of passing during these Congresses.

**100th Congress**

By 1986, Reagan's coattails meant little in Senate races. For the first time since 1980, the Democrats had control of the Senate. Six Republicans elected in the 1980 election lost their seats to Democrats. Democrats now controlled 55 seats to the Republicans 45. Only one Democratic seat switched to Republican control, while nine Republican seats switched to the Democrats. One important aspect to note regarding this election was that it hurt the theory that the GOP's superior financial resources prevented Democrats from winning in close races.

Democrats retained control in the 1988 elections, with the political make-up remaining exactly the same. In the 1990 races, Democrats picked up one seat. The big news for this election was the almost total lack of change. Only four freshman Senators were elected, as compared to eleven in 1988 and 13 in 1986.

The Democratic control of the Senate meant that more reform attempts dealing with rising campaign expenditures would be considered. Due to the lack of reform effort in the first half of the 1980s, and the increasing public concern over campaign finance issues, the Democrats made reform of the system one of their primary objectives.

Whether or not partisanship plays a major role in determining a bill's success, or rather lack of success can be determined by a close analysis of
voting records. Of primary importance is the difference between the voting on cloture for S.2 in 1987 and the passage of S.137 in 1990.
Chapter Two

There has been a plethora of reform bills introduced in the Senate in the last ten years, but for the purposes of this paper, only three will be examined. Certain criteria must be established when choosing the specific bills for study. To begin with, each must significantly affect PACs and their role in campaign finance. They must also try to control the upward spiral of campaign spending by placing some sort of spending limits on candidates. Also, the sponsor's stated intent in introducing each bill is important. If the issue of PACs is not a significant issue in the bill, it does not stand to reason to use that particular piece of legislation. The same test applies to spending controls. Bills where the intent is not aimed at reforming the finance system run the risk of having these types of provisions dropped from the text.

The bills chosen for this study were all introduced in the Senate in the last ten years (1980-1990). The first, S.151, was introduced by Senator William Proxmire (D-WI) in January of 1983. The second was the much-debated S.2 bill, introduced by Senator David Boren (D-OK) in January of 1987. The third and final bill to be used as a case study, S.137, was introduced in the Senate by Senator George Mitchell (D-ME) in May of 1990. Each bill differs from previous reform attempts, and it is interesting to note that as the problem of PACs becomes more and more of an issue, the bills' provisions for checking PAC power get stronger, and thus serve to render the bills "unpassable."

What is also important to note is the increased attention that is paid to each succeeding bill. While relatively little mention was made of S. 151, S.2 and S.137 garnered considerable attention, not only on the Senate floor, but in the media as well.
The purpose of this chapter is to outline all three bills, and to give brief legislative history of each. Following this chapter will be an analysis of the reason each bill failed to be passed into legislation.

S.151, introduced January 26, 1983

"PAC money is not free: it has strings attached. PACs represent specific economic or ideological interests. Campaign contributions help open doors, help to advance special interests rather than the public interests."¹ So said Senator William Proxmire on January 26, 1983, in introducing S.151 before the 98th Congress. This bill was designed to deal with the problem of raising PAC contributions to Senate campaigns. Proxmire called the act the "Clean Campaign Act of 1983." His intent was not the elimination of PACs, but rather the limitation of their effect on the electoral process. It is important to note that Proxmire had never accepted any type of PAC contribution.

I do not object to a political action committee having the right to present its case before Congress, or to exercise its right of free speech, or its right of making a campaign contribution as a reflection of its political choice.

But I do object to the steady, relentless, election-after-election increase in both the volume of political action committee special interest contributions and the proportion of all contributions.²

Proxmire's language in introducing this bill is important to note. Numerous reform attempts made by the Congress in relation to PACs were struck down by the *Buckley v. Valeo* Supreme Court decision, the justification being that acts which prohibit or limit contributions in the absence of a compelling state interest, such as the acceptance of public monies, are a violation of First

² Ibid. p. 653.
Amendment rights. Proxmire very carefully avoided any type of possible Constitutional challenge to his bill by making sure that his intentions were explicitly stated. His caution may have stemmed from political concerns as well. By phrasing his concerns regarding PACs in the manner that he did, Proxmire attempted to not alienate supporters of PACs. Thus we see both legal and political concerns over this type of legislation.

The Proxmire bill had three major provisions. It did not, however, attempt to eliminate PACs; rather, it sought to control campaign spending and the part that PACs played in campaign contributions. The bill called for:

* A strict limit on the amount spent by a candidate in a general election set at $600 thousand plus 5 cents per voting age member of state population.

* Matching federal funding for those candidates who reach the maximum threshold amount from small contributions.

* A ceiling on the amount a candidate may accept from PACs set at 30% of spending limit.

The second provision is an interesting one and one that emerges rather consistently in finance reform attempts. By providing matching federal funding, Proxmire is trying to reach two objectives. First, the acceptance of the threshold spending limit. The Buckley decision made mandatory spending limits illegal. Therefore, in order to get around this finding, reform attempts had to have some kind of incentive for candidates to adhere to recommended spending limits. Candidates who want to receive federal campaign aid must adhere to federal limits. The second is to encourage candidates to try to raise more money from small, grass-roots contributors and less from big money PACs.
Proxmire's introduction of the bill included what he defined as the real danger of PACs. He saw PACs as highly organized special interest groups with narrow goals and objectives. PACs, according to Proxmire, are a threat to the average tax-payer in terms of representation: "I am afraid that the unspoken and unheard interest of a majority of Americans is being lost in the louder, more politically attuned voice of organized special interests."3 This is an interesting point to note, for later reform attempts did not view PACs in the same light, and this may help to explain some of the difference between the Proxmire bill and other PAC reform attempts.

Upon being introduced in the Senate, S.151 went to the Committee on Rules and Administration. Despite numerous hearings and a wealth of information regarding growing campaign costs and PAC expenditures, the bill died a quiet death. This happened despite evidence of an increase in campaign finance problems. For example, the cost of winning a seat in the United States Senate had risen from one million dollars in 1980 to almost two million dollars in 1982.4 Evidence regarding PAC money was equally troubling. The amount of money donated by PACs had risen from 37.9 million dollars in 1980 to 61.1 million dollars in 1982.5 The percentage of PAC money in total election expenditures had risen as well. PACs contributed 17% of all money spent in the 1980 races. By 1982, this figure had increased to 22%.6 Yet, even with this statistical evidence, the Senate did not pass any legislation dealing with campaign finance reform.

What happened to S.151 was typical of reform attempt in the 98th Senate. Not one single piece of legislation ever made it out of committee.

3 Ibid. p. 654.
6 Ibid. p. 88-90.
What must be studied in the case of this Congress in order to understand this is not only the content of the bills, but also the make-up of the Senate and the politics involved with potential reform.

S.2, introduced January 6, 1987

"We should say no to increasing dependence on special interest money. Say no to going from one fund-raiser to the next. Say no to media-based television commercials. Say no to allowing another cycle to pass without action on this issue." With these words on January 6, 1987, Senator Boren introduced S.2, a bill to amend the Federal Election Campaign Act of 1971. S.2 was one of the most important and far-reaching reform attempts introduced in the Senate in the 1980s. S.2 was introduced as "A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general elections campaigns, to limit contributions by non-party, multi-candidate political committees." Senator Boren, a long time herald of campaign finance reform, outlined the four key elements of the bill in his introductory speech to the Senate. To begin with, he stressed that the public financing system was strictly voluntary and that it only applied to Senate general elections, not to special elections, nor House nor Presidential elections. However, a similar finance reform attempt was introduced in the House. Next, he stated the qualifications that must be met by a candidate in order for that candidate to receive public financing must be very restrictive. Boren also stressed that this bill by no means would discourage the grass roots private contributor, but rather encourage such contributions. Finally, he called for a ceiling on available funds to candidates from the Senate General

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Election Campaign Fund. Boren wanted each candidate limited in the amount of money that he or she may spend from this fund on their campaigns.

As approved by the Committee on Rules and Administration, S.2 would have primarily affected PACs and spending in campaigns. The bill contained the following key provisions:

* In every state, a candidate's spending limit would be set at $400,000 plus 30 cents for each member of the voting age population up to $4 million. For every extra voter, 25 cents would be added up to a total of $5.5 million.

* In order to qualify for public financing, a candidate would have to follow the above spending limitations. Eligibility for public financing would be achieved when the candidate has raised 20% of his/her state's limit.

* PAC contribution limit changed from $5000 per candidate to $3000.

* Total limit of $175,000 in PAC money per candidate in Senate general elections, or $35,000 times the number of Representatives to which the state is entitled. If more than two candidates qualify for the ballot, this level is raised to $200,000. In a runoff election, candidates are allowed $25,000 in PAC contributions, or $12,500 times the number of Representatives.

* A limit of $2 million contributed to political committees established and maintained in any election cycle by a national political party.

These provisions directly attacked existing campaign finance structures. For example, in the 1985-86 election cycle, the top-spender in Senate races was a Republican candidate who spent $11,781,316. The limits established by S.2 would have limited expenditures in California at $5,481,250. Obviously, had S.2 been passed, and had candidates accepted its provisions, it would not only

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8 Congressman Ed Zschau's race against incumbent Senator Alan Cranston (D-CA).
have changed how much money goes into congressional campaigns, but how candidates ran their campaigns as well. Candidates would have had to run a more focused, less-media oriented campaign. Following stricter spending limitations would force candidates to run a tighter campaign.

S.2 was introduced early on in the 100th Congress, and for good reasons. The 1985-86 election cycle was the most expensive to date. The amount of money spent not only by incumbents, but by challengers as well, was staggering. The highest figures came for the California Senate race, where a total $22,819,023 was spent by the two candidates. Lowest figures came from small states, but for the first time, not a single incumbent campaign spent under a million dollars. Even incumbent candidates from Alaska and Vermont, where spending hadn't reached the stellar heights that other states had previously noted, spent $1,389,056 and $1,502,304 respectively.

PAC money reached all time heights as well. With more money being spent, the necessity to turn to PACs became clear. In 1984, over $100.8 million in PAC money was spent in Congressional races. By the 1986 election, that figure had risen to $127.7 million. The percentage of campaign money donated by PACs had risen as well. In 1980, 19% of all campaign war chests were donated by PACs. In 1986, PAC money made up 23% of campaign funds.

A majority of this money was going to incumbent Democrats. Senator Chiles (D-FL) cited the danger of PACs in support of S.2 on January 6:

'It is not only what we as Senators privately know about how PACs and special interest money are changing the relationship between ourselves and the individual constituents who vote us their trust: it is also what the public is increasingly beginning to believe.'

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9 FEC Final Report on Campaign Expenditures in 1985-86 Election Cycle
Congressional fears over public perception of the use of PAC money were a primary factor in the increased importance being placed on reform attempts.

When Senator Boren introduced S.2, he stated "We in the Congress must promote integrity within this body and unity among our citizens, rather than falling into the trap of division promoted by our system of having special economic interests or having single issue groups finance our campaigns." Floor action on S.2 could not have been more contrary to Boren's plea for unity. The Senate quickly divided along partisan lines. The Committee on Rules and Administration reported the bill to the Senate on June 3, and immediately the Republicans began a filibuster. The Democrats tried to invoke a cloture motion, but on the first of what was to eventually be seven attempts, were not able to achieve the necessary sixty votes to break the Republican blockade of S.2. The vote was split almost entirely on party lines, with 52 Democrats voting for cloture and 44 Republicans and three Democrats voting against cloture. Further attempts at breaking the Republican filibuster would not deviate much from this initial pattern.

Senator Majority Leader Byrd was able to keep S.2 alive by using the tactic of double-tracking. This legislative technique allows the Senate to consider other legislation while a decision is still pending on a certain bill. The basic idea behind it is that the Majority Leader can put pending legislation aside in order to get to other business. At any point the Senate can resume debate over legislation that has been double-tracked. The Republicans in particular were troubled by this tactic. By delaying Senate business, Republicans had hoped to frustrate Democrats into giving up action

11 Ibid. p. 112.
The double-tracking technique allowed the Senate to continue on with its business without giving up S.2.

The bill's impact on American electoral politics would have likely been profound. However, S.2 became more than another Democratic reform attempt. It became the focal point of the battle between the two major parties over campaign finance, and it died a political death. For five months, Republicans filibusted S.2. A record seven cloture votes were taken in an attempt to break the filibuster. None achieved the needed sixty votes, and thus S.2 was defeated on the floor not by a vote, but by the filibuster.

Despite Democratic attempts to bring S.2 to a floor vote, cloture was never achieved. The demise of S.2 was a result of many factors, but, as demonstrated in the next chapter, partisan politics played perhaps the biggest role in defeating reform attempts.

S. 137, introduced May 11, 1990

In the late spring of 1990, Senate Majority Leader George Mitchell introduced S.137, a sweeping reform bill. Had the bill been signed into law, the electoral politics of the Senate would have been profoundly altered. In a lengthy speech, Senator Boren defended and supported the bill, calling on the Senate to "find ways that will bring us all together as one people to solve these challenges which we face."12 By challenges, Boren was referring to the unique situation that the United States, and indeed the world, found itself in during the spring of 1990. To say that this period of international relations was one in which great change took place is to belittle the events of that spring. It is important to understand these events, or at the very least, to know what the events were, in order to get a sense of why Mitchell and Boren

wanted such a fundamental and far-reaching change in the American election system.

The final months of 1989 saw a world poised on the brink of extreme social change. The Soviet Union was beginning to show signs of major economic strain, and the burden created by supporting Eastern Europe was clearly taking its toll. Add to this strong nationalistic movements in the Soviet satellite countries and one can see an inevitable re-evaluation of the part of Eastern Europe in Soviet foreign policy. The Soviets loosened their hold on Eastern Europe, and the people of these countries rose up in non-violent revolution (with the exception of Romania), toppling Soviet puppet governments in a matter of weeks. In just a short time, the global face of politics was radically altered.

In terms of domestic politics, things were not as bright. The upper echelons of government had been continually racked by scandal. The Keating Five scandal thrust the issue of PACs and their relationship with legislators into the public arena. Five Senators were linked with Charles H. Keating, chairman of the parent corporation of Lincoln Savings and Loan. It was revealed that Keating helped the Senators raise $1.2 million for campaign purposes in exchange for favors. This was not the only scandal that received public attention. Senator David Durenberger (R-MN) came under ethics investigation for possibly violating Senate rules on outside income limits. Scandals were not limited to the Senate. In the House, Representatives Tony Coehlo and Speaker Jim Wright came under heavy fire for alleged money problems. These scandals, combined with larger scandals such as the Savings and Loan crisis, lent considerable weight to the possibility of reform. Indeed the February 17 issue of *Congressional Quarterly Weekly Report* featured an article whose headline read "Keating Scandal Increases Odds for Reforming
Campaign Finance.” With these issues facing the Senate, it was not only politically prudent to make some attempt to reform American politics, it was necessary.

S. 137 was the Senate Democrat’s response to the apparent need for reform. The bill contained several measures aimed not only at reducing the amount of money being spent in elections, but also the sources of this money. The bill contained the following key provisions:

* Voluntary spending limits of no more than $400,000 plus 30 cents for every voter within state with less than 4 million people of voting age. In states with a voting age population greater than 4 million, this would be lowered to 25 cents per voter. A candidate could spend no more than $5,500,000.

* As incentives to follow S.137’s restrictions, candidates would receive vouchers for broadcast time worth up to 20% of election limit. Candidates would receive public funding if their opponent exceeds spending limits. Candidates would also be allowed to send first class and third class mail at reduced rates.

S.137 was the most sweeping of campaign finance reform attempts. By directly attacking PACs and offering incentives to those who followed voluntary limits, S.137 was trying to circumvent partisan and political differences that had played major roles in defeating previous reform attempts. By using various provision from earlier bills, S.137 addressed one of the main obstacles to reform legislation dealing with spending limits. *Buckley v. Valeo* created a road block to reform attempts. Spending limits could not be made mandatory, and thus any attempt at reform had to be strictly voluntary with incentives to follow restrictions.

The Democrats also made a major compromise in the interest of achieving reform. Boren introduced a friendly amendment regarding PACs which passed and was added to the bill. The amendment stated:
In terms of PACs, S.137 would prohibit PACs from contributing to federal candidates. If this ban were proven illegal by the courts, PAC limits would be reduced from the current limit of $5000 to a limit of $1000.

The ban on PACs reveals a major compromise by Democrats. Republicans are the major opponents of PACs, and their focus in terms of reforming campaign finance is aimed directly at PACs. By banning them, Democrats were signalling the Republicans that they were willing to compromise on the issue in order to get something done. It is evident that this may have been a deal offered secretly to the Republicans in order for action to be taken on this bill.

It is important to understand the events surrounding the Senate at the time the bill was introduced in order to understand the success the bill enjoyed. To begin with, spending figures in the previous election had again reached record highs. In the last election cycle, 1987-1988, Senator Dennis DeConcini (D-AZ) spent $2,640,650 on his re-election campaign. DeConcini spent $1,807,358 on his 1982 campaign. Delaware Senator Roth (R) spent $794,210 on his 1982 campaign as opposed to $1,942,119 on his 1988 campaign. These are not isolated examples. With the exceptions of Senator Sarbanes (D-MD) and Senator Hatch (R-UT), every incumbent Senator who retained his seat in the 1988 election spent a great deal more money on their campaigns than they did in the 1982 election. Some of the increases were tremendous. Senator Metzenbaum (D-OH) spent $5,731,738 more on his re-election campaign in 1988 than he did on his 1982 campaign.

Public perception of the problem with PACs was still quite negative. Senator Arlen Specter (R-PA) stated that "I believe that PACs ought to be

13 All election figures compiled from FEC data.
eliminated," due to "the widespread public concern about the termination of special interest influence." Senator John Kerry (D-MA) expressed support of the public's perception:

Citizens are right to be concerned when candidates are seen to be beholden to special interest organizations that have narrow economic agendas. Citizens have to wonder whether those organizations are gaining undue influence in return for their contributions. They have to wonder whether their participation in the electoral process even counts anymore.15

As stated before, this bill came on the heels of the Keating Five scandal, and was in part a response to the negative attention being paid to the Senate. 

Upon introducing the bill, Senator Boren, the bill's chief co-sponsor and the Senate's most vocal advocate of reform spoke at length over the necessity of the bill. Boren spoke of the need for unity within the Senate. "...we need to find a way for our institution of Government, the Congress, to work at maximum efficiency. We need to find ways that will bring us all together as one people to solve these challenges we face."16 Boren went on to sum up what was at the heart of Democratic attempts at reform: "the essence of reform itself is to get runaway campaign spending under control."17 As we will see, it was Boren's efforts at compromise that helped lead to the passage of S.137.

The politics surrounding S.137 were quite different from those surrounding S.2. To begin with, due to the aforementioned events, the Senate placed issues of ethics higher up on the political agenda. This was

15 Ibid. p. 6042.
16 Ibid. p. 6035.
17 Ibid. p. 6037.
most likely due to the upcoming Congressional elections. No one wanted to have voters at the polls without having seen some sort of progress in reform efforts. Most of the debate over S.137 was devoted to votes taken on sixteen different proposed amendments. Most of these amendments dealt with Boren’s substitute amendment to the bill which eliminated PAC contributions to federal candidates. This amendment can be seen as a sincere Democratic compromise to the Republicans. As more PAC money goes to Democrats, it was always the focus of Republican concern in discussing reform. The other main focus of Republicans was opposition to spending ceilings. The Republicans viewed the elimination of PAC money as central to the idea of reform, but did not and do not feel the same way about spending limits. Boren’s amendment effectively pushed Republicans against a political wall. It almost seemed to dare them to compromise. The flurry of proposed amendments to Boren’s substitute amendment included eight Republican attempts at limiting the scope of S.137. Of the eight proposals, only two passed. These were Senator Don Nickles’ (R-OK) prohibition of the use of mass mailings by members of Congress during an election year and restriction of franking privileges amendment (because these prove unfair to non-incumbent challengers) and Senator Pete Wilson’s (R-CA) prohibition of the use of federal funds for public financing until $100 million was appropriated for programs for pregnant women and their newborn infants. It is important to note that the Nickles’ amendment passed overwhelmingly. Only one Senator voted against the proposal, Senator James McClure, a Republican.

As compared to S.2, debate over S.137 was relatively short. Why was such a short time devoted to debate over the issue? This is an especially intriguing question when one remembers the months of filibustering over S.2. There are two reasons for this. One has been stated before: fear over the
public perceptions of Congress and the present government as a whole. This was not an unfounded fear, either. Congressional Quarterly reported that Market Opinion Research found that in May of 1990, only 38% of Americans thought that "the country is 'going in the right direction,'" a drop of seven percent since December of 1989. The second reason was that Majority Leader Mitchell and Minority Leader Dole (R-KS) had made a deal regarding S.137. Dole promised not to delay voting on the measure if Mitchell promised not to attempt to limit debate over the bill. In this way, the Senate avoided an ugly political battle like the one seen over S.2.

With the question of PAC reform taken care of early on by Senator Boren, debate focused on the most divisive issue in finance reform: spending limitations. Mitchell's bill featured flexible limits, but Republicans had always been opposed to any type of spending limit. The bill also proposed public funding for candidates who accepted spending limits but whose opponents ignored the limits. An analysis of the 1988 Senate election shows that the highest expenditures came from incumbent Republicans. Out of the top ten spenders, half were Republicans. This is important in that the highest spending Democrats, with a few exceptions, were all running for open seats, in which spending is usually higher. Republicans feared that with an already Democratic-controlled Congress, reforms entailing spending limits would make it even harder for Republicans to regain the edge they had in the early to mid-1980s. The GOP saw the only possibility of defeating incumbent Democrats as outspending them.

As for the issue of public financing, the Senate seemed very wary of pushing this issue too far. A proposed amendment by Senator Kerry would give candidates public financing to meet 90% of the cost of their general election campaigns. The amendment was rejected in a yea-nay vote of 38-60, with no Republicans voting for it and 17 Democrats voting against it. Boren again stepped in and suggested that all public funding come from voluntary contributions in the form of a tax-check-off, thus helping to quell opponents to public financing's questions over where the money would come from.

On August 1, 1990, the Senate passed S.137 with a vote of 59-40. Five Republicans voted for the measure and only one Democrat voted against it. Explanations for these shifts from partisan voting will be in the following chapter analyzing the failure of all three bills to leave the Congress. Though S.137 made it further in the legislative process than the other two reform attempts, it became bogged down in conferences with the House, which had passed its own reform bill, HR5400, that was quite different from S.137. The inability of the two houses to agree on a comprehensive package and the relatively short time before the end of the session resulted in neither attempt being sent to the White House to be signed into legislation.
Chapter Three

Of the three bills used in this study, only S.137 made it to a floor vote. S.151 died in committee. S.2, while making it out of committee, was never voted on because of a Republican filibuster. What must be examined now is why, despite a great deal of rhetoric regarding the need for reform, none of these bills was signed into law. A complete examination includes not only an analysis of voting patterns and political climates in each Senate, but also a look at campaigns. Does the margin of victory a Senator receives affect voting on campaign issues? Specifically, does a Senator who spent a lot of money to receive only a slight margin of victory vote for or against reform, and is this vote a reflection of his or her perceived self-interest?

S.151

The 98th Senate was controlled by the Republican party. This majority meant that committees, reflecting party ratios in the Senate, would be controlled by Republicans. The Committee on Rules and Administration was no exception. Chaired by Senator Mathias (R-MD), the committee was made up of seven Republicans and five Democrats. Mathias held extensive hearings on campaign finance reform. In his opening statement in the committee's final report on the subject, he noted the importance of achieving reform to maintaining the integrity of the American electoral system.¹

¹Report of the Committee on Rules and Administration Regarding Campaign Finance. p. 5.
Mathias, a self-proclaimed progressive Republican, went against traditional party lines when he outlined what he felt was a necessary component of effective reform. Comparing the election of 1906, in which campaign finance scandals involving President Roosevelt were revealed, to the most recent election, Mathias said "It was apparent that public financing was the only way to get corrupt money and excessive money out of elections in 1907, and that is truer than ever 76 years later."²

The Republican party was and is adamantly against public financing. The traditional rationale behind this position is that public financing is a violation of First Amendment rights. The basic ideology of the Republican party lies in a laissez-faire theory of government. Thus, the Republicans are opposed to using tax-payer money to finance elections, believing that this is an intrusion into private spheres. The question they often raise is whether or not it is democratic and fair to use public money to support a candidate whom the tax-payers might not support. Because the taxpayer's money will support any candidate who reaches a certain threshold amount in his or her campaign war chest, Republicans claim that an individual's money could support a candidate that the individual doesn't. Another major problem that Republicans most often cite regarding the issue of public financing is the question of additional funding in the case of increased campaigning costs. In the case of the candidate violating spending limits, candidates who receive public financing would get money to make up for the difference. Republicans often question where the money is coming from. The Republicans also view public financing as very pro-incumbent. Since it is easier for an incumbent to raise money, an incumbent can therefore reach threshold limits needed to

² Ibid. p. 2.
qualify for public financing. A pro-incumbent reform package violates the very idea of reforming the election system, according to the Republicans.

Besides often heard arguments against public financing, the committee also heard another argument, which was advanced by Senator Paul Laxalt (R-NV), speaking on behalf of Republican witnesses brought before the committee.

tax-payer financed elections should be rejected because of their destructive consequences to our two-party system. Any tax-payer financed system for Congressional elections would require access to candidates other than Republicans and Democrats. 3

The Republicans certainly were interested in protecting the status quo. As stated in Chapter 1, the 98th Senate was controlled by the Republican party. Republican saw themselves as potentially vulnerable. The Democrats were trying to regain control of the Senate, and opening up the race to equal participation by independent parties only meant more serious opponents to deal with. It is reasonable to assume that Democrats would share Laxalt's concerns over third parties. However, it is harder for an independent to raise money, and thus it would be harder for an independent to reach threshold limits that would qualify him for public financing. Thus, in real terms, neither party viewed independents as a threat.

In addition to opposition to public financing, there was also considerable Republican opposition to spending limits in elections. Republicans feel, and they are supported by the 1976 Supreme Court decision in the Buckley v. Valeo case, that spending limits are a violation of First Amendment rights. Although contrary to Republican lines, Mathias included in the committee's report a copy of an article from the Columbia

3 Ibid. p. 315.
Law Review entitled "Money and the Pollution of Politics: Is the First Amendment an Obstacle to Political Equality?" The article states "To invoke the First Amendment, not to protect diversity, but to prevent society from defending itself against the stifling influence of money in politics is to betray the historical development and philosophical underpinnings of the First Amendment."4 The inclusion of this article is interesting. Mathias seems to be going against what the Supreme Court held in the Buckley decision. This is a position that contradicts the Republican party line regarding campaign finance.

What is interesting, and somewhat revealing, is Mathias' apparent change of position. Mathias had come out in support of public financing in his opening statement. His subsequent committee action, however, reveals that he followed party lines in terms of lining up witnesses for the committee. The Committee heard more testimony from PACs than it did from groups such as Common Cause, a Congressional election watch-dog organization. This could be explained simply by politics. No one wants to vocally oppose reform of the campaign finance system, mainly because of fears of the way voters will perceive this type of stance. Thus, we see a lot of talk about reform, but no substantial action.

A host of witnesses brought before the committee argued against public financing. The American Medical PAC (AMPAC) introduced a nationwide public opinion survey by Civic Survey Inc. as evidence. The March 1982 report revealed that 36.9% of respondents disapproved the idea of federal funding for Congressional elections, and 28.3% strongly disapproved. This was not an aberration in public opinion, but rather the trend. In March 1977

the same survey revealed that 32.5% of respondent approved public financing while 63.4% disapproved. In 1981, those who approved had dropped to 21% while those who disapproved public financing had risen to 67.8%. Public opinion on this issue was relatively clear-cut.

The main sources of public disapproval over public financing concern where the funds are going to come from, and who's going to get the support. Although Democrats argue that funds could be obtained from a check-off box on the income tax form similar to the way Presidential elections are federally financed, Republicans were quick to point out that many people do not choose this option. Although no conclusive study had been done at the time, recent evidence supports the Republicans' claim. At the time, only 2 people out of 5 checked the box on their tax-forms which places one dollar in the presidential campaign fund. By 1990, that figure had fallen to 1 in 5.\(^5\) In response to the second point, some legislators suggested allowing taxpayers to determine which party would get the money, and then allowing national party committees to distribute the funds. This suggestion, however, closes the electoral system to any third parties, and thus was found unsuitable by the committee, despite Senator Laxalt's earlier testimony regarding third parties.\(^6\)

The American Dental PAC (ADPAC) also testified against campaign finance reform before the committee. ADPAC not only defended the political action committee as a necessary component in the U.S. electoral system, it also came out against public financing. In defense of PACs, ADPAC stated:

They do not, as some have erroneously contended, represent big spending contributors exerting undue influence. They represent instead a group of people with similar professional interests who wish to combine their resources and energies

\(^6\) See page 3 of this chapter.
in order to be more effective in the political system of our country.7

In terms of their opposition to public financing, ADPAC brought up three points. First, they felt that it inhibited an individual's choice. Second, they brought up the public opinion argument against public financing. Their final reason, and perhaps the most ironic, was that public financing gives incumbents an advantage over challengers. This is very likely true. Since incumbents have more access to campaign money sources, it follows that it would be easier for incumbents to reach a threshold limit needed to get public funding, and from that point on they could spend more on actual campaigning and less time on fundraising. ADPAC representatives failed to mention, though, that PACs give incumbents a fundraising advantage as well, as most PAC money goes to incumbents.

Although the make-up of the Committee favored the Republicans, in terms of voting on public financing, the Committee was evenly split. If we are to believe Senator Mathias' opening remarks, we must assume that he would side with the Democrats on the issue of public financing. However, it is also apparent that he was opposed to spending limits. This is an interesting position. The two issues are often linked in legislation, and the Buckley decision links them as well. Although no voting record exists, it can be inferred that he may have voted along party lines on this bill, despite his feeling regarding the necessity of reform. However, Mathias was lucky in that with an even split, the bill dies. Thus, he was able to vote how he felt in terms of reform without having to worry about the bill ever leaving the committee. What is also interesting to note, however, is that not only did the Committee stop Democratic attempts at reform, but the Committee stopped

Republican attempts as well. Republicans found the key to solving finance problems not in finding alternative sources, but rather in strengthening the party system. In a prepared statement before the committee, Senator Warner (R-VA) stated:

I feel that the strength of our political parties has been eroded and if any have concerns about special interest influence, or political action committee contributions, it would seem to me that the way to address any such concerns in that area is to broaden the abilities of our political parties to support the Democratic parties should not be limited as to what they can expend on their own candidates' behalf.8

Consequently, he sponsored a bill, S.1350, that would lead to a decrease in PAC power and an increase in party power.

The Republicans certainly had an interest in limiting the roles of PACs and public financing. Both of these components lead to the demise of the political party. The Republicans had long been the stronger party at party fundraising, though, and anything limiting Democratic access to campaign money while increasing Republican power was obviously in their best interests. Under the leadership of Senator Robert Packwood (R-OR), the Republican Campaign Committee in the Senate was able to go from raising $2 million in the 1975-76 election cycle to $400 million in the 1981-82 cycle. It is no wonder that Senator Warner argued for removing party expenditure limits.

The make-up of the Senate at the time was a major factor in explaining the failure to pass reform legislation. At the time, the Senate was controlled by the Republican party. Republicans had 54 seats to the Democrats 46 seats. The public's trust in government, although still quite low, was rising. The interests of the Senate were focused more on foreign policy than on internal

8 Ibid. p. 315.
reform. The Reagan Administration was busy conducting operations in El Salvador, Nicaragua, Lebanon, and Grenada. Much debate was held over the appropriate role the U.S. should play in these areas. Looking at the number of votes taken during this year, an important factor in determining how much time was devoted to debate, it is found that the Senate only recorded 312 votes, the lowest number in twelve years. It is important to note however, that the Senate was only in session for 281 days, the lowest number of days since 1951.

The Committee on Rules and Administration conducted hearings throughout most of the spring and into the summer. Hearings were not limited to only S.151, but to a number of other bills as well. Reform bills were not only submitted by Democrats, but by Republicans as well. Even Republican attempts at reform died in committee. Laxalt's bill that would strengthen parties died, Goldwater's bill that would lower spending limits died. Of the seven bills the committee had hearings on, not one made it to a floor vote. The 98th Senate appeared to show little to no interest in the issue.

Perhaps a great deal of this can be explained by the popularity of the GOP at the time. Reagan was in office and had a majority in the Senate. It would be hard to put together a comprehensive package of reform proposals without slanting them to be pro-Republican. The Republicans would not pass any reform that imposed spending limits or allowed for public financing. Any measure passed would have likely been vetoed by President Reagan. In political terms, the climate for reform was not right. Thus, we see a Republican Senate apparently only nominally interested in reforming campaign finance. The failure to achieve reform in the 98th Senate can be

attributed to partisan interests and posturing rather than to any specific individual's self-interest. This, however, can not be fully tested because no reform bill made it to a floor vote. The focus of the Republican controlled Senate was not on ethics issues, but with the change of control that would happen in later elections, this would soon change.

S.2

The fight to pass S.2 lasted throughout the summer of 1988. Despite heavy lobbying efforts on both fronts, and Democratic compromises on the bill, Republicans would not waver. Seven cloture votes were taken that summer and fall, and almost all followed party lines. (See Table #1.)

<table>
<thead>
<tr>
<th>Date</th>
<th>Yea</th>
<th>Nay</th>
<th>Number Cloture Missed By</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 9</td>
<td>52</td>
<td>47</td>
<td>8</td>
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<tr>
<td>June 16</td>
<td>49</td>
<td>46</td>
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<tr>
<td>June 18</td>
<td>50</td>
<td>47</td>
<td>10</td>
<td>-1</td>
</tr>
<tr>
<td>June 19</td>
<td>45</td>
<td>43</td>
<td>15</td>
<td>-5</td>
</tr>
<tr>
<td>Sept. 10</td>
<td>53</td>
<td>42</td>
<td>7</td>
<td>+8</td>
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<tr>
<td>Sept. 15</td>
<td>51</td>
<td>44</td>
<td>9</td>
<td>-2</td>
</tr>
</tbody>
</table>

The difference between votes was slight, and almost always due to an absentee rather than a shift in sentiment. The only change in voting pattern occurred on September 10, during the sixth cloture vote, when Republican Senator Kassebaum and Democratic holdout Hollings voted for cloture. The sixth attempt marked the closest the Democrats came to breaking the Republican filibuster, with a vote of 53 to 42. Kassebaum's change of heart did not mean that she supported S.2, rather, it reflected her belief that the Senate should get to the matter once and for all. Explaining her vote, Kassebaum stated:
I had serious reservations about the original version of S.2. In particular, I was concerned that direct public financing of congressional campaigns would not only create a wholly new Federal spending program, but could work to erect a new barrier between candidates and voters.\textsuperscript{10}

Kassebaum went on to note the revision of S.2, which allows for public financing only in the case of one candidate following voluntary spending limits while the other ignores them.

While this change does not entirely eliminate my concern about the issue of public financing, I believe it represents a good-faith effort to address the concern that I and others have expressed and it is a step forward. Despite my reservations about specific parts of S.2, I believe it is essential for the Senate to address this issue. I therefore support cloture so that we can begin debating specific provisions of the bill. I will support efforts to make several changes, and I hope a bipartisan compromise can be reached in that process.\textsuperscript{11}

Kassebaum went on to explain the nature of her reservations. Kassebaum's reservations concerned what effects voluntary spending limits would have on the role PACs play in electoral politics.

Hollings' motive to change his vote was purely political. Hollings had been trying to stir up interest in a proposed Constitutional amendment which would allow Congress to place spending limits on elections. His reasoning behind this resolution was to circumvent the Buckley v. Valeo decision, which prohibits this type of limitation. Byrd promised him a floor vote in 1988 on his proposed constitutional amendment which would permit Congress to impose spending limits in campaigns. It is interesting to note that Hollings was re-elected in the 1986 election with 63% of the vote. Of the

\textsuperscript{10} Congressional Record, September 10, 1987. p. 11936.
\textsuperscript{11} Ibid.
$2,233,843 he spent in his campaign, 40% was PAC money. Obviously
Hollings needed spending limits if he were to vote for a reform of PACs.
Because of his heavy reliance on PACs, and the amount of money he spent,
Hollings would need both factors dealt with. Had a reform attempt gone
through that limited PACs without providing spending limits, Hollings
would have to find other methods of fund-raising in order to be able to run a
race with comparable figures. Another factor to be examined is Hollings
voting record in terms of party affiliation. Hollings' voting aligned him with
what has been called the Conservative Coalition. This coalition was made up
of Southern Democrats who aligned themselves with Republicans against
Northern Democrats. Hollings was rated by Congressional Quarterly as one
of the biggest supporters of this coalition. In terms of his voting record, 88%
of his votes were cast with the coalition. This means that Hollings was more
likely to vote with Republicans on issues, and thus this can be used to explain
his voting record on cloture for S.2.

Only two Democrats did not sway from their voting against cloture.
Senators Heflin and Shelby, both of Alabama, voted nay in all seven of the
cloture attempts. It is hard to understand why Heflin and Shelby were the
only Southern Democratic holdouts on this issue. Although traditionally
Southern Senators did not vote against filibusters, in this case every other
Southern Democrat voted in favor of cloture. However, an analysis of their
previous voting patterns reveals that both are among the top five Senators
who vote consistently against their party. According to the Congressional
Quarterly Almanac for 1987, Heflin voted against his party 50% of the time
and Shelby voted against the party 36% of the time. Another revealing source
that helps to explain these votes comes from a newspaper article included in
the Congressional Record by Senator McConnell. The article praises Heflin
the money. There is a possibility that both were merely supporting the views of their constituents regarding public financing. Given the widespread disapproval of public financing, this is a likely explanation for their voting record.

Why couldn't the Democrats break the Republican filibuster? To begin with, the Republicans were so fundamentally opposed to S.2 that the chances of defection from the party line were slight. This is perhaps the most important factor in understanding the failure of the Democrats to achieve cloture. Although the Democrats had a majority of the seats in the Senate, at least sixty votes for cloture were needed in order to break the filibuster. This meant that Byrd would have had to pick up at least six Republican votes, not counting the two Democrat votes he lost. As the chances for this were slim, so were the hopes of breaking the filibuster. In order to break the filibuster, it used to take two-thirds of those present and voting for cloture. However, it now takes sixty votes. This strategic difference is important when dealing with partisan issues, for if the parties are clearly divided, it is quite difficult to reach the necessary sixty votes. The dedication of the Republicans was a deterrent to the Democrat's consideration of using force to break the filibuster. Byrd could have kept the Senate running night and day in a hope that sheer physical exhaustion would break the Republicans. However, because the Republican numbers were so large and so dedicated, this tactic seemed futile.

Another problem was time. The Senate was spending so much time of the campaign finance issue that not much else was being accomplished. After five cloture votes with no results over the summer, Byrd shelved S.2 for future consideration in order to get something done. Even using the double-tracking technique meant did not lessen the Republican’s resolve. As the end
of the session drew near, it was clear that the Democrats would not muster the votes to break the filibuster. Thus, rather than continue debate over S.2, the Senate could put it aside for this session and return to it later. Indeed, it was the frustration over the inability to get through this issue that lead Senator Kassebaum to changing her vote on cloture.

In response to Republican concerns over this issue, the Democrats offered an amendment that would preserve the public financing system, but would change it significantly. The proposed amendment would lower the amount of public money available; and it established a matching system in order to get funds, as opposed to the previous system which would give money in block grants. The Democrats also offered another alternative on this issue later in the summer. The alternative would have placed limits on just how much money was available to candidates regardless of how much their opponents spent. Despite these efforts at compromise, however, the Republicans still blocked S.2. Compromise was difficult to achieve due to the difference in views between the parties. Since the Republicans were steadfast in their opposition to public financing, chances of getting them to accept any compromise that allowed for public financing were slim. The Democrats view public financing as necessary to effective reform, and show no signs of totally giving up on the idea. Consequently, chances for compromise were greatly, if not totally, diminished.

This is not to say that the Republicans were opposed to campaign reform efforts, however. Senators McConnell and Packwood (R-OR) introduced S. 1308 and Senator Stevens (R-AK) introduced S. 1326. The first bill would have prohibited PACs from contributing directly to candidates for Congress. Stevens' bill would have cut PAC contribution limits from the current $5000 to $2500 and raised individual contribution from $1000 to $1500.
Neither bill was supported by the Democrats because of their failure to address the problem of rising campaign costs. However, this was not the only reason Democrats were opposed to these bills. Empirical evidence shows that Democrats receive more money from PACs than do Republicans. For example, in the 1986 Senate races, Democratic candidates spent $126.4 million, with non-party PAC money making up 42% of that money. The Republicans, on the other hand, spent a total of $108.7 million, with non-party PAC money making up only 29% of this figure.\(^1\) The difference in how PACs are viewed by the two parties is obvious. The Democrats, who rely on PAC money as a main source of campaign money, don't see PACs as a problem. The Republicans rely more on large contributors and party money, and thus view PACs as a problem that should be dealt with in reform attempts. This difference in what is viewed as important regarding reform is the primary reason effective legislation can not get through the Senate.

Senators McConnell and Packwood spoke at length against S.2. One of their primary arguments about the bill was the intent behind it. They talked of how candidates complain over the amount of time spent of fundraising, and how the Democrats believe that S.2 will give candidates more time to legislate. McConnell made the point that:

> I do not know of anybody who ever said it was going to be easy to get elected to the U.S. Senate. It is time-consuming. Our colleague [Adams, D-WA] indicated that he spent a lot of time asking for money and had he still been here I was going to ask him what he would have done other than that during the campaign.\(^2\)

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He goes on to talk of the futility of "shaking hands" in the modern campaign, and how the media is the only effective way to reach all the voters. To use the media, however, one needs a great deal of money. McConnell and Packwood both justify the current expenditures as the only way to having a meaningful exchange with the largest possible number of voters. Thus they brought up a defense for spending great sums of money, a defense which many Republicans rallied behind.

The issue of spending limits was a particularly disturbing one for Republican senators. Out of the top ten spenders in the 1986 election, seven were Republicans. The spending limitations that S.2 would impose for candidates were seen as favoring incumbents. Thus, spending limits would work against the GOP in its attempt to win back a majorities in the Senate and in the House.

The question to be asked now is whether or not the previous election had any influence over the way Senators voted. The answer seems to be no, with the possible exceptions of Shelby and Hollings. In the case of Shelby, he was outspent by his opponent, and he used a considerable amount of PAC money. Hollings spent $2,233,843 during his 1986 campaign, 40% of which was PAC money. Perhaps this reliance by both Senators on PAC money affected their vote. However, other this does not explain the votes of other Democratic Senators who receive large amounts of PAC money. It must be noted that both Shelby and Hollings are from the South, and, as noted before, the tradition for Southern Senators is not to break filibusters.

Another important factor to be examined when studying voting patterns on S.2 is the make-up of the Senate. The 1987 Senate was the first one that the Democrats controlled since 1980. Republican controlled Senates paid little attention to reform legislation (See section on S.151).
Democrats held 55 seats to the Republicans' 45. However, in order to achieve cloture, sixty votes were needed, and the Democrats could not quite get this many. Had the bill been voted on, it is reasonable to assume that it would have passed, but by a very narrow margin. Party unity within the Senate was increasing on this point, making it even harder for the Democrats to break the filibuster.

An analysis of the cloture votes on S.2 directs us to the conclusion that had S.2 made it to a floor vote, it may have passed. Although the Democrats were not able to achieve the necessary number of votes needed in order to break the Republican filibuster, they did have enough votes to pass the bill by a simple majority. It is a reasonable assumption that voting on S.2 would have taken place along party lines. It is not clear whether or not the two Democratic holdouts, Senators Heflin and Shelby, would have voted for the bill or against it. Republicans were opposed to S.2 for a number of reasons, but at the core of these reasons is politics. Republicans felt that such sweeping campaign finance reform measures would give the Democrat incumbents an advantage that the Republicans would have a hard time breaking. Fear of a long-term Democratic control of the Senate was clearly the reason behind Republican opposition to S.2.

It is difficult to make a case for elections influencing voting patterns on this bill. Looking at a table showing how much Senators spent on previous elections and the amount of the vote they took, we see that even Democratic Senators who had won by low margins voted for cloture. Examples of this include Georgia Senator Fowler, taking only 51% of the vote in his 1986 Senate race and Michigan Senator Levin, taking 52% in his 1984 race. Republicans who won by large margins even though they spent relatively little money consistently voted against cloture. Examples of this are seen in
Senator McClure (R-ID) who won 72% of the vote in his 1982 campaign, spending $958,225 and in Senator Hatfield (R-OR), who spent $605,557 to win his 1984 election with 66% of the vote. It must be noted that spending tends to be less in states with smaller populations, however. What is apparent from the table is that in the case of S.2, little correlation can be made between previous elections and voting patterns on cloture.

S.137

S. 137 was passed with a vote of 59-40 on August 1, 1990. The bill was voted on basically partisan lines, with six exceptions. Five Republican Senators voted for S. 137, and one Democrat voted against it. This suggests a possible shift in some partisan stances of Senators. This shift in position on such a partisan issue is key in the passage of S.137. What must be examined in explaining these shifts is not only the explanations provided by the Senator's themselves, but also figures from their campaigns.

The Republicans voting for S.137 were Senators McCain, Durenberger, Cohen, Kasten, and Pressler. All five had voted against cloture on S.2 in 1987. All but Kasten offered explanations for their vote on S. 137. McCain stated on July 31:

I do not think we are ever going to have a level playing field for challengers unless we start out both challenger and incumbent with the same amount of funds: recognizing that incumbents have an enormous advantage in fundraising as it is.15

McCain's concern lies with fairness to challengers, a typical Republican concern. Was McCain's shift due to his upcoming election in 1992? In his

1986 campaign, McCain won 60% of the vote. He spent $2,189,510 on his campaign, with 34% of his funding coming from PACs. McCain's margin of victory was large by election standards. However, even with this large margin, he still voted against reform in 1987. This suggests that his change in voting is not related to his previous election. It may, however, relate to his election in 1992. As stated before in Chapter 2, the federal government in 1990 was plagued by scandal. Perhaps McCain wanted to distance himself from any negative perceptions by coming out as pro-reform.

This is a likely explanation for Durenberger's shift on this issue. Durenberger came under the ethics spotlight in 1990, due to questions arising over tax discrepancies. His margin of victory in his 1988 campaign was not significantly large. He won only 56% of the vote, large enough to win, but also small enough to encourage potential challengers in 1994. His ethics problem could be an issue in that campaign. It only stands to reason that Durenberger, in the interest of protecting his seat, would vote against party lines in order to re-make his image. Durenberger comments on the public's loss of confidence in their representatives in his statement regarding why he voted for S.137:

People are losing confidence, Mr. President, for a number of reasons. They are concerned with our inability to solve problems like the deficit and the S&L debacle. They are disillusioned by the scandals they see and read about. They are also fed a steady diet of political news which stresses only money and mudslinging, and not issues. And they have come to believe that elections, for the reasons stated about are irrelevant to the real issues in their lives. Well, we cannot change all that in one bill, Mr. President, but we can make a small start tonight.16

16 Congressional Record, August 1, 1990. p. 11614.
In his statement, Durenberger is clearly trying to improve his stained image. Durenberger outlines what he opposes in the bill. He objects to the ideas of spending limits and public financing. Both of these concerns fall within traditional party lines. However, he supports the elimination of PACs and the elimination of some incumbent advantages. Durenberger feels that these two aspects of the bill are enough to support it:

In short, this bill addresses in an adequate way most of the problems in the current system. I am hopeful that this bill will, in the other body, or in conference, or in consultation with the President, before or after a veto, accomplish what it still lacks: bipartisanship. In the judgement of this Senator, it has gone far enough to deserve passage in this body and the chance to be improved through the rest of the legislative process.¹⁷

Durenberger seems to be trying to re-cast himself as someone concerned with ethics and doing what is right for the electoral process. Seen in the light of his recent problems, it is not difficult to see why he has shifted his position on reform issues. He maintains the rhetorical stance of the Republican party while still voting for the bill.

Senator Cohen does the same thing. While expositing on the bill’s shortcomings, he manages to vote for it:

To be frank, the bill before us today is not the legislation I envisioned. I am uncomfortable with a number of its provisions. For example, I remain opposed to the idea of requiring the already overburdened American taxpayer to foot the bill for electing politicians to office.¹⁸

Cohen is employing the same strategy that Durenberger used. Before outlining why he did vote for the bill, he is making it clear that he still

¹⁷ Ibid. p. 11615.
¹⁸ Ibid. p. 11616.
supports traditional party views on certain aspects of reform. Like Durenberger, he supports the bill because of the PAC provisions and because of voters' perceptions of the election process:

However, I believe that we must begin to deal actively with a campaign system that has caused large numbers of American citizens to lose respect and confidence in the electoral process and has led to a situation in which many voters believe that money buys political access and favors. The legislation before us takes a step in this direction. Hence, while I do not agree with all its provisions, I intend to support its passage.19

What is important to note about Cohen was that 1990 was an election year for him. Cohen, however, had little competition for his seat in 1990. In his previous election, Cohen won 73% of the vote. However, his opponent spent $1 million of his own money in this election. Perhaps Cohen is coming out for spending limitations with figures such as these. Other important factor to note were that it was Mitchell’s bill, so a certain political bond was there, as well as the fact that Cohen had never been a particularly strong party supporter. His support of the bill is also probably related more to concerns regarding public perception of Congress. Once again, we see ethics causing legislators to shift their position to be more aligned with perceived public sentiment.

Senator Pressler also offered an explanation for his position on S. 137. Pressler was also up for re-election in 1990. He too had won a large victory in the 1984 race, taking 75% of the vote. However, Congressional Quarterly's February 17, 1990 issue focusing on the upcoming elections listed Pressler as potentially vulnerable. This was due to the fact the the Democrats were

19 Ibid.
running a candidate that they felt was much stronger than previous
candidates to Pressler. With this in mind, it is interesting to see why Pressler
says he supports S.137:

As a strong supporter of campaign finance reform, I would
like to see a campaign reform bill become law. So I am
voting to continue the process of trying to get that result-to
continue the debate. This issue is that important.20

Pressler claims he is a strong supporter of reform, yet in 1987 he voted against
clouette on S.2. Aware of this, he explains his change of sentiment:

I voted against cloture on that bill because-in spite of
my strong support for campaign reform-parliamentary
maneuvering was used to deny Republican and other
Senators a fair chance to offer amendments. This was not
the case this year.21

Pressler goes on to state that his vote on the final bill will be determined by
what that final version contains. His politics are perfect. He is giving the
impression that he is strongly for reform, yet only votes on the basis of
wanting to see what will happen to the bill. This way, voters get the
impression that he is a reformer, yet he is not bound to vote for a final
version.

Senator Hollings was the only Democrat to vote against S.137.
Hollings, it must be noted, was a holdout on cloture votes during the
filibuster of S.2 in the 100th Congress. His stand against reform here might be
due to the fact that in his most recent campaign, 40% of the $2,233,843 was
from PACs. He also outspent his challenger by $1,649,555. Senator Hollings
may have been showing concern about his chances in the 1992 elections if

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20 Congressional Record, August 1, 1990. p. 11614.
21 Ibid.
new restrictions were placed upon candidates. It is also interesting to note that on the Democrat side, the other two Senators that consistently voted against cloture, Heflin and Shelby, both voted for S.137. This apparent change of attitude regarding campaign finance reform may not be a change at all. This is further reinforced by the fact that Shelby did not have to worry about re-election until 1992, and Heflin, up for re-election in 1990, had previously won 62% of the vote in the 1984 race.

In some cases, it seems that legislators do vote in their own self-interests based on their perception of threats to re-election. The fact that five Republicans voted for S.137, a type of bill usually voted on along party lines, reinforces this. However, other factors contributed to the passing of S.137 that may reveal that it's passage was nothing more than election year politics. To begin with, the timing of the bill. S.137 was introduced in May, relatively late for such a major piece of legislation. Why was it introduced so late? One reason may be that Mitchell wanted quick action on it. He did not want the long drawn out fight that was seen during 1987 on S.2. The fight on S.2 meant that the Senate got little done during the session. The timing also affected the likelihood of getting S.137 passed. By introducing it so late, it stood little chance of actually becoming law. It only had about five months to get through committee, debate, passage in the Senate, passage in the House, conference committee, and finally the White House. This late introduction may be a reflection of the Senate’s unwillingness to reform itself, yet wanting the public to perceive that it is trying.

Another key factor that must be examined in an analysis of S. 137 is President Bush. Bush had vowed to veto any legislation that contained spending limits. This veto would have been hard to over-ride, although some Republicans who voted for S.137’s passage had already stated their
willingness to vote against Bush on this matter (Notably Senator Durenberger). Knowing of an upcoming veto may have made it easier to pass legislation. Without having to worry about it actually becoming law, incumbents did not really have to worry about the possible effects that S.137 may have had on the election process.

It is important to note that unlike previous reform attempts, S.137 passed. This was due in a large part to the political climate at the time. Congress was mired in scandal. The Democrats controlled the Senate. It was much easier to pass such a bill with the proper catalyst and the right amount of votes to pass it. Although S.137 was voted on along mainly party lines, there is evidence that some legislators voted in their own self-interest in order to secure themselves with constituents.
Conclusion

Despite numerous attempts and a great deal of posturing, the United States Senate failed to pass a comprehensive campaign finance reform bill into law during the 1980s. This is not the result of legislators acting in their own individual interests, but rather partisan differences.

Originally I hypothesized that a Senator will vote on campaign legislation based on his or her perceptions on how they would do in the upcoming election. Senators with secure seats may vote in favor of legislation, whereas Senators with vulnerable seats may vote against it. However, a careful analysis of voting data on three different reform bill shows that this is rarely the case. Rather, party lines dominate voting patterns regarding campaign finance. This is due largely to the opposing views that each party has on how to finance and financially conduct campaigns. Republicans believe in unlimited spending and limits for PACs. Democrats believe in public financing and spending limits. Thus, we have one of a few issues that is almost totally partisan in nature.

What does this mean for the future of campaign finance reform attempts? Specifically, will a Senate that was able to pass a bill late in 1990 only to have it die in conference committee be able to pass a similar bill earlier in the year, thereby increasing the chances for a reform bill to go to the White House?

There are currently two campaign reform bills being considered by the Senate Rules and Administration Committee, S. 3, a Democratic bill, and S. 6, a Republican bill. The make-up of both bills reflect the opposing party views on finance reform. S. 3 would allow for public financing and spending limits.
S. 6 would ban political action committees and large out-of-state contributions.\(^1\) Both bills have made it through the committee stage and are headed for the Senate floor. This is unusual given the make-up of the Senate. It can be explained by the efforts of both Majority Leader Mitchell and Minority Leader Dole to compromise and come to some kind of agreement on a reform package. The question that remains is whether or not either is going to pass.

It seems unlikely that S. 3 will pass in its original form. One of the biggest problems that Republicans have with Democratic reform efforts is over the issue of public financing. S. 3 provides for this without giving any specific details as to where the money to fund candidates will come from. Senator Mitch McConnell (R-KY) offered an amendment in committee that would eliminate taxpayer financing but this amendment was struck down by a 7-7 vote taken on party lines.\(^2\) It seems that the Republicans will focus floor debate on this aspect of the bill. Democrats, who have yet to come up with an adequate solution for the problem of who is going to pay for public financing, will have to face off ardent Republican attacks on this issue. With no clear answer or response in sight, it seems unlikely that a bill with public financing as a key to reform will pass in its original form. Besides the problems over public financing, the bill also stipulates spending limits. As shown, Republicans are adamantly opposed to spending limits, especially when they are the minority party. The best chance they have in beating incumbent Democrats is by outspending them in elections. Whether or not this is true does not matter to Republicans. If they view a reform as being pro-

\(^{2}\) Ibid.
incumbent, they will vote against it as long as they are in the minority. Even if it does get through a floor vote unaltered, it is even more unlikely that it will be passed by a Republican president. George Bush stated his opposition to public financing during debates over S.137. Until Democrats can come up with a system that doesn't cost the taxpayer any money, public financing will be a primary obstacle to reform efforts.

S. 6 has a more likely chance of passing a Senate vote. Although Democrats receive a majority of PAC money, all but one voted for S.137 in the previous year. S.137 eliminated PAC contributions to candidates. It seems likely that S.6 would get the same support. However, S.137 was a Democratic effort, and, as we have seen, campaign finance is a highly partisan issue. It must be noted, though, that S.137 was not a single issue and S.6 is. Democrats may not be so quick to support a Republican attempt at reform, especially one that doesn't encompass spending limits, a Democratic reform cornerstone. Yet the GOP has gained considerable political clout as a result of the successful Gulf War. A strong Republican attempt at reform may have a chance of passage. Both parties have expressed their reservations about PAC money, and the Keating Five scandal has increased public indignation over PACs. As a result, we may see a campaign finance reform bill pass in 1991.

Increased GOP strength and a Democratic compromise on PACs are not the only factors which point to an increased likelihood of passing reform legislation. In the 1990 Congressional elections, many incumbents won by narrow margins. Many voters expressed displeasure over the way campaigns were being run. Adding to this displeasure was the Keating Five scandal, which placed campaign finance problems in the national spotlight. As a result of these two factors, both Senator George Mitchell and Minority Leader
Bob Dole (R-KS) have placed campaign finance reform at the top of their agendas.

Any bill that does pass, however, will not be the sweeping, comprehensive bill that S.2 or S.137 may have been. The two parties have not yet figured out a way to approach reform attempts from a bipartisan angle. This is the primary obstacle that reformers must overcome. Bills such as S.6 may pass, but they will do nothing that will affect increasing campaign costs. In order to fully reform the electoral finance system, a comprehensive package must pass, and that is unlikely.

One of the most important factors contributing to this fact is the nature of partisan issues in the Senate. Because the Senate is such a small body, the majority party rarely enjoys an enormous margin of seats. Indeed, the Democrats during the debates over cloture on S.2 had the majority, yet didn’t have enough seats to achieve cloture. This is the norm rather than the exception with partisan issues. A partisan issue usually involves core interests of the two major parties. This creates an obstacle for compromise. The differing philosophies between the two parties means that they view fundamental issues, such as campaign finance reform, quite differently. Neither side is willing to back down on such issues, and thus we see a major reason that nothing of substance gets done on issues like campaign finance reform.

Another problem that inhibited reform attempts is the volatility of the Senate. Senate incumbents have been getting more and more vulnerable in their seats. Although shifts have been slight, these shifts are important. The 1980s have seen an almost roller-coaster effect in the percentages of those seeking re-election getting re-elected. In 1980, only 55.2% of incumbents seeking re-election were re-elected. This figure skyrocketed to 93.3% in 1982,
and since then has fallen. However, the most recent election has shown this figure to be rising again, despite predictions that the public might “clean house” in the 1990 Congressional elections. In the 1990 election cycle, 96.9% of incumbents seeking re-election succeeded. Small shifts in a small body such as the Senate can have long lasting repercussions. A majority party gaining one or two seats has a better chance at passing bills, while a minority party gaining one or two seats has a better chance of blocking passage. Indeed, it was the Democrat’s gain in the latter half of the 1980s that gave them the ability to pass S. 137. Had they had more seats as the majority party in 1987, they may have been able to defeat the Republican filibuster of S.2. Thus we see the importance that this factor contributes in partisan issues.

The nature of the institutionalized Senate affects the chances of a reform bill, especially one that threatens the existing order within that institution. To begin with, Congress rarely affects change upon itself. One of the problems with an entrenched institution such as Congress is that it takes on a defensive posture. It resists change. Incumbent legislators know how the system works, and they work within it. Any change of policy or procedure means that incumbents must face the unknown. It also means that incumbents become more vulnerable. This type of challenge does not sit well with an institution such as the Senate. This is one of the reasons that campaign finance bills have little hope of becoming law.

Even bills that do pass have not had a great deal of success. The last major piece of reform legislation was decimated by the 1976 Buckley v. Valeo Supreme Court decision. The group leading the attack on the bill was made up of a great deal of legislators. Radical attempts at changing the system do

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not work in United States government, and comprehensive reform is a radical change. However, in the 1970s the Congress was able to pass radical reform legislation. This tells us that perhaps reform is possible, but only with the type of widespread public outcry that followed in the wake of the 1968 elections and Watergate.

Yet another obstacle is the nature of the bicameral system in the United States. Winning an election to the House of Representatives takes a different type of strategy than winning a seat in the Senate. These differences affect the way each body views campaign finance reform. What might happen then, is two different types of finance systems for campaigns, one for the House, and one for the Senate. As long as the same party controls both houses, as the Democrats do right now, this is not unlikely. However, it might prove difficult to get bills through both houses if the houses are controlled by opposing parties.

Partisanship, though, is the key factor that must be overcome if we are to see effective campaign finance reform legislation. Majority Leader Mitchell and Minority Leader Dole have tried to cast partisan differences aside in the interest of achieving their goal. The Democrats have gone so far as to compromise on the issue of PACs. However, this can be viewed not so much as a compromise with Republicans as an attempt to distance the Democrats from PACs. The Keating Five scandal was a very public example of the danger of special interest groups, and its wake left the Democratic party with the job of doing something about PACs. This is where the Republican party benefits most. They have got what they wanted out of the Democrats in terms of reform attempts without conceding on spending limits. Until the public forces the issues, or a Democratically controlled Senate can pass
legislation and get it signed into law, the Republican party can hold fast its position.

Another important factor affecting partisanship is the incumbent's future political plans. The United States Senate is one of the most prestigious offices in this country. Many see (and use) the Senate as a stepping stone to a candidacy for the Presidency. For example, since 1960, five out of the seven Presidents have served in the United States Senate. Senators only rarely leave this body to hold any other type of office, such as governorships or representatives. With this in mind, and with the knowledge that in order to get a nomination and win a presidential election, one must have party support. Thus, when an issue comes down that divides the parties so decisively, defections from party line are rare. A Senator with high political ambitions is not likely to go against strict party lines on issues such as campaign finance reform. The party can give Senators a great deal of power, or it can choose not to. This is exhibited in committee assignments and party leadership positions. Thus, if a Senator wants to gain power, it is in his or her best interests not to go against the party on such a partisan issue. Unless, that is, the Senators is trying to overcome a scandal in order to retain his or her seat.

Thus we see that it is mainly political considerations that affect how a Senator will vote on campaign finance. It is interesting that in an age where the strength of the party system is eroding that an issue can be so partisan for such a long period of time. This is especially interesting in a body where the political climate shifts rapidly and often, and positions change with the

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4 Senator Pete Wilson (R-CA) recently gave up his Senate seat to run for the governorship of California. However, California is a large, powerful state and this position holds considerable weight in the nomination process for a Presidential candidate.
weather. Campaign finance is an almost purely political issue, not a substantive one. Thus, political interests dominate voting on reform. For reasons outlined in this paper, incumbents vote on reform legislation almost totally along party lines.

What also must be noted is that incumbent legislators may not want reform legislation. In fact, evidence indicates that this issue may be one of rhetoric rather than reality. Legislators have been talking about reform since 1976, and yet in fifteen years no substantial changes have been made to the Congressional election process. One can assume that while legislators may talk and debate over the issue, the fact is they do not want reform, and thus we are not likely to see any reform coming out of Congress.

In conclusion, the outlook for effective, impacting campaign finance legislation is bleak. Only one major bill dealing with this issue made it to a floor vote in the last ten years. Because it was a Democratic bill, and the Democrats have a majority in the Senate, the bill passed. However, the bill died in conference committee. The chief obstacle to reform legislation is not the self-interests of individual legislators, but rather partisan differences stemming from philosophical and political differences. The only time we see defections from party line is when a Senator is marred by scandal and is consequently worried about re-election. Until the two parties can overcome political differences and take a bipartisan approach to campaign finance reform legislation, the current system is likely to remain largely intact. For reasons discussed in this paper, it seems unlikely that any major changes can be made in the way United States Congressional elections are financed.
Sources Consulted


