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Floor Statement on Federal Election Campaign Act of 1971

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Senate

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MUSKIE. Mr. President, at the time our Nation was founded, many States had property qualifications for voting. It was believed that only a man who wanted to preserve his land and wealth was responsible enough to participate in political affairs. Fortunately, our concept of political equality has developed tremendously since that time; now the belief that all citizens, regardless of wealth, should have an equal opportunity to participate in politics is an axiom of our political system. This idea that wealth could be a prerequisite for voting today would be met with well-deserved outrage.

But as our practices of equality in voting have grown, our opportunities for equality in seeking office have shrunk. Once again, wealth is a barrier to democratic practice. Today, it is not State statutes, but the extraordinary cost of running a campaign that keeps all but those who can raise vast amounts of money from seeking office. If we do not drastically alter our campaign practices, only those who are wealthy, or who are chosen by the wealthy will be able to compete for elective office. This is an outrage in a democratic Nation.

Certainly, great wealth or the ability to solicit that wealth is not a proper prerequisite for office in a democracy. Nor is it healthy to have elected officials making decisions about the common good knowing that they will depend upon wealthy interests to survive reelection.

The increasing dependence of our elections upon money is a distortion of the elective process and produces terrific pressure towards corruption. As long as millions are spent to sweep men into office on a wave of superficial advertising more appropriate to soap or cereal than national politics, the structure of democratic practice and our faith in that practice will continue to decay.

What our Nation needs is a simple and inexpensive way for each candidate to communicate intelligently and fully with the voters. Our Nation has just that device: television. But we have, nearsightedly, failed to use this public tool to serve the public good.

The central question before us is relatively simple: Will we structure our electoral process so that every candidate has a chance to speak to the voters and that no candidate gets too many chances? Or shall we cynically do nothing of television advertising too often won by the candidate with the bigger wallet?

I think the answer is clear—we desperately need a change. And so I support the major changes in our election laws contained in the Federal Election Campaign Act now before the Senate.

First, I believe media spending should be limited so that no candidate can overwhelm his opponent or the electorate with an advertising campaign of monumental cost, and, in effect, buy his way into office.

While even the poorest candidate will have some access to the voters, he is not protected from a barrage of advertising from a wealthy campaign chest. Such a massive public relations effort serves no purpose. It is a waste of resource and a distortion of the democratic process.

The answer to this problem of money running political campaigns is to limit campaign spending. Ideally, a limit on all spending would be best. But a limit on media spending would be an effective control over spending, because television and radio have such a unique role in public persuasiveness. It is not appropriate that they should be limited, because they are the most expensive part of the present campaign expenditures and because the airwaves belong to the public. Finally, media spending can be monitored relatively easy so that enforcement of spending limits does not become a serious problem.

Therefore, I favor the 5-cent limitation per eligible voter on spending on the electronic media that was contained in the Commerce Committee version of this legislation. I also favor the 5-cent-per-voter limitation on the nonelectronic media. The 5-cent-per-voter limitation on television and radio spending is near the outer limits of effective control; I personally believe that a 5-cent-per-registered-voter limitation would be more effective and realistic. But I feel the compromise at a 6-cent level that was agreed to yesterday will be both reasonable and effective.

I also strongly favor the provisions of this bill which require candidates to be sold television and radio time at the lowest unit cost for the station during elections. This means that candidates will not have to pay expensive rates, thereby sharply increasing the costs of campaigning.

A second major reform contained in this bill is the provision for the disclosure of campaign financing. It is time that the financing of elections in the United States came out into the open. This will permit honesty in the solicitation and use of these funds. It will allow the public to judge the type of financial support that each candidate receives as well as each candidate's possible dependence upon individuals or groups with

particular views. Public disclosure will do much to restore confidence in our electoral processes. Therefore, I favor the disclosure provisions contained in this legislation which will require public listing of all contributions and expenditures of over \$100 relating to political campaigns.

The third and vitally important part of the legislation is the tax credit provisions which encourage small contributions to campaigns for Federal office. These provisions are an important attempt to encourage widespread support for candidates for Federal office, thus decreasing their dependence upon large contributors. I hope they will be passed by the Senate this year.

A combination of media spending limits and widespread small contributions could alter the entire structure of American campaigning. There would be a limit to how much money any candidate reasonably needs, and there would be access to funds for any candidate who has widespread appeal. This would allow any candidate, regardless of his access to resources, to compete fairly for public office.

Much of the credit for the present legislation must go to Senators PASTORE and CANNON who have worked so hard on this complex legislation. They deserve our commendation.

Mr. President, the legislation before us today will provide one of the most far-reaching and significant reforms in our campaign processes in our Nation's history. It will restore confidence in the openness and honesty of our elections. And it will remove the influence and the belief in the influence of money in the selection of our most important leaders. I feel it is absolutely essential that this legislation be enacted into law this year.