

REMARKS OF SENATOR BOB DOLE
PHI ALPHA DELTA LEGAL FRATERNITY
FOUNDER'S DAY BANQUET
DOWNTOWN RAMADA INN
TOPEKA, KANSAS
APRIL 6, 1974

AN HISTORIAN OF AMERICA'S LEGISLATIVE PROCESS MIGHT HAVE FORESEEN A FAIRLY SIZEABLE REACTION TO THE SPECTACULAR POLITICAL REVELATIONS OF THE PAST YEAR OR SO. AFTER ALL, THE SHERMAN ACT, THE NATIONAL LABOR RELATIONS ACT, THE SOCIAL SECURITY ACT AND A NUMBER OF OTHER IMPORTANT LAWS WERE SPARKED BY MAJOR EVENTS OR TRENDS IN OUR NATION'S 200 YEARS OF DEVELOPMENT.

BUT I QUESTION WHETHER ANYONE COULD HAVE PREDICTED THE DIRECTION THAT HAS BEEN TAKEN BY MANY IN THE CONGRESS AND NUMEROUS OTHERS IN REACTION TO THE BIZARRE AND DISTURBING SCANDALS WHICH HAVE RECENTLY SWEEP WASHINGTON.

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OF COURSE, "WATERGATE" HAS COME TO MEAN MANY THINGS TO MANY PEOPLE. BUT LOOKING BEYOND THE EMOTIONS, RHETORIC AND OTHER TRAPPINGS, THAT HAVE BEEN HUNG ON IT, WATERGATE BOILS DOWN TO BASIC ELEMENTS THAT CAN BE DESCRIBED PRIMARILY IN TERMS OF THE SUBSTANTIVE CRIMINAL LAW. THIS IS WHAT THE INDICTMENTS, TRAILS AND GRAND JURY PROCEEDINGS ARE ALL ABOUT. AND AS FAR AS I CAN TELL, THE PROSECUTORS HAVE HAD NO TROUBLE IN MATCHING TITLE 18'S PROVISIONS TO THE CONDUCT THAT HAS COME UNDER THEIR SCRUTINY.

MILLIONS IN TAXES FOR BUMPER STICKERS

BUT WHAT HAS CONGRESS DONE? IN THE FACE OF CRIMINAL CONDUCT WHICH HAD NO REAL RELATION TO CAMPAIGN FINANCES, IT HAS PROPOSED TO SPEND MILLIONS UPON MILLIONS OF THE AMERICAN PEOPLE'S TAX DOLLARS ON CAMPAIGN BUMPER STICKERS, BUTTONS, TELEVISION SPOTS, NEWSPAPER ADS AND BILLBOARDS. THESE EXPENDITURES

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OF TAX DOLLARS WOULD BE MADE ON BEHALF OF CANDIDATES WHO SEEK 435 SEATS IN CONGRESS, 100 SEATS IN THE SENATE AND THE OFFICES OF PRESIDENT AND VICE PRESIDENT.

MULTIPLY THAT BY TWO OR MORE PARTIES IN EVERY RACE, PRIMARIES, RUNOFFS AND GENERAL ELECTIONS, AND YOU ARE TALKING ABOUT A LOT OF BUMPER STICKERS. AND IT MOUNTS UP TO A SIZEABLE SUM OF THOSE TAX DOLLARS THAT ARE SO IMPORTANT TO EVERY CITIZEN AS APRIL 15th APPROACHES EACH YEAR.

FOR EXAMPLE, IN KANSAS ALONE A SENATE RACE WITH DEMOCRATIC AND REPUBLICAN PRIMARIES COULD HAVE A TAXPAYERS' PRICETAG OF MORE THAN \$1 MILLION. AND ADDING THE COST OF FIVE CONGRESSIONAL RACES, YOU QUICKLY REACH A COST OF MORE THAN \$2 MILLION FOR A NON-PRESIDENTIAL ELECTION YEAR.

PUBLIC FINANCING IS NOT REFORM

NOW PENDING BEFORE THE SENATE IS THE SO-CALLED PUBLIC FINANCING BILL.

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A BETTER NAME MIGHT BE THE POLITICAL TAX SUBSIDY ACT. IT HAS BEEN THE SUBJECT OF LONG AND HEATED DEBATE BOTH IN AND OUT OF THE SENATE, ON AND OFF OF THE "TODAY" SHOW. AND THE END IS NOT YET IN SIGHT, SINCE A MOTION TO CLOSE DEBATE FAILED ON THURSDAY.

I SUPPORTED ENACTMENT OF THE LANDMARK 1971 FEDERAL ELECTION CAMPAIGN ACT AND THE AMENDMENTS TO IT WHICH PASSED THE SENATE LAST YEAR, SO I FEEL THAT I SPEAK AS ONE WHO IS COMMITTED TO CAMPAIGN REFORM. BUT I CANNOT GIVE MY SUPPORT TO A PROPOSAL MERELY BECAUSE SOME WOULD LABEL IT AS "REFORM." AND THIS IS MY POSITION ON PUBLIC FINANCING.

BASICALLY MY OBJECTIONS FALL INTO TWO GENERAL AREAS: CONCERNS AS TO PUBLIC POLICY AND THE REQUIREMENTS OF THE CONSTITUTION.

IN THE AREA OF PUBLIC POLICY I AM FORCED TO THE CONCLUSION THAT PUBLIC FINANCING IS UNNECESSARY, INEFFECTIVE AND FUNDAMENTALLY DANGEROUS.

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UNNECESSARY STEPS

PUBLIC FINANCING IS UNNECESSARY BECAUSE, REGARDLESS OF ALL THE CROCODILE TEARS ON CAPITOL HILL, THERE IS MONEY TO SUPPORT THE POLITICAL SYSTEM -- CLEANLY, HONESTLY AND SUFFICIENTLY -- WITHOUT MILKING THE FEDERAL TREASURY. THE CAMPAIGNS OF BARRY GOLDWATER IN 1968 AND GEORGE McGOVERN IN 1972 ARE THE BEST EVIDENCE AVAILABLE THAT SMALL CONTRIBUTORS CAN BE TAPPED -- EVEN AGAINST HOPELESS ODDS -- TO SUPPORT MAJOR CAMPAIGNS.

AS FAR AS I KNOW WE STILL SUBSCRIBE TO THE FREE ENTERPRISE SYSTEM IN THIS COUNTRY. AND A BASIC ELEMENT OF THIS SYSTEM IS THE OLD SAYING THAT IF YOU BUILD A BETTER MOUSETRAP THE WORLD WILL BEAT A PATH TO YOUR DOOR. I DO NOT RECALL ANYTHING IN THE FREE ENTERPRISE ETHIC THAT MENTIONS GOVERNMENT BEATING A PATH TO YOUR DOOR WITH HANDOUTS MERELY IF YOU WANT TO BUILD A BETTER MOUSE-TRAP. SO WHY SHOULD THERE BE ANY DIFFERENCE BETWEEN MOUSETRAP MAKERS, SHOE SALESMEN, LAWYERS -- OR POLITICANS.

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WITH A FEW NOTABLE EXCEPTIONS, WE HAVE GOTTEN ALONG PRETTY WELL WITH THIS PHILOSOPHY IN AMERICA. NEWCOMERS HAVE ENTERED THEIR CHOSEN FIELDS AND FOUND SUCCESS OR FAILURE ON THE STRENGTH OR WEAKNESS OF WHAT THEY HAD TO OFFER. AND I SEE NO REASON FOR CHANGING NOW. AND SO FAR NO ONE HAS MADE EVEN A CONVINCING CASE TO ME THAT GIVING AWAY FEDERAL TAX DOLLARS TO HELP POLITICANS BUY BUMPER STICKERS WILL ACCOMPLISH ANYTHING FOR THE GENERAL GOOD.

IT MIGHT MAKE IT EASIER FOR LAZY PEOPLE TO GET INTO POLITICS. AFTER ALL, IF YOU DID NOT HAVE TO SEEK OUT FINANCIAL SUPPORT IT WOULD MAKE CAMPAIGNING A LOT LESS STRENUOUS. AND IT WOULD SAVE A LOT OF POLITICAL STOMACHS FROM FUND RAISER OVERDOSES OF COLD ROAST CHICKEN AND CREAMED PEAS.

BUT POLITICS DOES NOT NEED LAZY PEOPLE. IT NEEDS MEN AND WOMEN WHO WILL GO TO THE PUBLIC, SELL THEIR IDEAS AND PROGRAMS AND WHO WILL WORK TO ATTRACT

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PUBLIC SUPPORT OF ALL KINDS FOR THEIR CAMPAIGNS. AND POLITICS NEEDS COMMITMENT AND PARTICIPATION BY THE PEOPLE -- WITH THEIR TIME, WITH THEIR EFFORTS AND WITH THEIR FINANCES GIVEN TO THE CANDIDATES WHO EARN THEIR SUPPORT.

THERE IS MUCH THAT CAN BE DONE TO ENCOURAGE MORE PEOPLE TO GIVE TO THE CANDIDATES AND PARTIES OF THEIR CHOICE. TAX DEDUCTIONS AND CREDITS FOR SMALL CONTRIBUTIONS ARE PARTICULARLY APPROPRIATE AND ^aSENSIBLE MEANS OF ACCOMPLISHING THIS MOST DESIRABLE GOAL.

INEFFECTIVE REMEDY

PUBLIC FINANCING IS ALSO OBJECTIONABLE, BECAUSE IT IS AN INEFFECTIVE REMEDY FOR THE ILLS OF WATERGATE. IN FACT EVERY PUBLIC FINANCING FEATURE THAT IS BEFORE THE SENATE TODAY COULD HAVE BEEN IN FORCE FOR 5 YEARS, AND STILL THE DEMOCRAT'S

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HEADQUARTERS WOULD HAVE BEEN BUGGED, ELLSBURG'S PSYCHIATRIST'S OFFICE WOULD HAVE BEEN BURGLARIZED, COVER-UPS WOULD HAVE BEEN ATTEMPTED, LIES WOULD HAVE BEEN TOLD -- AND GERALD FORD WOULD STILL BE VICE PRESIDENT OF THE UNITED STATES.

PUBLIC FINANCING IS SIMPLY NOT A SOLUTION FOR HUMAN STUPIDITY, INDIVIDUAL CRIMINALITY OR PERSONAL GREED. PERHAPS SOME MIGHT HAVE FELT BETTER ABOUT THE WATERGATE MESS IF THE HUNDRED DOLLAR BILLS THAT WERE FLOATING AROUND HAD COME FROM THE U.S. TREASURY INSTEAD OF A MEXICAN BANK. BUT I DO NOT SEE HOW IT WOULD HAVE MADE MUCH DIFFERENCE TO THE OVERALL OUTCOME OF THE AFFAIR OR TO THE CRIMINAL CHARGES IN QUESTION.

OTHER PROPOSALS HAVE BEEN MADE WITH REGARD TO SPECIFIC CRIMINAL CODE CHANGES, AND I SUPPORT MANY OF THEM AND BELIEVE THEY ARE RESPONSIVE TO SOME OF THE PROBLEMS WHICH DO EXIST IN POLITICS.

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DANGEROUS IMPLICATIONS

A THIRD POINT OF OBJECTION I HAVE TO THE POLICY OF PUBLIC FINANCING IS THE DANGER IT POSES TO THE POLITICAL SYSTEM.

ADMITTEDLY, THERE ARE INEQUITIES IN THE PRESENT STATE OF AFFAIRS. INCUMBENTS MAY HAVE EXCESSIVE ADVANTAGES -- BOTH OFFICIAL AND UNOFFICIAL. WEALTHY INDIVIDUALS AND THEIR FAMILIES MAY BE ABLE TO UNFAIRLY OUTSPEND AN OPPONENT IN A CAMPAIGN. BIG BUSINESS, LABOR AND ANY NUMBER OF SPECIAL INTEREST GROUPS MAY BE ABLE TO PUMP TOO MUCH CASH INTO THE CAMPAIGNS OF THEIR FRIENDS. AND TELEVISION, NEWS MAGAZINES AND SYNDICATED COLUMNISTS MAY HAVE TOO MUCH INFLUENCE OVER THE INFORMATION CONVEYED ABOUT CANDIDATES AND THEIR ACTIVITIES.

BUT IS AN ARTIFICIAL ONE-CANDIDATE, ONE-DOLLAR FORMULA OF EQUALITY AMONG CANDIDATES REALLY AN IMPROVEMENT OVER WHAT WE HAVE TODAY? I DO NOT BELIEVE SO.

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WHEN EVERYBODY GETS THE SAME AMOUNT OF MONEY, WHEN EVERYBODY CAN ONLY SPEND THE SAME -- WHAT STRESSES WILL BE PUT ON THE SYSTEM AS PEOPLE JOCKEY FOR NEW ADVANTAGES?

WILL IT MEAN THAT THE WEALTHY INDIVIDUAL WILL QUIT HIS JOB TWO OR THREE YEARS AHEAD OF THE ELECTION, SO AN ELABORATE "NON-POLITICAL" PUBLICITY CAMPAIGN CAN GAIN THE EXPOSURE REQUIRED FOR A SUCCESSFUL RACE? AND IF SO WHERE DOES THIS LEAVE AN EQUALLY OR BETTER QUALIFIED MAN, SAY A YOUNG LAWYER WITH A WIFE AND FAMILY TO SUPPORT, WHO ALSO MIGHT WANT TO THROW HIS HAT IN THE RING? HOW COULD HE HOPE TO COMPETE AGAINST SUCH AN OPPONENT ON AN EQUAL DOLLAR BASIS AFTER A HEAD START LIKE THAT?

AS FINANCIAL EQUALITY WAS IMPOSED WOULD WE SEE MORE NEWCASTERS, ASTRONAUTS, FOOTBALL PLAYERS AND T.V. STARS SUDDENLY CASHING IN ON THEIR FAME TO BECOME POLITICIANS?

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AND WHAT ABOUT INCUMBENTS UNDER SUCH A SYSTEM? HOW ARE YOU POSSIBLY GOING TO GIVE SOME UNKNOWN FIRST-TIME CANDIDATE EQUALITY WITH AN INCUMBENT SENATOR OR CONGRESSMAN -- OR AN INCUMBENT PRESIDENT. I SUPPOSE YOU COULD LOCK EVERY MEMBER OF THE SENATE AND HOUSE IN HIS OFFICE FROM JUNE TO NOVEMBER EVERY ELECTION YEAR, BUT THEN WHAT WOULD PREVENT NBC FROM BROADCASTING THE SOUNDS THEY MADE TRYING TO GET OUT?

I DO NOT MEAN TO BE FACETIOUS, BUT THIS WHOLE CONCEPT OF FORCED EQUALITY IN THE POLITICAL ARENA IS A SOURCE OF GRAVE CONCERN TO ME.

FORCED POLITICAL ACTIVITY

LOOKING AT THE CONSTITUTIONAL SIDE, IS PUBLIC FINANCING NOT A FORM OF FORCED POLITICAL ACTIVITY WHICH TREADS UPON FIRST AMENDMENT RIGHTS?

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IT IS ONE THING TO REQUIRE A PERSON TO PAY -- THROUGH HIS TAXES -- FOR ANYTHING, THE PARAPHANALIA AND FRIVOLITIES OF POLITICS, WHICH MANY MEN AND WOMEN BELIEVE ARE WASTEFUL AND STUPID.

BUT WHAT OF USING A CATHOLIC'S TAX DOLLARS TO SUPPORT A CANDIDATE WHO CALLS FOR UNLIMITED ABORTION? WHAT OF TAKING A BLACK MAN'S TAXES TO SUPPORT AN ADVOCATE OF RACIAL PERSECUTION? HOW MANY WHEAT FARMERS WANT THEIR TAXES SPENT TO ELECT A PROPONENT OF EXPORT QUOTAS: HOW MANY PARENTS WOULD LIKE TO SEE THEIR TAX DOLLARS PUT A PRO-BUSING CANDIDATE IN THE SENATE?

I DO NOT BELIEVE THESE QUESTIONS CAN BE IGNORED AS PUBLIC FINANCING IS VIEWED IN A CONSTITUTIONAL PERSPECTIVE.

OF COURSE, THE ENTIRE AREA OF CAMPAIGN REFORM TREADS ON SOME VERY THIN ICE IN REGARD TO THE BILL OF RIGHTS. CONTRIBUTION LIMITS, SPENDING RESTRICTIONS,

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EVEN DISCLOSURE REQUIREMENTS CALL IN TO PLAY SOME BASIC PRINCIPLES OF OUR CONSTITUTION WHICH SHOULD BE EXAMINED CLOSELY. BUT FOREMOST AMONG ALL OF THESE CONCERNS I WOULD RANK PUBLIC FINANCING, FOR HOW CAN THE GOVERNMENT FORCE A PERSON TO SUPPORT THE ADVOCACY OF VIEWS IN THE POLITICAL ARENA WHICH MAY BE CONTRARY TO HIS ECONOMIC AND SOCIAL INTERESTS OR TOTALLY ABHORRENT TO HIS MOST BASIC RELIGIOUS, ETHICAL OR PERSONAL BELIEFS?

REFORM SHOULD BE PRESSED

LET ME SAY, HOWEVER, THAT AS I HAVE INDICATED THERE ARE AREAS OF CAMPAIGN REFORM THAT SHOULD BE PRESSED.

TAX INCENTIVES FOR SMALL CONTRIBUTORS IS ONE POINT. STIFFER CRIMINAL SANCTIONS FOR VOTING FRAUD AND SO-CALLED DIRTY TRICKS IS ANOTHER.

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OVERALL, THOUGH, I BELIEVE THE BASIC PREMISES OF THE 1971 CAMPAIGN ACT ARE STILL VALID AND SHOULD BE MAINTAINED. FULL AND DETAILED FINANCIAL DISCLOSURE IS THE CORNERSTONE OF THIS APPROACH. AND COUPLED WITH EFFECTIVE CONTRIBUTION LIMITS, -- WHICH YOU WILL RECALL WE HAVE NOT REALLY HAD YET -- AND WITH INCENTIVES FOR SHORTER AND LESS COSTLY CAMPAIGNS, I BELIEVE THE AMERICAN PEOPLE CAN BE PROVIDED WITH A MUCH STRONGER AND BETTER POLITICAL SYSTEM. AND THIS CAN BE ACCOMPLISHED WITHOUT ADDING MILLIONS OF DOLLARS TO THE TAX LOAD OF THE AMERICAN PEOPLE OF TAMPERING WITH OUR BASIC RIGHTS AS FREE CITIZENS.

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DOLE SUBSTITUTE PROPOSAL

I HAVE AUTHORED A SUBSTITUTE CAMPAIGN REFORM MEASURE WHICH EMBODIES MY
VIEWS ON THE PROPER DIRECTION FOR THE WORK STARTED IN 1971 TO BE CONTINUED.

IT WOULD IN PART:

- ALLOW BROADCAST OF DEBATES BETWEEN MAJOR PARTY CANDIDATES FOR ALL
FEDERAL OFFICES
- PLACE A \$3,000 LIMIT ON ALL INDIVIDUAL AND ORGANIZATION CONTRIBUTIONS
- FORBID CASH CONTRIBUTIONS ABOVE \$50
- ESTABLISH A FEDERAL ELECTION COMMISSION
- REQUIRE FULL DISCLOSURE OF EVERY CANDIDATE'S AND OFFICEHOLDER'S
FINANCES
- EXPAND TAX CREDITS AND DEDUCTIONS FOR SMALL CONTRIBUTIONS
- SHORTEN CAMPAIGNS
- AND LIMIT THE USE OF THE CONGRESSIONAL FRANKING PRIVILEGE

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OUTLOOK UNCERTAIN

WITH ANOTHER CLOTURE VOTE SCHEDULED FOR TUESDAY, IT MAY BE A BIT EARLY TO PREDICT THE OUTCOME OF THE SENATE'S CONSIDERATION OF THE PENDING BILL OR ANY CHANGES IN IT. BUT THE JOB OF SECURING PUBLIC CONFIDENCE AND PARTICIPATION IN THE POLITICAL PROCESS IS A VITALLY IMPORTANT PRIORITY FOR THE ENTIRE CONGRESS AND FOR THE NATION.

AND, HOPEFULLY, THE EMOTIONS AND PASSIONS OF THE MOMENT WILL GIVE WAY TO REASON AND MEASURED JUDGEMENT, SO WE CAN PASS LEGISLATION THAT IS IN ACCORD WITH THE OBSERVATION OF THE ENGLISH PHILOSOPHER JOHN LOCKE THAT "THE END OF LAW IS NOT TO ABOLISH OR RESTRAIN FREEDOM, BUT TO PRESERVE AND ENLARGE FREEDOM."