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To Work, Campaign Laws Have to Be Enforced

Passage of the Bipartisan Campaign Reform Act may tempt some to believe that Congress has passed, and the president has signed, legislation that will be a remedy for the distorting effect private money has had on politics.

But even assuming that the law's provisions are perfectly tailored to have the effects intended, true reform will remain elusive without proper enforcement by the Federal Election Commission. If recent history is any guide, the FEC has little appetite for rigorous enforcement of the nation's campaign finance laws.

Although it is the federal agency entrusted with enforcement of the campaign finance laws, the FEC frequently refuses to enforce the laws against violators. This problem is especially acute when complaints about prominent candidates are before it. With no threat of enforcement, many candidates increasingly feel free to disregard the disclosure requirements and contribution limits of our federal law.

For example, the FEC has refused to act for over a year on a complaint regarding the campaign practices of our nation's top law enforcement officer, Attorney General John Ashcroft.

On March 8, 2001, two Missouri voters and three national campaign reform groups filed an administrative complaint with the FEC, alleging that Mr. Ashcroft's leadership PAC, Spirit of America, impermissibly contributed a fundraising list of 100,000 donors to Ashcroft's 2000 Senate campaign in Missouri, and that neither the PAC nor the campaign committee reported the contribution.

According to a report in The Washington Post on Feb. 1, 2001, the PAC developed the list between 1997 and 1999 "at a cost of more than $2 million." Upon receiving the list at no charge, the Ashcroft campaign, in turn, rented the list and made over $100,000 in rental income.

These actions by the Ashcroft campaign and his leadership PAC violate a number of provisions of the nation's campaign finance law, which relies on both disclosure requirements and contribution limits. All PAC contributions must be reported by both the contributing PAC itself and the recipient campaign committee. Moreover, PACs are prohibited from making campaign contributions to federal candidates that exceed the value of $10,000 in an election cycle (primary and general election included). That limit includes the donation of in-kind contributions, such as the fundraising list.

Quite simply, Ashcroft's campaign committee and his leadership PAC violated the campaign finance laws by the giving and receiving of a contribution that, at a minimum, exceeded the federal contribution limit by 10 times and possibly by more than 200 times, and by failing to disclose the contribution in the first place.

An investigation of these egregious and serious violations of the nation's campaign finance laws would require few resources. Most of the information is contained in the FEC's own records, and the remainder can be determined by interviews with the one or two officers who worked for both Ashcroft's campaign committee and his leadership PAC. And yet the FEC has done nothing.

To force the FEC to shoulder its statutory responsibility, the two Missouri voters and the Alliance for Democracy have brought a lawsuit seeking a federal court order mandating agency action. If the public cannot rely on the FEC to enforce the nation's campaign finance laws, there is no legislation that will ever reduce the influence of money in politics.

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