

Opening Statement

The Honorable Robert F. Bennett
Senate Committee on Rules and Administration

Hearing on
Repealing the Limitation on Party Coordinated Expenditures on
Behalf of Candidates in General Elections

April 18, 2007

Thank you Madame Chairman for your willingness to hold the hearing. I think it is a legitimate part of the discussion with respect to campaign finance.

I sense an underlying theme in most of this debate, and it is a basic distrust of the parties. Some witnesses are in favor of anything that weakens the parties. I happen to believe that strengthening the parties as significant players in the political process is a good thing. I remember a book that described voter turnout—that is, people refusing to vote—and did an analysis among voters as to why they were not voting as much as they used to. There were two answers. Number one was the media and its constant negative portrayal of politics and politicians, and the other was the weakening of the party apparatus. A party exists to get people to the polls and efforts to weaken a party's ability to do that, in the name of dealing with the appearance of corruption, seem to have had the perverse effect of holding down voter turnout.

The current limit on party expenditures coordinated with candidates leads to less transparency and accountability, more negative advertising, and therefore more voter confusion. I'm not alone in that view, as I quoted in the meeting where I requested this hearing. The Washington Post, not normally known as a Republican mouthpiece, calls this aspect of the law that I'm seeking to change "a particularly ridiculous aspect of campaign finance law" because it forces the parties to set up quasi-independent groups within the parties to run the ads. The Post goes on to say that "there is no good reason to force the political parties to engage in this charade of setting up independent groups. There is every reason to set up a system that requires those who underwrite ads to take responsibility for them." That is what we are seeking to do.

The policy rationale underlying the party coordinated expenditure limit is profoundly flawed as I have indicated. We will hear from Michael Malbin, who has said, "There is simply no logical corruption rationale for limiting party spending for candidates as long as the contributions into the party are fully controlled," and then Thomas Mann, who refers to these limits as "awkward and inefficient requirements." And Michael Toner, who was a commissioner at the FEC, says, "The coordinated expenditure limits do not prevent corruption or the appearance of corruption and serve no rational purpose."

Parties play an essential mediating role in our political system, and the health of democracy is linked to the health of parties. Repealing the limits would only affect the manner in which parties spend the money and not the amount. We were told prior to the passage of McCain-Feingold that it would get big money out of politics. The first election fought under the terms of McCain-Feingold was the 2004 election, and I don't think anyone could insist that in the

2004 election we saw the big money out of politics. What we saw was that it flowed in different directions, and in many of the directions in which it flowed, there was no transparency or accountability. If the money had stayed within the framework of the party system, we would know who gave it, we would know who was responsible for it, and we would have had an accountability trail.

Senator McCain included the exact language that is in the bill introduced by Senator Corker and me in an amendment that he introduced during last year's lobbying reform debate. No one can accuse Senator McCain of being soft on these particular issues. There is a broad consensus in favor of this policy, and it is difficult for me to see what the controversy is, unless there is a conviction that parties are evil and we must do what we can to hamper or handicap parties and drive the money some place out of parties just because we don't like parties. Well, I do, and for that reason I support Senator Corker's bill.

I thank you Madame Chairman for your courtesy in scheduling this hearing.