“Darling, I am writing this letter knowing you may never read it” – “The Letter” by Vernon Green and the Medallions, 1954:
https://www.youtube.com/watch?v=qVAFoOueKFU
Fiscal Year 2017-2018 Book Budget Update: The Political Science Book Budget for the new fiscal year became available in October. It is almost the same as last year’s: $4400. As of this date (July 16), the balance stands at approximately $1500.

The Federal Election Commission: Beleaguered Defender of Election Integrity

The article below also appears in The GODORT Connection, the online newsletter of the Government Documents Round Table of the Alabama Library Association, of which I am currently serving as Moderator.

In this era of the Citizens United decision of the U.S. Supreme Court, political polarization and voter anger and apathy, and with an election year upon us, it is worthwhile noting there is a government agency whose stated mission is “To protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws.” The FEC was established in 1975 in the wake of the Watergate scandal but the need for such an agency has existed as long as money has been a factor in federal elections.

A few historical highlights will now be provided to illustrate the problem of the influence of money on federal elections. Campaign expenditures were pretty minimal until the election of 1832 when the Bank of the United States, feeling threatened by the populist rhetoric of Andrew Jackson, who was running for reelection as President, spent significant sums to support his opponent, Henry Clay. As it turned out, Clay lost and so did the Bank, Jackson having already vetoed its charter in 1832 prior to the election. The blatant corruption of the 1896 election which saw banks and corporations massively supporting William McKinley for President, ultimately led to the 1907 Tillman Act that prohibited such financial contributions for federal election campaigns. Congress continued to pass campaign finance-related laws over the next several decades including the 1925 Federal Corrupt Practices Act, the 1939 Hatch Act to regulate primary elections and limit contributions to Congressional election campaigns, and the 1947 Taft-Hartley Act that barred labor unions and corporations from contributing to federal elections. The 1971 Federal Election Campaign Act followed by the 1971 Revenue Act were important legal landmarks. These acts required full reporting of campaign contributions and expenditures but did also provide for the creation of political action committees (PACs) by corporations and unions as entities that are separate from the official federal office campaign operations themselves. Finally, in the 1974 amendments to the Federal Election Campaign Act of 1971, provision was made to establish the Federal Election Commission itself.

The Federal Election Commission (FEC) is an independent agency having the authority to write regulations and monitor compliance. The President, Speaker of the House of Representatives, and the President Pro Tempore of the Senate each appoint two Commissioners who serve for a six-year term. The Secretary of the Senate and the Clerk of the House serve as non-voting ex officio
Commissioners. The FEC currently has 300 employees as well. Unfortunately, ever since its creation in 1975, the FEC’s authority to perform its mission has been weakened thanks to a series of U.S. Supreme Court decisions. The most notable are briefly outlined below.

In *Buckley v. Valeo* in 1976, the Court ruled to overturn expenditure limits of federal campaigns (although upholding campaign contribution limits – for a while). The most devastating setback was, of course, the *Citizens United v. FEC* decision of 2010 which ruled that the 1971 Federal Election Campaign Act violated the First Amendment rights of corporations by prohibiting independent campaign contributions and “electioneering communications.” In other words, as the cliché has it, corporations must be considered to be people when it comes to federal campaign contributions. In 2011 in *Carey v. FEC*, the Court ruled that the FEC could no longer enforce provisions of the 1971 law forbidding contributions of unlimited amounts by groups (such as unions and corporations) considered to be separate from the actual campaigns themselves. Finally, in 2014 in *McCutcheon v. FEC*, the Court ruled that limiting the amount of money an individual could contribute to candidates for federal office, to political parties, or to PACs was also a violation of such contributors’ First Amendment rights. Obviously, this latter ruling has opened the floodgates to billionaires who wish to influence federal elections. Is money free speech? If so, those who have a lot of money would appear to have more free speech in federal elections than you or I.

In a 2012 Congressional hearing, Senator Richard Durbin (Democrat – Illinois) testified to the far reaching changes almost immediately brought about by the 2010 *Citizens United* decision. In the 2006 federal elections outside groups (“secret donors”) accounted for 1% of the contributors to federal election campaigns to the tune of $70 million. In the 2010 federal elections outside groups (“secret donors”) accounted for 44% of the contributors to federal election campaigns to the tune of $294 million. The percentage and dollar amounts in 2018 are likely to be much higher than the alarming numbers provided by Sen. Durbin for the 2010 elections!

It is easy to become cynical and discouraged in these times but the Federal Election Commission is still standing in 2018, despite attempts over the past four decades-plus to weaken it. Maintaining as much of the integrity of federal elections as possible is crucial for the engagement of the American electorate. One very helpful function of the FEC is to compile and make publicly available federal election campaign fundraising and spending information. Click on the “Campaign Finance Data” link on the FEC’s web site and you can view detailed financial information about candidates for federal office. We may not always be able to “vote the rascals out” but, thanks to the Federal Election Commission, we do have access to at least some of the information we need to know about who is influencing whom and this can help us, the private citizen, become a more informed voter.

It is not my place to endorse or criticize candidates for office in this article, but I do strongly encourage you to exercise your right and responsibility as an American citizen and VOTE.

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Sources Consulted:


While every book the library acquires is, I hope, of interest and value, this column features just one title chosen from the latest available monthly New Political Science Books list. The monthly list will continue to be sent via e-mail separately from this newsletter.
