

The article “*Election ordinance is, in part, reaction to past excesses,*” written by Mitch McConnell and featured on the page below from the December 10, 1973 edition of *The Louisville Courier-Journal*, is transcribed for readability beginning on page 3 of this document.

Joseph Kraft

Atlantic allies have a chance to solve energy problems

BRUSSELS — "The Pathos of Europe," a senior American official exclaimed at the year-end meeting of the North Atlantic allies here in Brussels. That tragic, almost twilight note does indeed express the tone of relations between the United States and its leading European friends.

For there is now an opportunity to move from the backbiting of doctrinal debate to cooperation in solving the acute mutual problem of energy. But the odds are that the opportunity will be missed, and maybe missed forever, because of political weakness here and in Washington.

The opportunity is very clear. For the past dozen years the baleful spirit of Gen. Charles de Gaulle has imposed upon transatlantic relations an invidious polemic. That ugly spirit has animated all recent disputes about nuclear weapons, sharing the burden of defense costs, fair trading terms and monetary reform.

These petty disputes thrived in the past decade as a luxury afforded by the

Commentary

absence of truly grave problems. But now the Europeans and North Americans are both burdened by the energy shortage.

The problem is particularly grave here because the Europeans are so dependent upon Arab oil. The Dutch, who have made no secret of their sympathy for Israel, have been cut off from Arab shipments altogether. The West Germans, heavily dependent on the great refinery at Rotterdam for gasoline, are on the brink of economic disaster. Even here in Belgium, and in such relatively favored countries as Britain and France, the lights are going out, there are restrictions on driving, and unemployment is beginning to show.

Mutual effort by the Atlantic countries

could plainly ease these burdens enormously. If nothing else, a pooling of research efforts could considerably speed the day when Europeans and Americans could bring into play new sources of energy such as gasified coal or shale or nuclear power. In arguing with the Arabs even now, moreover, a joint stand by the consumer countries would be far more effective than the individual rush to surrender which at present characterizes the Europeans — in particular the British and the French.

But two maladies poison the possibilities. The Europeans, under the spell of French leadership and Gaullist doctrine, still have a thing about the United States as a malevolent superpower. During the last war in the Near East, the French and the British especially, and the Germans to a lesser extent, put obstacles in the way of helping the United States offset what looked like a big Soviet grab for power in the Eastern Mediterranean. They also chose to divorce themselves from the United States on energy, the



better to appeal to the Arab oil-producers.

On the American side, there is a sharp division of aims of a highly personal nature. Secretary of the Treasury George Shultz, who wants to maintain currency exchange rates which are so favorable to American exports, has been currying favor with the leading European finance

ministers. Secretary of Defense James Schlesinger has been encouraging the Europeans to get on with the job of organizing a more conventional force.

And Secretary of State Henry Kissinger has a personal stake in wringing from the Europeans the declarations of Atlantic principles which he called for in his April speech proposing a new Atlantic

charter. He has also committed his full prestige to a settlement in the Near East.

Now he is lashing out privately and publicly at European reluctance to help him in the Near East and to be forthcoming with a ringing declaration of principles. He was so furious when Prime Minister Edward Heath of Great Britain rebuffed some of his criticisms in a mild and indirect way that he almost called off a major speech scheduled for London this Wednesday.

All this petty bickering could now be subordinated to the larger challenge of the energy crisis. My strong impression is that the European public, like the American public, would respond vigorously to a call for generous sacrifice. Dr. Kissinger, with his vast reputation, might well mobilize the European public to push their governments to less ignoble positions. But so far there has been no sign from Dr. Kissinger of such a large purpose. Which is why the spirit here in Europe is so melancholy.

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Viewpoint

OPINION

Mr. McConnell is a practicing attorney in Louisville, having graduated with honors from the University of Louisville in 1964 and from the University of Kentucky College of Law in 1967. He currently is chairman of the Republican Party of Jefferson County.



Election ordinance is, in part, reaction to past excesses

By MITCH McCONNELL

This past May, less than a year since the incumbent Republican candidate for president spent about \$50 million in his campaign for re-election, the recently elected Democratic mayor, Harvey Sloane, spent over \$180,000 in the primary alone, \$150,000 of which came from his own inherited wealth. The going price for public office has continued to escalate in recent years, further emphasizing the need for truly effective campaign finance reform.

Obviously, many qualified and ethical persons are either effectively priced out of the election market place or will not subject themselves to questionable, or downright illicit, practices that many times accompany the current electoral process.

The recently passed campaign finance ordinance approved by an outgoing Board of Aldermen at the 11th hour is, in part, a reaction to the excesses of the past by individuals of both parties. Further, it is a commendation to the Republican Party of Jefferson County, which initiated the entire discussion of integrity in campaigning early last summer.

While I applaud the concept the ordinance embodies and testified on the day of its passage in favor of many of its provisions, I was quite surprised that it was passed without many, many changes and additions. In its present form—I agree with Alderman Gerta Bendt—it would be better repealed than left on the books.

Realistically, this ordinance merely applies a Band-Aid to a cancer by controlling only a portion of the many corrupt—or potentially corrupt—campaign practices involving the raising and spending of money for electioneering.

(1) The ordinance limits a candidate to giving no more than \$2,500 to his own campaign in a single election. For the office of mayor, I heartily endorse this limitation, but, for the aldermanic positions and Police Court judge and prosecutor, it is too high. While \$2,500 would hardly finance a mayoral campaign, it might well buy an aldermanic or Police

Court primary. I would suggest a \$300 limit on the amount a candidate for alderman, police judge, or Police Court prosecutor might spend in his own behalf.

(2) Contributions from persons other than the candidate himself in any single election are limited to \$250. This limitation should be consistent with the limitations on the candidates themselves, \$2,500 for mayor and \$300 for the other city positions.

(3) The ordinance requires a listing of the sources of all contributions in excess of \$50 by name, address, occupation, and place of business, on a campaign statement to be filed at periodic intervals. I have previously indicated and now reiterate my support for complete disclosure of ALL donors, regardless of the size of the contributions.

In addition, cash contributions in excess of \$25 should be prohibited. Amounts donated greater than \$25 should be by check. Large amounts of cash floating around, as events in Washington last year have painfully demonstrated, are an open invitation to violate campaign finance laws.

(4) The ordinance allows a total of \$200 in anonymous contributions, with any amount in excess of \$200 payable to the city. The allowance of anonymous donations has no place in a disclosure ordinance. I would strongly support altering this provision to require that all anonymous donations be paid to the city.

(5) The ordinance also establishes a contribution trust fund maintained and operated by the city comptroller which candidates may choose to use.

This is one of the most progressive proposals set forth and creates some basic campaigning finance control by the city.

Another section of the ordinance allows a candidate in the alternative to set up a trust account for his campaign's money with a bank trust officer administering the account in lieu of the city-operated fund.

These are desirable features and I support them.

(6) Another section requires the listing of all campaign expenditures exceeding \$50, including a description of the goods or services received therefor and the name, address, occupation, and place of business of the recipient.

Once again, as with full reporting of contributions, ALL disbursements should be disclosed, regardless of size. In addition, as with contributions, expenditures except for petty cash not to exceed \$25 should be made by check.

(7) The ordinance establishes an "Enforcement Authority" to insure compliance. However, the authority is not defined. The time to define an enforcing mechanism is now. Without effective enforcement, the ordinance, no matter how noble its intention, could become a farce.

There should be established by law, as we Republicans suggested this past summer, a civic-minded, bi-partisan "Enforcement Commission" selected by the mayor from, for example, the following community leadership positions:

- ✓ Dean of the University of Louisville Law School
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Further, I would strongly recommend the authorization of a paid, full-time election year, 3 to 5-man investigative

team with at least one lawyer and one accountant. This "Special Investigative Force" would assist the comptroller in ferreting out both honest mistakes and intentional violations and would be employed by, and report directly to, the "Enforcement Commission." An independent and adequately staffed investigative arm is an essential element in any meaningful campaign regulatory ordinance.

The ordinance, as passed, is also sorely lacking in two major areas:

- (1) It sets no overall limitation or ceiling on campaign spending, and
- (2) It requires no personal financial disclosure.

With regard to a spending limitation, past events have shown how close we are to a "bought" nation, state and city. Only six months ago, the cost of the Louisville-Jefferson County Democratic primary alone exceeded \$400,000. The lack of an overall limit on spending is an open invitation for special interests to circumvent this ordinance and lavishly finance future candidates, regardless of the limitations on amounts of individual contributions.

As to personal financial disclosure, the last election established the precedent, as the candidates for mayor and county judge did voluntarily make such a disclosure. Now is the time to require it of all candidates for city office.

In summation, I am suggesting that, in addition to the disclosure of the sources of all contributions and expenditures, regardless of size, and a strict reduction of the use of cash, three major additions:

- (1) Personal financial disclosure of all city candidates,
- (2) An effective and realistic overall spending limitation,
- (3) And a civic-oriented, bi-partisan "Enforcement Commission" with a paid, full-time, election year "Special Investigative Force."

It is also time for Judge Hollenbach to use his re-election mandate in a positive manner and not drag his feet on this

issue. I challenge Judge Hollenbach and the Fiscal Court to work with Mayor Sloane and the Board of Aldermen to jointly enact a Jefferson County Election Reform Law along the lines I have proposed.

The suggestions I have made, if added to the ordinance already passed and made countywide by joint action with the Fiscal Court, could put our community in the vanguard of the movement for truly effective campaign finance reform.

But, if the ordinance is but a Band-Aid on a cancer, so it might be argued, is any law that maintains the private contribution system to finance public elections. More than 65 years ago it was a Republican president, "Teddy" Roosevelt, who advocated an end to the private contribution method of financing campaigns for president. An amendment providing such financing for the 1976 presidential election was attached to an extension of the debt ceiling bill in the U.S. Senate but was subsequently talked to death by a filibuster which included the first Sunday session in the Senate since 1929.

Clearly, public financing at least for presidential elections is an idea whose time has come. Hugh Scott, the Republican leader in the Senate, is but one of the many who are now calling for publicly financed federal elections. In addition, a bill is being prepared by the Legislative Research Commission in Frankfort which would provide for partially publicly financed gubernatorial campaigns in Kentucky. I hope this matter will be given serious consideration by the 1974 General Assembly.

Now is the time to begin to reconsider the place of the private financial contribution in the political process. Might not the public be better served if a small portion of its funds were allocated to finance the Louisville and Jefferson County, as well as the state and federal, campaigns? At least, local officials should explore the possibility before making final any local campaign practices law.



'A Conservative View' . . . The difficulty of election reform

By JAMES J. KILPATRICK

It is an aspect of the national character — and ordinarily a good aspect — that Americans tend to regard no problem as too difficult, and no obstacle as insurmountable. This is the spirit of can-do, the spirit of roll up our sleeves and get the job done. But as Congress struggles with the task of election reform, a pessimistic comment is in order: This job can't be done.

That is to say, it cannot be done effectively, or wisely, or as it may prove, constitutionally. Every proposal that has been advanced thus far is defective in some fashion. One has to wonder, in Hamlet's melancholy query, whether it is better to bear the ills we have than fly to others that we know not of.

Commentary

Consider, if you will, a couple of constitutional points.

The hassle two weekends ago in the Senate involved a complex proposal for the public financing of presidential elections. The underlying theory is that Congress has the power, by simple statute, to pre-empt the presidential field. That notion is widely held.

The notion strikes me as a very dubious notion. We tend to forget, though all of us know better, that proper-

ly speaking there is no such thing as a "national presidential election." We tend to forget that we do not vote directly for a McGovern or a Nixon. What we do, of course, is to vote state-by-state for presidential electors; and the Constitution scarcely could be more explicit on the responsibility for choosing them.

Each state is to provide for the appointment of its electors "in such manner as the legislature thereof may direct." So far as our fundamental law is concerned, a "presidential candidate" is no more than Citizen George or Citizen Dick, and if a private citizen chooses to spend \$50 million to woo the favor of state electors, it would seem to be none of the business of Congress.

There is this constitutional issue also:

The Constitution says flatly that Congress shall make no law abridging free speech. A vast deal of law has been written to the effect that "free speech" embraces not merely speech, in the sense of words said aloud, but every form of expression also. When we give money to, say, Common Cause or Public Monitor, which exist to voice our liberal or conservative views, we are exercising a First Amendment right to put our money where our mouth is.

The troubling thought will not go away that any attempt by Congress to prohibit or to limit private contributions to political campaigns will collide head-on with the First Amendment. The fellow who gives \$5 to the campaign fund of a presidential candidate is engaged in a form of

expression. This is equally true of the fellow who gives half a million. Do they have equal rights of free speech? If not, why not? I am not convinced that Congress can limit the size of a book.

Put the constitutional points to one side. Most of the reform proposals aim at some quantitative limit on campaign spending. The base figure usually mentioned is 15 cents per voter. Very well. That may be sufficient for Congressman John W. Incumbent, who has served in the House for 20 years and has every advantage of his office. It may be altogether insufficient for young Shirley B. Challenger, who is making her first campaign. If Ms. Challenger is held to the limits imposed upon Rep. 1,

Incumbent, few candidates named Challenger will ever be elected.

A dozen other objections to public financing have been raised. The plan, in my own view, has small appeal. Yet the existing system has equally small appeal; it reeks of corruption, bribery and extortion. How can the dilemma be resolved? I do not think it can be resolved. It can only be meliorated by the searing forces of public exposure and public opinion. Taking one objection against another, the least unsatisfactory course may lie in adhering to old principles of freedom and federalism. Relying upon these, we might muddle along for another 200 years.

Washington Star Syndicate

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Monday, Dec 10, 1973 | The Louisville Courier-Journal

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