

PREFACE

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Commensurate with the growth of big government has been the growth of special interests in the political arena. Although the democratic ideal may be the personal involvement found in the Greek city-state or New England town meeting, the inescapable character of contemporary political behavior is its large scale. The jostling intimacy that gives vitality to "one man, one vote" has been replaced by interest group representation, a form of politics not incorrectly identified as "each group for itself." Interest group politics is not new to American political life. Expanding federal regulation, however, has accelerated the organization and involvement of interest groups. These regulations have a two-fold impact on interest group activities. First, regulated interests feel a need to organize so as to respond to such regulatory efforts. Second, once interest groups begin to enter the political theater, regulations concerning their conduct are required.

The *Arizona Law Review* Symposium on Political Action Committees and Campaign Finance focuses primarily on the second form of regulation. Federal efforts to control corporate and union political activity began as early as 1907 with passage of the Tillman Act. Since then, Congress has enacted a number of bills designed to regulate interest-group politics. In 1971, the Federal Election Campaign Act [FECA] was enacted. The purpose of FECA, as the Supreme Court in *Buckley v. Valeo* repeatedly stated, was to control the apparent and real possibility of political corruption in the election process. To this end, FECA has been amended three times: in 1974, 1976, and 1979. Furthermore, legislation now before the United States Senate, the Obey-Railsback bill, would impose additional limitations on the financial involvement of interest groups. As FECA amendments have increased, so has the number of special interest groups. Many commentators view the increasing number and size of these political action committees [PAC's] as the inescapable and healthy outcome of politics

in mass society. Others, less sanguine, view PAC's as a threat to the two-party system and to the integrity of the legislative process.

The purpose of this Symposium is to bring together a collection of scholarly comments on political action committees and campaign finance. Our goal has been to present an interdisciplinary examination of interest group politics and legislation bearing on such politics. Legal scholars, practicing attorneys, PAC administrators, political scientists and politicians have all contributed to this Symposium. The diversity of their views provides a balanced analysis of the issue of interest group politics.

The Symposium introduction is written by Professor Edwin Epstein, chairman of the Political, Social and Legal Environment Group, School of Business Administration, University of California, Berkeley. Professor Epstein, a noted scholar in the field of campaign finance, provides a thoughtful overview of the interest group phenomenon, with a focus on the legal and political problems and challenges associated with PAC involvement in American politics.

The Symposium begins with articles by John Bolton, Thomas Kiley, and Frank Sorauf. Mr. Bolton, an associate in the Washington, D.C. firm of Covington & Burling, provides a detailed analysis of the legislative history concerning statutory restrictions on union and corporate political committees. Included is a general constitutional comparison of the restrictions imposed on some, but not all, political committees. Mr. Bolton concludes by discussing whether politics can be regulated in a rational, even-handed manner.

Thomas Kiley, First Assistant Attorney General for the Commonwealth of Massachusetts, represented the Commonwealth in *First National Bank v. Bellotti*. Mr. Kiley discusses the implications of *Bellotti* on PAC's, and the Court's movement toward content-based evaluation of speech.

Professor Sorauf, of the Department of Political Science at the University of Minnesota, discusses the interrelationship of the broad-based, consensual politics of the two-party system and the selective, single issue approach of PAC's. He further discusses what must be done if political parties are to recapture their former position in campaign politics, a leadership role now performed by PAC's.

The Symposium then changes focus to the status of FECA and operations of the Federal Election Commission [FEC]. Curtis Sproul, a partner in the Sacramento firm of Weintraub, Genshlea, Giannoni & Sproul, has written an informative and helpful operations manual for PAC organizers and administrators. Included in his article is a proposed Articles of Incorporation for PAC creation.

Jan Baran, former executive assistant to the director of the FEC and now in the Washington, D.C. firm of Baker & Hostetler, provides a useful introduction to the internal organization and operation of the FEC.

The longest section of the Symposium contains five articles which discuss the positive and negative consequences of PAC involvement in American politics. The first two articles are written by Lee Ann Elliott and Bernadette Budde. Ms. Elliott, formerly associate executive director of AMPAC, and now vice president of Bishop, Bryant & Associates, has written in support of PAC involvement in politics. Her thesis is that interest-group representation provides a meaningful forum for formulation and articulation of political issues. PAC's, she writes, are the political precincts of the '80's. Ms. Budde, director of political education of BIPAC, has developed a similar thesis. Maximization of citizen involvement in politics, she explains, requires the utilization of PAC's.

David Adamany, Vice President for Academic Affairs at the University of Maryland, and an expert in campaign finance, discusses PAC's as a new source of older concerns about political finance. His article considers the recent growth of PAC's in a broader context of the special place of money in American politics. He concludes with an argument for public funding of campaigns and a limit on aggregate PAC contributions that candidates could legally accept.

Fred Wertheimer, Senior Vice President of Common Cause, then presents a critique of PAC political activity. His article presents the view that PAC money is interest money and that consequently it has a divisive impact on the conduct of American politics.

The last article in this section, by Henry Kenski, associate professor of Political Science at the University of Arizona, focuses on the Obey-Railsback bill. Professor Kenski's contribution places the legislative struggle over Obey-Railsback in the perspective of the broader historical and legislative battle over electoral reform. In addition, he discusses the factors of partisanship and ideology underlying votes on the Obey-Railsback proposal.

The final section of the Symposium looks at the Obey-Railsback bill, the most recent legislative effort to regulate electoral behavior. Professor Herbert Alexander, director of the Citizen's Research Foundation and professor of Political Science at the University of Southern California, has written a descriptive legislative history of the bill. His article discusses the congressional battle over efforts to further limit PAC contributions to legislative candidates.

The Symposium concludes with three congressional responses to Obey-Railsback. Congressman Tom Railsback, co-sponsor of the bill,

explains his reasons for support of the proposal. Congressmen John J. Rhodes and Carroll A. Campbell, Jr. respond and explain their reasons for opposing the bill.

It is hoped that this Symposium will serve a useful purpose for scholars and practitioners. The number, size, and impact of PAC's will obviously continue to grow, as will the debate concerning the utility and consequences of such growth. The *Arizona Law Review* is proud to have been able to provide a forum for those who have participated in the Symposium to discuss the various aspects of PAC involvement in American politics. We thank them for their efforts.