

# ROLL CALL

## Addressing the Inequities of BCRA

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*By Rep. Bob Ney,  
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It should not come as a surprise that Roll Call columnist Norman Ornstein opposes the campaign finance legislation reported by the House Administration Committee recently. As he has acknowledged in the past, though notably not in his most recent column, he was personally involved in the drafting of BCRA, helped devise the strategy to get it passed and evidently takes great pride in the success of that effort. On other occasions, Ornstein has used his column to promote other pieces of legislation he has had a hand in drafting, specifically the continuity of government initiative and lobbying reform.

These three examples demonstrate the entirely unique position occupied by Ornstein. A journalist would normally tend to confine themselves to merely reporting or commenting on laws written by others. Those who actually make policy or write legislation usually have to convince journalists and commentators of the virtues of their proposals if they want favorable coverage in the media. By straddling these two roles, both journalist and policy maker, Ornstein is in a unique position that allows him to both write bills and then use his column to promote them.

It may be because he personally has such unrestricted access to the media that Ornstein does not understand or appreciate the difficulty others might have getting their ideas into the public forum. People who do not have a regular column have to either 1) hope those in the media will devote coverage to their proposals or 2) pay to get their message out. Those who must pay, unless they are independently wealthy, have to raise these funds from others. Accordingly, restrictions on the manner in which these funds can be raised have the effect of restricting the ability of those who need money to get their message out.

By imposing sweeping restrictions on the activities of our political parties, and leaving other 527 organizations free of these restrictions, BCRA weakened the parties and empowered these other organizations. Ornstein can use his column to repeat the canard that the parties are stronger now than they were before BCRA passed as often as he wants. Repetition will not make it true. The power and influence that the 527 organizations have gained has come at the direct expense of our political parties, and our political system has suffered as a result. Political parties are unifying, accountable and broad-based institutions; the stability they have provided has helped sustain our democracy for more than 200 years. The 527 organizations that have proliferated since BCRA passed are divisive, unaccountable, in many cases single-issue special-interest groups that are raising and spending multimillion-dollar contributions to advance their agenda.

The Pence-Wynn bill (which I support but did not author, incidentally) seeks to restore some of the balance that was lost when we passed BCRA. Its goal is to relieve the parties of some of the restrictions imposed on them by BCRA, and thereby allow them to better compete with the 527s in the political arena.

I agree with Ornstein that we should be working on these issues in a bipartisan way. Obviously the bill we reported is bipartisan (my friend Maryland Rep. Albert Wynn, last time I checked, was still a proud member of the Democratic Party). Unfortunately, the Democratic leadership has chosen to oppose the legislation, without offering any alternative. It has been public in its criticism of Pence-

Wynn, but it is not supporting the alternative Shays-Meehan bill either. Nor has the leadership come up with an alternative of its own. The reason is because it is perfectly content with the status quo. In the last election, groups like America Coming Together, which is little more than a wing of the Democratic Party, raised and spent many millions of dollars to register and get Democratic voters to the polls.

It has no desire to impose any restrictions on these organizations because it is relying on them to perform functions that were previously performed by the national party. That explains why Sen. Charles Schumer (N.Y.), chairman of the Democratic Senatorial Campaign Committee, amended the Senate bill on this issue to exempt 527s from regulation that engage only in voter registration and turnout efforts.

While it is circulating letters calling itself "the party of reform" the Democratic leadership is opposing legislative efforts to enact reforms; simultaneously, liberal 527 groups organize campaigns using soft money to attack Republican Members. It won't be long before we start seeing ads, paid for with million-dollar contributions, attacking Republicans for supporting legislation to allow million-dollar contributions.

I know many of my friends on the other side of the aisle would prefer that we do nothing, but most Members, and most Americans, realize that there is a serious problem in our system that needs to be addressed. The Pence-Wynn bill seeks to address it by helping the parties. The Shays-Meehan bill seeks to address it by restricting the 527s. At some point, those on the other side of the aisle will recognize that doing nothing is not an option, and that they will have to choose which solution they want to support. I look forward to working with them once they make that choice and decide to engage in this debate, instead of simply saying no.

Finally, I have to respond to Ornstein's utterly false suggestion that I have "avoided any efforts" to examine the implementation of the Help America Vote Act. In just the last year, our committee has held four separate hearings on election reform issues. We have examined the role of the Election Assistance Commission, taken testimony from its commissioners and regularly communicate with them. We have brought in technology specialists and election administrators to discuss voting system security, looked back at how HAVA was implemented nationwide during the 2004 election, and held a field hearing in Ohio to gain more information about how the 2004 election was conducted in that pivotal state. I expect to have further hearings on these issues in the months ahead and will continue to closely monitor progress on implementation of the act.

Ornstein should not parrot the arguments of those who just want to divert attention from the 527 problem, which I am committed to addressing.

**Rep. Bob Ney (R-Ohio) is chairman of the House Administration Committee.**

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