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REGULATION OF POLITICAL CAMPAIGN

GOVERNMENT

DOCUMENTS

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JUN 22 1976

HEARING

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BEFORE THE

COMMITTEE ON THE DISTRICT OF COLUMBIA UNITED STATES SENATE NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 3264

TO REGULATE THE CONDUCT OF CAMPAIGNS WITHIN THE DISTRICT OF COLUMBIA FOR NOMINATION OR ELECTION TO THE OFFICES OF MAYOR, COUNCILMAN, AND MEMBER OF THE SCHOOL BOARD BY ESTABLISHING EXPENDITURE AND CONTRIBUTION LIMITATIONS APPLICABLE TO SUCH CAMPAIGNS, BY ESTABLISHING REQUIREMENTS FOR REPORTING AND DISCLOSURE OF THE FINANCING OF SUCH CAMPAIGNS, BY ESTABLISHING AN INDEPENDENT AGENCY OF THE DISTRICT OF COLUMBIA TO ADMINISTER ELECTION LAWS GENERALLY, AND FOR OTHER PURPOSES

JUNE 13, 1974

Printed for the use of the
Committee on the District of Columbia



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REGULATION OF POLITICAL CAMPAIGNS

THURSDAY, JUNE 13, 1974

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., in room 6226, Dirksen Senate Office Building, Senator Charles McC. Mathias, Jr., presiding.

Present: Senator Mathias.

Staff present: Robert Harris, staff director and general counsel; and Colbert I. King, minority staff director.

Senator MATHIAS. The Committee on the District of Columbia is now in session to consider the matter of the regulation of political campaigns within the District of Columbia.

On March 28, I introduced S. 3264 for myself and each member of this committee. S. 3264 is a bill to regulate the conduct of campaigns within the District of Columbia for nomination or election to the offices of Mayor, councilman, and members of the Board of Education by establishing expenditure and contribution limitations applicable to such campaigns, by establishing requirements for reporting and disclosure of the financing of such campaigns, by establishing financial disclosure requirements for candidates and public officials, and by establishing an independent agency of the District to administer election laws generally.

OBJECTIVES OF S. 3264

The objectives of this bill are very simple:

1. To establish campaign financing practices which will generate confidence among District citizens in the integrity of the officials they select to govern them.
2. To insure that qualified candidates will not find their access to the political arena seriously conditioned by their financial resources.
3. To create an electoral process which promotes broad and active participation in the political system by citizens.
4. To remove a large part of the corrosive influence of big money and the abuses rooted in secrecy from the political campaigns and the new governing process.
5. And to provide financial disclosure for candidates, elected officials, and certain other officials of the District government as a means for lessening public distrust and improving the political process.

HOUSE ACTION

It is significant to note that the House of Representatives acted on similar legislation this week. On June 10, the House passed H.R. 15074 by the overwhelming margin of 314-17. I would point out at this time, that on two previous occasions, the Senate passed legislation to regulate the conduct of Presidential and Congressional campaigns. That legislation is now pending before the House of Representatives. The bill introduced by this committee is closely patterned after the measures which the Senate has decided to impose upon itself and the candidates who seek office in the Congress.

CONGRESS UNDERTAKING RESPONSIBILITY

I was encouraged to hear the Attorney General of the United States say last weekend that other States—and even localities—should consider following the example set by California last week and enact strong campaign financing legislation for themselves. In the absence of an elected government in the District, the Congress is undertaking this responsibility. Today's hearing is to secure the views of persons, official and otherwise, who are interested in this legislation.

LETTER SENT TO CANDIDATES

I would add that the other body has already held extensive hearings on this matter and in the process, did receive the views of large numbers of District citizens. In addition, I sent a letter to each candidate who had secured a nominating petition from the D.C. Board of Elections inviting him or her to submit a statement to this committee regarding S. 3264 or the House-passed bill.

I specifically asked the candidates to comment on the reporting of campaign contributions and expenditures, and the disclosure of personal financial interests by candidates, elected officeholders, and high-ranking appointed officials of the District government. I would like to note for the record that of the 136 candidates canvassed, as of noon yesterday only 6 of those invited to submit written testimony to this committee elected to do so. While I hesitate to draw any conclusions from these results, I would point out that the committee now finds itself in the position of deliberating and legislating without the benefit of the views of those who will be most affected by our actions.

CONGRESS HAS AN OBLIGATION

Nonetheless, having taken the step toward providing a substantial delegation of administrative and legislative authority to an elected Mayor and Council, the Congress now has an obligation to make certain that the progression from a government appointed by the President and confirmed by the Senate to one selected by the people and responsible to the people is not marred by abuses which could shake public confidence in the new government that is supposed to serve the people.

BIPARTISAN SUPPORT AND SPONSORSHIP

I am delighted that this bill enjoys bipartisan support and the co-sponsorship of each member of the Committee on the District of Columbia. I would like to emphasize at this point that we did not introduce this bill because we think it is perfect as it stands, but because each of us endorses the view that regulation of the upcoming election campaigns is a task of the Congress that cannot be left undone; that it is in the interest of all the citizens of the District and the Nation to have the integrity of the electoral process of the Nation's Capital insured; and that not only must this new election system be fair, honest, and open, but it must also be believed to be so.

I now place in the record a copy of the legislation before the committee this morning—S. 3264.

[The bill, S. 3264, follows:]

93D CONGRESS
2D SESSION

S. 3264

IN THE SENATE OF THE UNITED STATES

MARCH 28, 1974

Mr. MATHIAS (for himself, Mr. BARTLETT, Mr. DOMENICI, Mr. EAGLETON, Mr. INOUE, Mr. STEVENSON, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To regulate the conduct of campaigns within the District of Columbia for nomination or election to the offices of Mayor, Councilman, and member of the School Board by establishing expenditure and contribution limitations applicable to such campaigns, by establishing requirements for reporting and disclosure of the financing of such campaigns, by establishing an independent agency of the District of Columbia to administer election laws generally, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "District of Columbia
- 4 Election Finance and Conflict of Interest Act".

II

DEFINITIONS

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SEC. 2. For purposes of this Act, the term—

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(1) "election" means a primary, runoff, general, or special election held for the purpose of nominating an individual to be a candidate for election to public office or for the purpose of electing a candidate to public office, and includes a convention or caucus of a political party held for the purpose of nominating such a candidate;

(2) "candidate" means an individual who seeks nomination by a political party as the candidate of that party for election to public office, or who seeks election to such office, and, for purposes of this paragraph, an individual is considered to seek nomination or election if he or she—

(A) has taken the action necessary under the laws of the District of Columbia to qualify himself for such nomination or election,

(B) has received contributions or made expenditures for the purpose of bringing about his nomination for election, or his election, to public office,

(C) has consented to permit any other person to receive contributions or make expenditures for that purpose, or

(D) knows, or has reason to know, that any other person has received contributions or made

1 expenditures for that purpose, and has not notified
2 that person in writing to cease receiving contribu-
3 tions or making expenditures for that purpose;

4 (3) "public office" means the Office of Mayor of
5 the District of Columbia, under the District of Colum-
6 bia Self-Government and Governmental Reorganization
7 Act, Chairman or member of the Council of the District
8 of Columbia, under such Act, or member of the Board
9 of Education of the District of Columbia;

10 (4) "political committee" means—

11 (A) any committee, club, association, or other
12 group of individuals organized for the purpose of,
13 or engaged in, promoting or opposing the nomina-
14 tion of an individual as a candidate for election to
15 public office or promoting or opposing the election
16 of a candidate to public office,

17 (B) the national committee, association, or
18 organization of a political party, a State affiliate or
19 subsidiary of a political party, or a duly organized
20 State committee of a political party,

21 (C) any city or other local committee of a
22 political party which receives contributions or makes
23 expenditures in excess of \$1,000 during the calendar
24 year or which controls political committees which

11. . . . together receive contributions or make expenditures
 12. . . . in such amount during the calendar year,

13. . . . (D) any committee, association, or other organiza-
 14. . . . tion which solicits, receives, or transfers con-
 15. . . . tributions as an agent for the person making the
 16. . . . contribution or the candidate or political committee
 17. . . . (as defined in the other subparagraphs of this para-
 18. . . . graph) to which the contribution is made, and

19. . . . (E) any committee, association, or organization
 20. . . . engaged in the administration of a separate segre-
 21. . . . gated fund described in section 610 of title 18,
 22. . . . United States Code;

23. . . . (5) "contribution"—

24. . . . (A) means a gift, subscription (including any
 25. . . . assessment, fee, or membership dues), loan, advance,
 26. . . . or deposit of money or anything of value, made for
 27. . . . the purpose of financing, directly or indirectly, the
 28. . . . election campaign of a candidate or any operations
 29. . . . of a political committee,

30. . . . (B) means a contract, promise, or agreement,
 31. . . . whether or not legally enforceable, to make a con-
 32. . . . tribution for any such purpose,

33. . . . (C) means a transfer of funds between politi-
 34. . . . cal committees,

35. . . . (D) means the payment, by any person other

1 than a candidate or political committee, of compensa-
 2 tion for the personal services of another person which
 3 are rendered to such candidate or committee with-
 4 out charge for any such purpose,

5 (E) means goods, advertising, or services fur-
 6 nished to a candidate's campaign without charge,
 7 or at a rate which is less than the rate normally
 8 charged for such service, but

9 (F) does not include—

10 (i) personal services provided without
 11 compensation by individuals volunteering a por-
 12 tion or all of their time to a candidate or politi-
 13 cal committee,

14 (ii) communications by an organization,
 15 other than a political party, solely to its mem-
 16 bers and their families on any subject,

17 (iii) communications (including advertise-
 18 ments) to any person on any subject by any
 19 organization which is organized solely as an
 20 issue-oriented organization, which communica-
 21 tions neither endorse nor oppose any candidate
 22 for office, or

23 (iv) normal billing credit for a period not
 24 exceeding thirty days;

25 (6) "expenditure" means—

1 (A) a purchase, payment, distribution, loan,
2 advance, deposit, or gift of money or anything of
3 value, made for the purpose of financing, directly or
4 indirectly, the nomination for election, or the elec-
5 tion, of any person to public office or any operations
6 of a political committee,

7 (B) a contract, promise, or agreement, whether
8 or not legally enforceable, to make an expenditure,
9 and

10 (C) a transfer of funds between political com-
11 mittees;

12 (7) "Commission" means the District of Columbia
13 Elections and Ethics Commission;

14 (8) "voting age population" means resident popu-
15 lation eighteen years of age or older;

16 (9) "price index" means the average over a calen-
17 dar year of the Consumer Price Index (all items—
18 United States city average) compiled monthly by the
19 Bureau of Labor Statistics;

20 (10) "Mayor" means Mayor of the District of
21 Columbia under the District of Columbia Self-Govern-
22 ment and Governmental Reorganization Act;

23 (11) "political party" means an association, com-
24 mittee, or organization which nominates a candidate for
25 election to any public office, whose name appears on

1 the election ballot as the candidate of that association,
2 committee, or organization; _____

3 (12) "identification" means—

4 (A) in the case of an individual, his or her full
5 name, the full address of his or her principal place
6 of residence, his or her occupation, and his or her
7 principal place of business (if any), and

8 (B) in the case of any other person, the full
9 name and address of that person, and the business
10 or other activity in which that person is primarily
11 engaged; and

12 (13) "District" means the District of Columbia.

13 NOMINATING COMMITTEE

14 SEC. 3. (a) There is established within the Government
15 of the District of Columbia a committee to be known as the
16 District of Columbia Elections and Ethics Commission Nomi-
17 nating Committee (hereinafter referred to as the "Commit-
18 tee"). The Committee has the function of nominating indi-
19 viduals for appointment as members of the District of Colum-
20 bia Elections and Ethics Commission in accordance with the
21 provisions of this section. The Committee shall consist of five
22 members. Except as provided in subsection (b), each mem-
23 ber, other than the member appointed under subsection (c)
24 (3) (A), shall serve for a term of six years. The member

1 appointed under subsection (c) (3) (A) shall serve for a
2 term of five years.

3 (b) Of the members first appointed under subsec-
4 tion (c) (3) (B), one member shall serve for three years,
5 and one member shall serve for six years, as designated at the
6 time of his appointment. Of the members first appointed
7 under subsection (c) (3) (C), one member shall serve for a
8 term of three years, and one member shall serve for a term of
9 six years, as designated at the time of his appointment.

10 (c) (1) No person may be appointed as a member of
11 the Committee unless he or she—

12 (A) is a citizen of the United States, and

13 (B) is a resident of the District of Columbia and
14 has maintained his or her domicile within the District
15 for at least one year immediately preceding the date of
16 his or her appointment, and

17 (C) is not a member of the Council of the District
18 of Columbia or an officer or employee of the Government
19 of the District of Columbia (including the judicial
20 branch).

21 (2) Any vacancy in the membership of the Committee
22 shall be filled in the same manner in which the original
23 appointment was made. Any person appointed to fill a
24 vacancy, occurring other than upon the expiration of a
25 term, shall serve only for the remainder of the term of his
26 predecessor.

1 (3) (A) One member of the Committee shall be the
2 Comptroller General of the United States, or his designee.

3 (B) Two members of the Committee shall be appointed
4 by the Mayor; at least one of whom shall be a lawyer.

5 (C) Two members of the Committee shall be appointed
6 by the Chairman of the Council of the District of Columbia
7 with the approval of the Council.

8 (4) Members of the Committee shall be paid for each
9 day spent performing their duties as members of the Com-
10 mittee at a rate which is equal to the daily equivalent of
11 the rate provided by step 1 of grade 17 of the General
12 Schedule under section 5332 of title 5, United States Code.

13 (d) (1) The Committee shall act only at meetings
14 called by the Chairman or a majority of the members
15 thereof and only after notice has been given of such meet-
16 ing to all members of the Committee.

17 (2) The Committee shall choose annually from among
18 its members a Chairman and such other officers as it deems
19 necessary. The Committee may adopt such rules of pro-
20 cedure as may be necessary to govern the business of the
21 Committee.

22 (3) Each agency of the government of the District
23 of Columbia shall furnish to the Committee, upon request,
24 such records, information, services, and such other assist-

1 ance and facilities as may be necessary to enable the Com-
2 mittee to perform its function properly. Any information
3 furnished to the Committee designated "confidential" by the
4 person furnishing it to the Committee shall be treated by
5 the Committee as privileged and confidential.

6 (e) (1) In the event of a vacancy in the District of Co-
7 lumbia Elections and Ethics Commission, the Committee
8 shall, within thirty days after such vacancy occurs, submit a
9 list of three persons as nominees for appointment by the
10 Mayor to fill the vacancy. If more than one vacancy exists at
11 the same time, the Committee shall submit a separate list of
12 nominees for appointment to fill each vacancy, and no per-
13 son's name shall appear on more than one such list. In filling
14 the vacancy, the Mayor may appoint more than one person
15 from any list currently before him. When a vacancy is sched-
16 uled to occur, by reason of the expiration of a term of office,
17 the Committee's list of nominees for appointment to fill that
18 vacancy shall be submitted to the Mayor not less than thirty
19 days prior to the expiration of that term.

20 (2) If the Mayor fails to submit for Council approval the
21 name of one of the persons on a list submitted to him under
22 this section within thirty days after receiving such list, the
23 Committee shall appoint, with the approval of the Council, a
24 person named on the list to fill the vacancy for which such list
25 of nominees was prepared.

1 (3) Any person submitted by the Committee for ap-
2 pointment to the Council of the District of Columbia may
3 request that his nomination be withdrawn. If any such person
4 requests that his or her nomination be withdrawn, dies, or
5 becomes disqualified to serve as a member of the Commission,
6 the Committee shall promptly nominate a person to replace
7 the person originally nominated on the list submitted to the
8 Mayor.

9 (f) Members of the Committee shall be appointed not
10 later than June 30, 1975.

11 ELECTIONS AND ETHICS COMMISSION

12 SEC. 4. (a) There is established as an independent
13 agency of the District of Columbia a Commission to be
14 known as the District of Columbia Elections and Ethics
15 Commission. The Commission shall consist of seven mem-
16 bers, who shall serve for terms of six years each. Of the
17 members first appointed under this section, two shall be
18 appointed for terms of two years, two shall be appointed for
19 terms of four years, and three shall be appointed for terms
20 of six years, as designated by the Mayor at the time of their
21 appointment. No more than four members of the Commis-
22 sion shall be affiliated with the same political party.

23 (b) (1) No person is eligible to serve as a member of the
24 Commission unless he or she—

25 (A) is a citizen of the United States, and

1 (B) is a resident of the District of Columbia and has
2 maintained his domicile within the District for at least
3 one year immediately preceding the date of his or her
4 appointment, and

5 (C) is not a member of the Council of the District
6 of Columbia (including the judicial branch).

7 (2) Any vacancy in the membership of the Commis-
8 sion shall be filled in the same manner in which the original
9 appointment was made. Any person appointed to fill a
10 vacancy, occurring other than upon the expiration of a term,
11 shall serve only for the remainder of the term of his
12 predecessor.

13 (d) Except as provided in section 3, members of the
14 Commission shall be appointed by the Mayor with the
15 approval of the Council of the District of Columbia.

16 (e) Of the members of the Commission first appointed
17 after the date of enactment of this Act—

18 (1) three shall be appointed by the Commissioner
19 of the District of Columbia;

20 (2) three shall be appointed by the Chairman of
21 the Council of the District of Columbia, with the approval
22 of the Council; and

23 (3) one shall be appointed by the Comptroller
24 General. Members appointed under this subsection shall
25 serve only for terms ending on the date on which the

1 Council of the District of Columbia approves appoint-
2 ments made by the Mayor under subsection (d).

3 ADMINISTRATIVE PROVISIONS RELATING TO COMMISSION

4 SEC. 5. (a) The members of the District of Columbia
5 Elections and Ethics Commission shall elect a Chairman and
6 Vice Chairman from among their members to serve for terms
7 of two years each. The Chairman and Vice Chairman shall
8 not be affiliated with the same party. The Chairman shall
9 be responsible on behalf of the Commission for its operations
10 and shall appoint and fix the compensation of such employees
11 as he deems necessary for the performance of its functions.
12 The Vice Chairman shall act as Chairman in the absence or
13 disability of the Chairman or in the event of a vacancy in
14 that office. A vacancy in the Commission shall not impair
15 the right of the remaining members to exercise its powers.
16 Four members of the Commission shall constitute a quorum.
17 (b) The Commission may appoint an Executive Director
18 and a General Counsel without regard to the provisions of
19 title 5, United States Code, governing appointments in the
20 competitive service, to serve at the pleasure of the Com-
21 mission. The General Counsel shall be the chief legal officer
22 of the Commission. The Executive Director shall be re-
23 sponsible for the administrative operations of the Commis-
24 sion and shall perform such other duties as may be delegated
25 or assigned to him from time to time by regulations or order

1 of the Commission. However, the Commission shall not
2 delegate the making of regulations regarding elections to the
3 Executive Director. The Commission may obtain the services
4 of experts and consultants in accordance with the provisions
5 of section 3109 of title 5, United States Code.

6 (c) The Commission shall meet at least monthly during
7 any calendar year in which there is an election and at least
8 quarterly in nonelection years.

9 (d) The Commission shall have an official seal which
10 shall be judicially noticed.

11 (e) At the close of each fiscal year the Commission
12 shall report to the Mayor, the Council of the District of Co-
13 lumbia, and the Congress concerning its activities and oper-
14 ations during that fiscal year, including the names, salaries,
15 and duties of all individuals employed by it, and may make
16 such additional reports to the Mayor, City Council, and the
17 Congress on the matters within its jurisdiction, including rec-
18 ommendations for additional legislation, as it deems desirable.

19 (f) In carrying out its responsibilities under this title,
20 the Commission shall, to the fullest extent practicable, avail
21 itself of the assistance, including personnel and facilities, of
22 the District of Columbia government and the General Ac-
23 counting Office. The District government and the Comp-
24 troller General are authorized to make available to the Com-
25 mission such personnel, facilities, and other assistance, with

1 or without reimbursement, as the Commission may request.

2 (g) The members of the Commission, while engaged
3 in the business of the Commission, shall receive compensation
4 in amount one and one-half times the maximum amount pay-
5 able to experts and consultants under section 3109 of title
6 5, United States Code.

7 (h) The Commission shall prepare and submit to the
8 Mayor annual estimates of the expenditures and appropria-
9 tions necessary for its operations. Such estimates shall be
10 forwarded to the President of the United States without
11 revision. Similarly, all estimates shall be included in the
12 budget without revision by the President.

13 (i) Whenever the Commission submits any legislative
14 recommendations, or testimony, or comments on legislation
15 to the Mayor or the City Council, it shall concurrently trans-
16 mit a copy thereof to the Congress. No officer or agency of
17 the District of Columbia shall have authority to require the
18 Commission to submit its legislative recommendations, or
19 testimony, or comments on legislation, to any officer or
20 agency of the District of Columbia for approval, comments,
21 or review, prior to the submission of such recommendations,
22 testimony, or comments to the Congress.

23 POWERS OF THE COMMISSION

24 SEC. 6. (a) The Commission shall have power—

25 (1) to require by special or general order, any per-

1 son to submit in writing such reports and answers to
2 questions as the Commission may prescribe; such sub-
3 mission shall be made within a reasonable period and
4 under oath or otherwise as the Commission may de-
5 termine and no person shall be subject to civil liability
6 to any person (other than the Commission and the Dis-
7 trict of Columbia) for disclosing any information at the
8 request of the Commission;

9 (2) to administer oaths;

10 (3) to require by subpoena signed by its Chair-
11 man or Vice Chairman the attendance and testimony of
12 witnesses and the production of all documentary evidence
13 relating to the execution of its duties;

14 (4) in any proceeding or investigation to order
15 testimony to be taken by any deposition before any
16 person who is designated by the Commission and has
17 power to administer oaths and, in such instances, to
18 compel testimony and the production of evidence in the
19 same manner as authorized under paragraph (3) of this
20 subsection;

21 (5) to pay witnesses the same fees and mileage as
22 are paid in like circumstances in the Superior Court of
23 the District of Columbia;

24 (6) to accept gifts and voluntary and uncompen-
25 sated services, notwithstanding the provisions of sec-

1 tion 3679 of the Revised Statutes (31 U.S.C. 665 (b)) ;

2 (7) to institute, prosecute, defend, or appeal in the
3 name of the Commission through its own legal repre-
4 sentatives, any civilian or criminal action deemed neces-
5 sary for the enforcement of any provision of this Act in
6 the Superior Court of the District of Columbia in which
7 jurisdiction over the person or subject matter of such
8 proceeding may be lawfully obtained and the court shall,
9 upon a proper showing and without bond, grant appro-
10 priate relief, including a permanent or temporary injunct-
11 tion, restraining order, or other appropriate order, and
12 may punish any refusal or failure to obey such order, or
13 any noncompliance with any subpoena or order of the
14 Commission, as a contempt;

15 (8) to prescribe the rules and regulations, require
16 the keeping of books and records, and conduct such
17 examinations and investigations as it shall deem neces-
18 sary to carry out the functions and duties imposed by this
19 Act; and

20 (9) to delegate any of its functions or powers, other
21 than the power to issue subpoenas, to any officer or em-
22 ployee of the Commission.

23 (b) Notwithstanding any other provision of law, the
24 Commission shall be the primary civil and criminal enforce-

1 ment agency for violations of the provisions of this Act and
2 the District of Columbia Election Act. Any violation of any
3 such provision shall be prosecuted by the United States
4 Attorney or the Corporation Counsel for the District of Co-
5 lumbia only after consultation with, and with the consent
6 of, the Commission.

7 (c) (1) Any person who violates any provision of this
8 Act or of the District of Columbia Election Act may be
9 assessed a civil penalty by the Commission under para-
10 graph (2) of this subsection of not more than \$50 for each
11 such violation. Each occurrence of a violation of this Act
12 and each day of noncompliance with a disclosure requirement
13 of this Act or an order of the Commission issued under this
14 section shall constitute a separate offense. In determining
15 the amount of penalty of previous violations, the appropriate-
16 ness of such penalty to the financial resources of the person
17 charged, the gravity of the violation, and the demonstrated
18 good faith of the person charged in attempting to achieve
19 rapid compliance with notification of a violation.

20 (2) A civil penalty shall be assessed by the Commission
21 by order only after the person charged with a violation has
22 been given an opportunity for a hearing; and the Commis-
23 sion has determined, by decision incorporating its findings of
24 facts therein, that a violation did occur, and the amount of
25 the penalty. Any hearing under this section shall be of

1 record and shall be held in accordance with chapter 5 of
2 title 5, United States Code.

3 (3) If the person against whom a civil penalty is
4 assessed fails to pay the penalty, the Commission shall file
5 a petition for enforcement of its order assessing the penalty
6 in the Superior Court of the District of Columbia. The peti-
7 tion shall designate the person against whom the order is
8 sought to be enforced as the respondent. A copy of the
9 petition shall be forthwith sent by registered or certified
10 mail to the respondent and his attorney of record, and if the
11 respondent is a political committee to the Chairman thereof,
12 and thereupon the Commission shall certify and file in such
13 court the record upon which such order sought to be en-
14 forced was issued. The Court shall have jurisdiction to enter
15 a judgment enforcing, modifying, and enforcing as so modi-
16 fied, or setting aside in whole or in part the order and the
17 decision of the Commission or it may remand the proceed-
18 ings to the Commission for such further action as it may
19 direct. The Court may determine de novo all issues of law
20 but the Commission's findings of fact, if supported by sub-
21 stantial evidence shall be conclusive.

22 (d) Upon application made by any individual holding
23 public office, any candidate, or any political committee, the
24 Commission, through its General Counsel, shall provide
25 within a reasonable period of time an advisory opinion, with

1 respect to any specific transaction or activity inquired of, as
2 to whether such transaction or activity would constitute a
3 violation of any provision of this Act or of any provision of
4 the District of Columbia Election Act over which the Com-
5 mission has primary jurisdiction under subsection (b).

6 (e) (1) Any person who knowingly files any false or
7 misleading statement, report, voucher, or other paper, or
8 makes any false or misleading statement to the Commission,
9 shall be fined not more than \$10,000, or shall be imprisoned
10 for not longer than five years, or both.

11 (2) The penalties provided in subsection (c) do not
12 apply to any person or political committee who, before the
13 date of enactment of this Act, makes political contributions
14 or receives political contributions or makes any political
15 campaign contributions or expenditures by this Act, except
16 such person or political committee shall not make any fur-
17 ther such contribution or expenditures during the remainder
18 of calendar year 1974.

19 (f) The Commission shall—

20 (1) make the reports and statements filed with it
21 available for public inspection and copying, commencing
22 as soon as practicable but not later than the end of the
23 second day following the day during which it was re-
24 ceived, and to permit copying of any such report or
25 statement by hand or duplicating machine, as requested

1 by any person, at reasonable cost to such person, except
2 any information copied from such reports and state-
3 ments shall not be sold or utilized by any person for the
4 purpose of soliciting contributions or for any commercial
5 purpose;

6 (2) preserve such reports and statements for a
7 period of ten years from date of receipt;

8 (3) compile and maintain a current list of all state-
9 ments or parts of statements on file pertaining to each
10 candidate;

11 (4) prepare and publish an annual report including
12 compilations of (A) total reported contributions and ex-
13 penditures of all candidates, political committees, and
14 other persons during the year; (B) total amounts ex-
15 pended according to such categories as it shall determine
16 broken down into candidate, party, and nonparty ex-
17 penditures; (C) total amounts expended for influencing
18 nominations and elections stated separately; (D) total
19 amounts contributed according to such categories of
20 amounts as it shall determine necessary; and (E) aggre-
21 gate amounts contributed by any contributor shown to
22 have contributed in excess of \$50;

23 (5) prepare and publish from time to time special
24 reports comparing the various totals and categories of

- 1 contributions and expenditures made with respect to pre-
2 ceding elections;
- 3 (6) prepare and publish such other reports as it
4 shall deem appropriate;
- 5 (7) assure wide dissemination of statistics, summa-
6 ries, reports prepared under this Act;
- 7 (8) make from time to time audits and field inves-
8 tigations with respect to reports and statements filed
9 under the provisions of this Act, and with respect to
10 alleged failures to file any report or statement required
11 under the provisions of this Act; and
- 12 (9) prescribe suitable rules and regulations to carry
13 out the provisions of this Act.
- 14 (g) Except as otherwise is provided herein, all laws
15 relating generally to the administration of departments and
16 establishments and employees of the District of Columbia
17 government shall be applicable to the Commission.
- 18 (h) Until the appointment and qualification of all the
19 members of the District of Columbia Elections and Ethics
20 Commission and its Executive Director and its General
21 Counsel and until the transfer provided for in this subsec-
22 tion, the District of Columbia Board of Elections shall con-
23 tinue to carry out their responsibilities under the District of
24 Columbia Election Act. Upon the appointment of all the
25 members of the Commission and its Executive Director and

1 its General Counsel, the District of Columbia Board of
2 Elections shall meet with the Commission and arrange for
3 the transfer, within ten days after the date on which all
4 such members and Executive Director and General Coun-
5 sel are appointed; of all records, documents, memorandums,
6 and other papers associated with carrying out their respon-
7 sibilities under the District of Columbia Elections Act.

8 JUDICIAL REVIEW

9 SEC. 7. (a) Any agency action by the Commission
10 made under the provisions of this Act shall be subject to
11 review by the District of Columbia Court of Appeals upon
12 petition filed in such court by any interested person. Any
13 petition filed pursuant to this section shall be filed within
14 thirty days after the agency action by the Commission for
15 which review is sought.

16 (b) The Commission, the national committee of any
17 political party, and individuals eligible to vote in an elec-
18 tion for public office, are authorized to institute such actions,
19 including actions for declaratory judgment or injunctive
20 relief, as may be appropriate to implement any provision
21 of this Act.

22 (c) The provisions of chapter 7 of title 5, United
23 States Code, apply to judicial review of any agency action,
24 as defined in section 551 of title 5, United States Code, by
25 the Commission.

1 affiliation of (A) each candidate whom the committee
2 is supporting, and (B) any other individual, if any,
3 whom the committee is supporting for nomination for
4 election, or election, to any public office whatever; or,
5 if the committee is supporting the entire ticket of any
6 party, the name of the party;

7 (7) a statement whether the political committee is
8 a continuing one;

9 (8) the disposition of residual funds which will be
10 made in the event of dissolution;

11 (9) a listing of all banks, safety deposit boxes, or
12 other repositories used; and

13 (10) such other information as shall be required by
14 the Commission.

15 (c) (1) Each candidate shall designate one political
16 committee as his central campaign committee. The central
17 campaign committee shall receive all reports made by any
18 other political committee accepting contributions or making
19 expenditures for the purpose of influencing the nomination
20 for election, or election, of the candidate who designated it
21 as his central campaign committee. No political committee
22 may be designated as the central campaign committee of
23 more than one candidate.

24 (2) Notwithstanding any other provisions of this sub-
25 section, each statement or report that a political committee is

1 required to file with or furnish to the Commission under this
2 title shall, if that political committee is not a central cam-
3 paign committee, be furnished instead to the central campaign
4 committee for the candidates on whose behalf that political
5 committee is, or is established for the purpose of, accepting
6 contributions or making expenditures.

7 (3) No expenditure may be made by any such com-
8 mittee on behalf of a candidate or to influence his election
9 except by check drawn on that account, other than petty
10 cash expenditures as provided in section 10 (i).

11 (d) Each candidate shall, within ten days after the date
12 on which he has qualified under District law as a candidate,
13 or on which he, or any person authorized by him to do so, has
14 received a contribution or made an expenditure in connection
15 with his campaign or for the purpose of preparing to under-
16 take his campaign, file with the Commission a registration
17 statement in such form as the Commission may prescribe.
18 The statement shall include—

19 (1) the identification of the candidate, and any in-
20 dividual, political committee, or other person he has au-
21 thorized to receive contributions or make expenditures on
22 his behalf in connection with his campaign;

23 (2) the identification of his campaign depository,
24 together with the title and number of the account at the
25 depository which is to be used in connection with his

1 campaign, any safety deposit box to be used in connec-
2 tion therewith, and the identification of each individual
3 authorized by him to make any expenditure or with-
4 drawal from such account or box; and

5 (3) such additional relevant information as the
6 Commission may require.

7 (d) Any change in information previously submitted in
8 a statement of organization shall be reported to the Commis-
9 sion within the ten-day period following the change.

10 EFFECT OF FILING

11 SEC. 9. (a) The filing of a statement of organization re-
12 quired under this Act is permanent and establishes the con-
13 tinuing obligation of a covered political committee to file
14 reports under this Act unless—

15 (1) after filing one or more statements of orga-
16 nization the committee disbands, dissolves, or otherwise
17 terminates its operations and notifies the Commission in
18 a manner prescribed by regulations, but no committee
19 which is out of compliance with any provision of this
20 Act or which has outstanding debts or obligations shall
21 be permitted to disband or terminate without the ex-
22 press written consent of the Commission; or

23 (2) a political committee determines that it will
24 no longer receive contributions or make expenditures

1 during any calendar year in an aggregate amount ex-
2 ceeding \$100 and so notifies the Commission.

3 (b) In the case of a political committee which is not a
4 central campaign committee, reports and notifications re-
5 quired under this section shall be filed with the appropriate
6 central campaign committee, in accordance with regulations
7 prescribed by the Commission.

8 REPORTS AND STATEMENTS

9 SEC. 10. (a) Each treasurer of a political committee
10 which is required to file a statement of organization under
11 section 8, each candidate for election to office, and each
12 treasurer appointed by a candidate, shall file with the Com-
13 mission reports of receipts and expenditures on forms to be
14 prescribed or approved by the Commission. Except as pro-
15 vided in subsection (b), such reports shall be filed on the
16 tenth day of May, July, and October, in each year, and on
17 the fifteenth and fifth days next preceding the date on which
18 an election is held, and also by the thirty-first day of
19 January.

20 (b) Each treasurer of a political committee, each can-
21 didate for election to office, and each treasurer appointed by
22 a candidate, shall file with the Commission weekly reports
23 of cash contributions on forms to be prescribed or approved
24 by the Commission.

25 (c) Reports under subsections (a) and (b) shall be
filed under

1 complete as of such date as the Commission may prescribe,
2 which shall not be less than five days before the date of fil-
3 ings, except that any preelection contribution of \$100 or
4 more, received after the closing date of the last report re-
5 quired to be filed prior to the election, shall be reported with-
6 in twenty-four hours after its receipt.

7 (d) Each report under subsection (a) shall disclose—

8 (1) the identification of each person who has made
9 one or more contributions to or for such committee or
10 candidate (including the purchase of tickets for events
11 such as dinners, luncheons, rallies, and similar fund-
12 raising events) within the calendar year in an aggre-
13 gate amount or value in excess of \$20, together with the
14 amount and date of such contributions;

15 (2) the total sum of individual contributions made
16 to or for such committee or candidate during the report-
17 ing period and not reported under paragraph (1);

18 (3) the name and address of each political commit-
19 tee or candidate from which the reporting committee
20 or the candidate received, or to which that committee
21 or candidate made, any transfer of funds, together with
22 the amounts and dates of all transfers;

23 (4) each loan to or from any person within the
24 calendar year in an aggregate amount or value in excess
25 of \$20, together with the identification of the lenders

1 and endorsers, if any, and the date and amount of such
2 loans;

3 (5) the total amount of proceeds from (A) the
4 sale of tickets to each dinner, luncheon, rally, and other
5 fundraising events organized by such committee; (B)
6 mass collections made at such events; and (C) sales by
7 such committee of items such as political campaign pins,
8 buttons, badges, flags, emblems, hats, banners, literature,
9 and similar materials;

10 (6) each contribution, rebate, refund, or other re-
11 ceipt in excess of \$20 not otherwise listed under para-
12 graphs (1) through (5);

13 (7) the total sums of all receipts by or for such com-
14 mittee or candidate during the reporting period;

15 (8) the identification of each person to whom ex-
16 penditures have been made by such committee or on be-
17 half of such committee or candidate within the calendar
18 year in an aggregate amount or value in excess of \$10,
19 the amount, date, and purpose of each such expenditure
20 and the name and address of, and office sought by, each
21 candidate on whose behalf such expenditure was made;

22 (9) the identification of each person to whom an
23 expenditure for personal services, salaries, and reim-
24 bursed expenses in excess of \$100 has been made, and
25 which is not otherwise reported, including the amount,
26 date, and purpose of such expenditure;

1 (10) the total sum of expenditures made by such
2 committee or candidate during the calendar year; and

3 (11) such other information as may be required by
4 the Commission.

5 (e) The reports to be filed under subsection (a) shall be
6 cumulative during the calendar year to which they relate,
7 but where there has been no change in an item reported in a
8 previous report during such year, only the unchanged amount
9 need be carried forward. If no contributions or expenditures
10 have been accepted or expended during a calendar year, the
11 treasurer of the political committee or candidate shall file a
12 statement to that effect.

13 (f) The Commission may waive the reporting require-
14 ments for candidates on the basis of a certified statement by
15 the candidate that he will not personally engage in finan-
16 cial transactions involving his campaign funds, including
17 incurring personal debts and obligations for such funds, ex-
18 cept through his duly appointed treasurer or treasurers and
19 his designated depository account.

20 (g) Each committee shall report the amount and nature
21 of debts and obligations owned by or to the committee, in
22 such form as the Commission may prescribe, including (not-
23 withstanding the provisions of subsection (a) with respect
24 to filing dates) a continuous reporting of their debts and
25 obligations after the election at such intervals as the Com-

1 mission may require until such debts and obligations are ex-
2 tinguished, together with a statement as to the circumstances
3 and conditions under which any such debt is canceled.

4 (h) Any contribution required to be itemized to make
5 the requisite disclosures hereunder shall be returned to the
6 donor, if ascertainable within ten days of the date of the
7 receipt thereof, if the relevant information needed to make
8 full disclosure is not otherwise obtained within such ten-day
9 period. If the donor's identity and mailing address are not
10 ascertainable within ten days of the date of receipt, the pro-
11 ceeds of such contribution shall be paid to the Commission
12 which shall turn over such contributions to the Treasurer of
13 the District of Columbia for deposit in the general fund of
14 the District of Columbia as miscellaneous receipts.

15 (i) Notwithstanding the provisions of this section, cam-
16 paign and committee treasurers may maintain petty cash
17 funds from which expenditures may be made in amounts not
18 exceeding \$50 to one individual for a single purchase or
19 transaction. Campaign treasurers and political committee
20 treasurers are authorized to withdraw each week from the
21 respective depositories \$100 for the purpose of providing
22 a petty cash fund. An accurate summary record shall be
23 maintained showing all expenditures from petty cash funds
24 and they shall be reported biweekly to the Commission.

1 FORMAL REQUIREMENTS RESPECTING REPORTS AND
2 STATEMENTS

3 SEC. 11. (a) A report or statement required by this Act
4 to be filed by a treasurer of a political committee, a candi-
5 date, or by any other person, shall be verified by the oath or
6 affirmation of the person filing such report or statement,
7 taken before any officer authorized to administer oaths.

8 (b) A copy of the report or statement shall be pre-
9 served by the person filing it for a period to be designated by
10 the Commission in a published regulation.

11 (c) The Commission shall, by published regulations of
12 general applicability, prescribe the manner in which con-
13 tributions and expenditures in the nature of debts and other
14 contracts, agreements, and promises to make contributions
15 or expenditures shall be reported. Such regulations shall
16 provide that they be reported in separate schedules. In de-
17 termining aggregate amounts of contributions and expendi-
18 tures, amounts reported as provided in such regulations shall
19 not be considered until actual payment is made.

20 LIMITATIONS ON CAMPAIGN CONTRIBUTIONS

21 SEC. 12. (a) (1) No person may make any contribu-
22 tion to a candidate for use in his campaign for nomination
23 for election, or for election to the office of Mayor, which,
24 when added to the sum of all other contributions made by

1 that person in connection with that campaign, exceeds \$250.

2 (2) No person may make any contribution to a candi-
3 date for nomination for election, to the office of Chairman of
4 the Council of the District of Columbia or member of the
5 Council (either at large or from a ward) which, when added
6 to the sum of all other contributions made by that person
7 in connection with that campaign, exceeds \$200.

8 (3) No person may make any contribution to a candi-
9 date for nomination for election, or for election, to the
10 Board of Education, which, when added to the sum of all
11 other contributions made by that person in connection with
12 that campaign, exceeds \$100.

13 (4) No person may make any contribution (either to
14 a candidate or to a political committee) during a calendar
15 year, which when added to the sum of all other contribu-
16 tions made by that person during that calendar year, ex-
17 ceeds \$1,500.

18 (b) No candidate for public office may accept a con-
19 tribution from any person in connection with his campaign
20 for nomination for election to that office, or in connection
21 with his campaign for election to that office, which is in
22 excess of—

23 (1) the amount which that person may contribute
24 to that candidate under subsection (a) ; or

25 (2) an amount which, when added to the sum of

1 all other contributions received by that candidate or
2 on his behalf in connection with that campaign, equals
3 the amount which that candidate may spend in connec-
4 tion with his campaign under section 13.

5 (c) Any contribution received by a candidate or po-
6 litical committee which is an anonymous contribution of a
7 value in excess of \$20, which is made in violation of the
8 provisions of this section, or which is in excess of the total
9 amount of contributions that candidate or political commit-
10 tee may receive, shall be paid to the Treasurer of the Dis-
11 trict of Columbia for deposit in the general fund of the Dis-
12 trict of Columbia as miscellaneous receipts.

13 (d) No person may make a contribution to or for the
14 benefit of a candidate or political committee in excess of \$20
15 unless that contribution is made by a check or money order.
16 No candidate or political committee shall accept any con-
17 tribution made in violation of the preceding sentence.

18 LIMITATIONS ON CAMPAIGN EXPENDITURES

19 SEC. 13. (a) (1) Except as provided in paragraph (4),
20 no candidate for nomination for election, or for election, to
21 the office of Mayor may make expenditures during the calen-
22 dar year in connection with his campaigns for nomination
23 and for election in excess of 25 cents multiplied by the voting
24 age population of the District of Columbia, or in connection

1 with such campaign in excess of 15 cents multiplied by the
2 voting age population of the District of Columbia.

3 (2) Except as provided in paragraph (4), no candidate
4 for nomination for election, or for election, to the Council
5 of the District of Columbia may make expenditures during
6 the calendar year—

7 (A) in connection with his campaign for such nomi-
8 nation in excess of 10 cents multiplied by the voting age
9 population of the election ward or wards in which the
10 election is conducted, and

11 (B) in connection with his campaign for such elec-
12 tion in excess of 10 cents multiplied by the voting age
13 population of the election ward or wards in which the
14 election is conducted.

15 (3) Except as provided in paragraph (4), no candidate
16 for election as a member of the Board of Education of the
17 District of Columbia may make expenditures in connection
18 with his campaign for such election in excess of 10 cents
19 multiplied by the voting age population of the election ward
20 or wards in which the election is conducted.

21 (4) No candidate for nomination or for election to public
22 office who is a candidate in a runoff election may make
23 expenditures in connection with that election in excess of
24 one-half of the amount of expenditures he may make in
25 connection with a general election campaign for such office
26 under paragraph (1), (2), or (3).

1 (b) (1) No candidate may make expenditures during
2 the calendar year in connection with his campaigns for
3 nomination for election to public office, and for election to
4 public office, from his personal funds, or the personal funds
5 of his immediate family, in excess of 25 percent of the total
6 amount he may spend during that year under subsection
7 (a) in connection with those campaigns.

8 (2) No candidate or member of the immediate family
9 of a candidate may make a loan or advance from his personal
10 funds for use in connection with a campaign of that candidate
11 for nomination for election, or for election, to public office
12 unless that loan or advance is evidenced by a written instru-
13 ment fully disclosing the terms, conditions, and parts to
14 the loan or advance. The amount of any such loan or advance
15 shall be included in computing the amount to which para-
16 graph (1) applies only to the extent of the balance of the
17 loan or advance which is unpaid at the time of determination.

18 (3) For purposes of this subsection, the term "imme-
19 diate family" means the candidate's spouse and any parent,
20 brother, or sister, or child of the candidate, and the spouse
21 of any such parent, brother, sister, or child.

22 (c) (1) Any expenditure made by any person advo-
23 cating the election or defeat of any candidate for public office
24 which is not made at the request or suggestion of the candi-
25 date, any agent of the candidate or any political committee

1 authorized by him to make expenditures or to receive con-
2 tributions for him is not considered a contribution to or an
3 expenditure by or on behalf of the candidate.

4 (2) No person may make any expenditure (other than
5 an expenditure made at the request of a candidate) advo-
6 cating the election or defeat of a clearly identified candidate
7 during a calendar year which, when added to all other ex-
8 penditures made by that person during the year advocating
9 the election or defeat of that candidate, exceeds \$1,000.

10 (3) For purposes of paragraph (2) —

11 (A) “clearly identified” means—

12 (i) the candidate’s name appears,

13 (ii) a photograph or drawing of the candidate
14 appears, or

15 (iii) the identity of the candidate is apparent
16 by unambiguous reference,

17 (B) “person” does not include the National or State
18 committee of a political party; and

19 (C) “expenditure” does not include any payment
20 made or incurred by a corporation or a labor organiza-
21 tion which, under the provisions of the last paragraph
22 of section 610 of title 18, United States Code, would not
23 constitute an expenditure by that corporation or labor
24 organization.

25 (d) (1) At the beginning of each calendar year (com-

1 mencing in 1975), as new data become available from the
2 Bureau of Labor Statistics of the Department of Labor, the
3 Secretary of Labor shall certify to the Commission and pub-
4 lish in the District of Columbia Register the percentage dif-
5 ference between the price index for the twelve months pre-
6 ceding the beginning of such calendar year and the price
7 index for calendar year 1973. Each amount under subsec-
8 tions (a), (b), and (c) shall be changed by the percentage
9 difference between the price indices. Each amount so
10 changed shall be the amount in effect for the calendar year.

11 (2) During the first week of January 1975, and every
12 subsequent year, the Secretary of Commerce shall certify to
13 the Commission and publish in the District of Columbia Reg-
14 ister an estimate of the voting age population of the District
15 of Columbia and of each election ward therein as of the first
16 day of July next preceding the date of certification.

17 (3) Upon receiving certification of the Secretary of
18 Labor and of the Secretary of Commerce the Commission
19 shall publish in the District of Columbia Register the appli-
20 cable expenditure limitations in effect for the calendar year
21 under this section.

22 (e) Any expenditure made in connection with a cam-
23 paign in a calendar year other than the calendar year in
24 which the election is held to which that campaign relates is,

1 for purposes of this section, considered to be made during the
2 calendar year in which that election is held.

3 CONFLICT OF INTEREST

4 SEC. 14. (a) The Congress declares that elective and
5 public office is a public trust, and any effort to realize per-
6 sonal gain through official conduct is a violation of that
7 trust.

8 (b) No public official shall use his official position or
9 office to obtain financial gain for himself, any member of his
10 household, or any business with which he or a member of his
11 household is associated, other than that compensation pro-
12 vided by law for said public official.

13 (c) No person shall offer or give to a public official or a
14 member of a public official's household, and no public official
15 shall solicit or receive anything of value, including a gift,
16 favor, service, loan, gratuity, discount, hospitality, political
17 contribution, or promise of future employment, based on any
18 understanding that such public official's official actions or
19 judgment or vote would be influenced thereby, or where it
20 could be reasonably be inferred that the thing of value would
21 influence the public official in the discharge of his duties, or
22 as a reward, or which would cause the total value of such
23 things received from the same person not a member of such
24 public official's household to exceed \$100 during any single
25 calendar year.

1 (d) No person shall offer or pay to a public official, and
2 no public official shall solicit or receive, any money in addi-
3 tion to that received by the public official in his official ca-
4 pacity for advice or assistance given in the course of the
5 public official's employment or relating to his employment.

6 (e) No public official shall use or disclose confidential
7 information given in the course of or by reason of his official
8 position or activities in any way that could result in financial
9 gain for himself or for any other person.

10 (f) No member or employee of the Council of the Dis-
11 trict of Columbia or Board of Education of the District of
12 Columbia shall accept assignment to serve on a committee
13 the jurisdiction of which consists of matters (other than of a
14 de minimus nature) in which he or a member of his family,
15 or a business with which he is associated, has financial
16 interests.

17 (g) Any public official who, in the discharge of his
18 official duties would be required to take an action or make a
19 decision that would affect directly or indirectly his financial
20 interests or those of a member of his household, or a business
21 with which he is associated, or must take an official action on
22 a matter as to which he has a conflict situation created by a
23 personal, family, or client interest, shall—

24 (1) prepare a written statement describing the
25 matter requiring action or decision, and the nature of his

1 potential conflict of interest with respect to such action
2 or decision;

3 (2) cause copies of such statement to be delivered
4 to the Commission, and to his immediate superior, if any;

5 (3) if he is a member of the Council of the Dis-
6 trict of Columbia or member of the Board of Education
7 of the District of Columbia, or employee of either, de-
8 liver a copy of such statement to the Chairman, who
9 shall cause such statement to be printed in the record
10 of proceedings, and, upon request of said member or
11 employee, shall excuse the member from votes, delibera-
12 tions, and other action on the matter on which a poten-
13 tial conflict exists;

14 (4) if he is not a member of the Council of the
15 District of Columbia, his superior, if any, shall assign
16 the matter to another employee who does not have a
17 potential conflict of interest, or, if he has no immediate
18 superior, he shall take such steps as the Commission
19 prescribes through rules and regulations to remove him-
20 self from influence over actions and decisions on the
21 matter on which potential conflict exists; and

22 (5) during a period when a charge of conflict of
23 interest is under investigation by the Commission, if he
24 is not a member of the Council of the District of Colum-
25 bia or a member of the Board of Education, his superior;

1 if any, shall have the arbitrary power to assign the
2 matter to another employee who does not have a poten-
3 tial conflict of interest, or if he has no immediate supe-
4 rior, he shall take such steps as the Commission shall
5 prescribe through rules and regulations to remove him-
6 self from influence over actions and decisions on the
7 matter on which there is a conflict of interest.

8 (h) Neither the Mayor nor any member of the Coun-
9 cil of the District of Columbia may represent another per-
10 son before any regulatory agency or court of the District
11 of Columbia while serving in such office. The preceding sen-
12 tence does not apply to an appearance by such an official
13 before any such agency or court in his official capacity.

14 (i) As used in this section, the term—

15 (1) "public official" means the office of the Mayor
16 of the District of Columbia, Chairman of the Council
17 of the District of Columbia, or member of the Council
18 of the District of Columbia, or member of the Board of
19 Education of the District of Columbia, or each officer
20 or employee of the District of Columbia government
21 who performs duties of the type generally performed by
22 an individual occupying grade GS-15 of the General
23 Schedule or any higher grade or position (as determined
24 by the Commission regardless of the rate of compensa-
25 tions of such individual), except those individuals em-

1 employed by the District of Columbia in teaching as dis-
2 tinguished from administrative duties, or any person
3 employed by the Council of the District of Columbia
4 or the Board of Education of the District of Columbia
5 or by any of their committees, or any person employed
6 by a Council member from funds provided by the District
7 of Columbia who receives compensation of \$15,000 or
8 more per year;

9 (2) "business" means any corporation, partnership,
10 sole proprietorship, firm, enterprise, franchise, associa-
11 tion, organization, self-employed individual, holding
12 company, joint stock, trust, and any legal entity through
13 which business is conducted for profit;

14 (3) "business with which he is associated" means
15 any business of which the person or member of his
16 household is a director, officer, owner, employee, or
17 holder of stock worth \$1,000 or more at fair market
18 value, and any business which is a client of that person;
19 and

20 (4) "household" means the public official and his
21 immediate family as defined in section 13 (b).

22 DISCLOSURE OF FINANCIAL INTEREST

23 SEC. 15. Any candidate for nomination for election, or
24 election, to public office who at the time he becomes a candi-
25 date, does not occupy any such office, shall file within one

1 month after he becomes a candidate for such office, and the
2 Mayor and each member of the Council of the District of
3 Columbia holding office under the District of Columbia
4 Self-Government and Governmental Reorganization Act,
5 each member of the Board of Education, and each officer
6 and employee of the District of Columbia government who
7 performs duties of the type generally performed by an indi-
8 vidual occupying grade GS-15 of the General Schedule
9 under section 5332 of title 5, United States Code, or any
10 higher grade or position (as determined by the Commission
11 regardless of the rate of compensation of such individual),
12 shall file annually, with the Commission a report containing
13 a full and complete statement of—

14 (1) the amount and source of each item of income,
15 each item of reimbursement for any expenditure, and
16 each gift or aggregate of gifts from one source (other
17 than gifts received by him or by him and his spouse
18 jointly during the preceding calendar year which exceeds
19 \$100 in amount or value, including any fee or other hon-
20 orarium received by him for or in connection with the
21 preparation or delivery of any speech or address, at-
22 tendance at any convention or other assembly of indi-
23 viduals, or the preparation of any article or other com-
24 position for publication, and the monetary value of sub-

1 sistence, entertainment, travel, and other facilities re-
2 ceived by him in kind;

3 (2) the identity of each asset held by him, or by
4 him and his spouse jointly which has a value in excess of
5 \$1,000, and the identity and amount of each liability
6 owned by him, or by him and his spouse jointly, which
7 is in excess of \$1,000 as of the close of the preceding
8 calendar year;

9 (3) any transactions in securities of any business
10 entity by him, or by him and his spouse jointly, or by
11 any person acting on his behalf or pursuant to his direc-
12 tion during the preceding calendar year if the aggregate
13 amount involved in transactions in the securities of such
14 business entity exceeds \$1,000 during such year;

15 (4) all transactions in commodities by him, or by
16 him and his spouse jointly, or by any person acting on
17 his behalf, or pursuant to his direction during the preced-
18 ing calendar year if the aggregate amount involved in
19 such transactions exceeds \$1,000;

20 (5) any purchase or sale, other than the purchase
21 or sale of his personal residence, or real property or any
22 interest therein by him, or by him and his spouse jointly,
23 or by any person acting on his behalf or pursuant to his
24 direction, during the preceding calendar year if the value
25 of property involved in such purchase or sale exceeds
26 \$1,000; and

1 (6) the amount of each tax paid by the individual,
2 or by the individual and the individual's spouse filing
3 jointly, for the preceding calendar year, except in the
4 case of candidates filing reports during calendar year
5 1974, who shall file reports for the preceding three cal-
6 endar years.

7 (b) Any candidate for nomination for, or for election to,
8 office who at the time he becomes a candidate, does not
9 occupy any such office, shall file within one month after he
10 becomes a candidate for such office, and each member of the
11 Council and the Mayor holding office under the District of
12 Columbia Self-Government and Government Reorganization
13 Act, each member of the Board of Education, and each
14 officer and employee of the District of Columbia who per-
15 forms duties of the type generally performed by an individual
16 occupying grade GS-17 of the General Schedule or any
17 higher grade or position (as determined by the District of
18 Columbia Elections and Ethics Commission regardless of
19 the rate of compensation of such individual), shall file with
20 the Commission in a sealed envelope marked "Confidential
21 Personal Financial Disclosure of (name) ",
22 before the fifteenth day of May in each year, the following
23 reports of his personal financial interests:

24 (1) a copy of the returns of taxes, declarations,
25 statements, or other documents which he, or he and his

1 spouse jointly, made for the preceding year in compliance
2 with the income tax provisions of the Internal Revenue
3 Code of 1954;

4 (2) the name and address of each business or pro-
5 fessional corporation, firm, or enterprise in which he was
6 an officer, director, partner, proprietor, or employee who
7 received compensation during the preceding year and
8 the amount of such compensation;

9 (3) the identity of each trust or other fiduciary rela-
10 tion in which he held a beneficial interest having a value
11 of \$10,000 or more, and the identity, if known, of each
12 interest of the other fiduciary relation in real or personal
13 property in which the candidate, officer, or employee
14 held a beneficial interest having a value of \$10,000 or
15 more, at any time during the preceding year. If he can-
16 not obtain the identity of the fiduciary interests, the
17 candidate, officer, or employee shall request the fiduciary
18 to report that information to the Commission in the same
19 manner that reports are filed under this rule.

20 (c) Except as otherwise provided by this section, all
21 papers filed under this section shall be kept by the Commis-
22 sion in the custody of the Executive Director for not less
23 than seven years, and while so kept shall remain sealed.
24 Upon receipt of a request by any member of the Commission
25 adopted by a recorded majority vote of the full Commission

1 requesting the examination and audit of any of the reports
2 filed by any individual under section (b) of this title, the
3 Executive Director shall transmit to the Commission the
4 envelopes containing such reports. Within a reasonable time
5 after such recorded vote has been taken, the individual con-
6 cerned shall be informed of the vote to examine and audit,
7 and shall be advised of the nature and scope of such examina-
8 tion. When any sealed envelope containing any such report
9 is received by the Executive Director, such envelope may be
10 opened and the contents thereof may be examined only by
11 members of the Commission in executive session. If, upon
12 such examination, the Commission determines that further
13 consideration by the Commission is warranted and within
14 the jurisdiction of the Commission, it may make the contents
15 of any such envelope available for any use by any member
16 of the Commission, or the Executive Director or General
17 Counsel of the Commission which is required for the dis-
18 charge of his official duties. The Commission may receive
19 the papers as evidence, after giving to the individual con-
20 cerned due notice and opportunity for hearing in a closed
21 session. The Commission shall publicly disclose not later
22 than the first day of June each year the names of the candi-
23 dates, officers, and employees who have filed a report. Any
24 paper which has been filed with the Commission for longer
25 than seven years, in accordance with the provisions of this

1. section, shall be returned to the individual concerned or his
2. legal representative. In the event of the death or termination
3. of the service of the Mayor or member of the Council of the
4. District of Columbia or member of the Board of Education,
5. an officer or employee, such papers shall be returned un-
6. opened to such individual, or to the surviving spouse or legal
7. representative of such individual within one year of such
8. death or termination of service.

9. (d) Reports required by this section (other than re-
10. ports so required by candidates) shall be filed not later than
11. sixty days following the enactment of this Act, and not later
12. than May 15 of each succeeding year. In the case of any per-
13. son who ceases, prior to such date in any year, to occupy
14. the office or position the occupancy of which imposes upon
15. him the reporting requirements contained in subsection (a)
16. shall file such report on the last day he occupies such office
17. or position, or on such later date, not more than three months
18. after such last day, as the Commission may prescribe.

19. (e) Reports required by this section shall be in such
20. form and detail as the Commission may prescribe. The Com-
21. mission may provide for the grouping of items of income,
22. sources of income, assets, liabilities, dealings in securities or
23. commodities, and purchases and sales of real property,
24. when separate itemization is not feasible or is not necessary
25. for an accurate disclosure of the income, net worth, dealing

1 in securities and commodities or purchases, and sales of real
2 property of any individual.

3 (f) All reports filed under this section shall be main-
4 tained by the Commission as public records which, under
5 such reasonable regulations as it shall prescribe, shall be
6 available for inspection by members of the public.

7 (g) For the purposes of any report required by this sec-
8 tion, any individual shall be considered to have been Mayor,
9 Chairman or member of the Council of the District of Co-
10 lumbia, an officer or employee of the District of Columbia
11 government during any calendar year if he served in any
12 such position for more than six months during such calendar
13 year.

14 (h) For purposes of this section, the term—

15 (1) "income" means gross income as defined in
16 section 61 of the Internal Revenue Code of 1954;

17 (2) "security" means security as defined in section
18 2 of the Securities Act of 1933, as amended (15 U.S.C.
19 77b);

20 (3) "commodity" means commodity as defined in
21 section 2 of the Commodities Exchange Act, as amended
22 (7 U.S.C. 2);

23 (4) "transactions in securities or commodities"
24 means any acquisition, holding, withholding, use, trans-

1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 19. There is authorized to be appropriated to the
3 District of Columbia such sums as may be necessary to carry
4 out the provisions of this Act.

Senator MATHIAS. Now we will alter the announced order of witnesses, because of other urgent commitments, that the Honorable Walter Washington and Mr. Alexander shall be the first two witnesses this morning in that order, and then we will revert to the announced order of the witness list.

We will call Mayor Washington as the first witness.

**STATEMENT OF WALTER E. WASHINGTON, MAYOR-COMMISSIONER
OF THE DISTRICT OF COLUMBIA**

Mayor WASHINGTON. Thank you, Mr. Chairman.

It gives me a great pleasure to appear this morning.

I have with me our legislative director, Mrs. Judy Rogers.

Senator MATHIAS. We are happy to welcome Mrs. Rogers with you this morning.

Mayor WASHINGTON. I thought that might please you.

As you know, the Board of Elections will also submit a statement.

Mr. Chairman, I have a brief statement this morning to present, because of your notification that there was a limited time.

What I would like to say, Mr. Chairman, that I think it is very appropriate that this committee move forward with this legislation, and I certainly associate myself with the remarks that you made pertaining to the need to develop legislation that will certainly engender the confidence of the citizenry of this city.

I think it is most important that I might parenthetically make the statement, and probably unique in America where a campaign is going on, that the rules are being developed as the campaign develops.

I certainly am only observing on that. I know there has been every opportunity, every effort to try this, but the problem, Mr. Chairman, is that it disadvantages not only the candidates, but the citizens because of the uncertainties. And that promotes involuntary initiative which may or may not be the best in terms of either candidates or the citizens understanding. Therefore, I wish to commend the committee for undertaking this hearing today and affording us an opportunity to testify briefly.

**D.C. GOVERNMENT SUPPORTS LEGISLATION REORGANIZING
CAMPAIGN ELECTION FINANCING**

The District government supports legislation reorganizing campaign election financing in the District of Columbia. We support the effort to enact a law to provide for an open electoral process.

The Board of Elections under its existing authority already has adopted an extensive set of regulations, which has been submitted to this committee. They were largely based on the Federal Campaign Practices Act regulations promulgated by the General Accounting Office. This demonstrates the positive commitment of this government to give this city an electoral process which is open and fair.

I request that the several statements that have been made to the Congress regarding that subject by officials of the District government be made a part of the record of this hearing. This material may be of assistance to this committee as background information.

LIST OF CAMPAIGN CONTRIBUTIONS MADE PUBLIC

On Tuesday, June 11, 1974, I made public a list of contributions which my campaign committee had received as of June 7, 1974. At that meeting, Mr. Chairman, I pointed out how important I thought it was to have a law regarding this matter enacted. Such a law is important not only to the candidates for local office but to the citizens of the District of Columbia who are anxious to participate in the electoral process, and to comply with whatever law is passed on that subject.

S. 3264 proposes arrangement for campaign controls which is different from that proposed by the House bill.

PLACEMENT OF CAMPAIGN RESPONSIBILITIES

I hope that whatever law the Congress enacts will be one that can quickly be put into effect. For that reason, the District Government supports placement of these added campaign responsibilities in the District of Columbia Board of Elections, rather than a new commission as proposed by S. 3264.

For that reason, Mr. Chairman, it would be difficult to get a new commission in place, staffed up, before late summer, and that would be far too late for much of the primary campaign.

BOARD OF ELECTIONS ALREADY UNDERTAKING FUNCTIONS AND DUTIES

The Board of Elections is already undertaking a number of the functions and duties which are included in S. 3264, and the Board is fully committed, and has indicated it is willing to carry out whatever law is enacted.

The staff is presently studying the requirements and procedures proposed. Accordingly, I would hope this Committee would be able to support that portion of the bill, Mr. Chairman, and I think I should parenthetically state that as I have talked to the members of the Board, we would see no reason why the Board might not be increased in size, but with the administrative organization of the Board in place, we believe that this is perhaps the most reasonable way to get at the problem in order to meet the immediate need of the primary, and then hopefully the Council will in the next round make further determinations on that need, and I know you support that.

Senator MATHIAS. In the light of experience.

Mayor WASHINGTON. In light of experience.

LIMITATION ON CAMPAIGN EXPENDITURES

We respect the limitations of the House bill, I am aware, Mr. Chairman, that your bill has a different formula, and while I do not personally know the precise amount of money needed in the campaign to carry out the campaign for Mayor, I have said, and I still say, I will abide by whatever limitations the law imposes.

The reason I mention that, Mr. Chairman, parenthetically, I stated in my press conference on Tuesday, that I had hoped after the material was presented, that we would simply have enough to have a campaign characteristic of a city of this size. We provided for the com-

mittee's information some indications of what that amount was, and that was the precise basis upon which we reached a figure that was suggested by the staff, never proposed, but suggested, because we do not make the laws.

It seems to me, Mr. Chairman, since the House has acted on the \$100,000 per primary, and for the general, that it might be that this is a figure we should also shoot for at this time without getting into other formulas, in order to move the bill along.

I certainly pledge myself to work in that figure. I believe at least some of the candidates believe they could work within that figure. The reason I am stressing this is that it is one more provision that it seems to me would permit us to move ahead to get the legislation.

I keep stressing that, because as a candidate I understand how it is personally that I have to live through this and make new rules, and develop initiatives on a voluntary basis. At the same time, try as best as I can to run the Government with a process like that going on.

There are people who believe it can be better, I am sure if we can reduce the general grievance, many of these provisions particularly in the House bill, and inherently in your bill, Mr. Chairman, that we can move this legislation out, and everyone will know where they are going.

LOOPHOLE IN HOUSE BILL

I think there is a loophole factor in the House bill that ought to be clarified, and I think with that, I will certainly be able to support, as I am now the general thrust of your bill and the House bill. As you pointed out, your bill is not perfect.

I do not know whether you have ever written a perfect bill, but I think the time has come for us to get the legislation actually out, and I appear with these views.

Our staff has presented some of the detail, but I think that is the major problems that we are involved in. There may be some places where the language needs to be clarified, that would convey more precisely the congressional intent, if there is an agreement on the objective of getting a workable measure out that will protect the electoral process and enable the candidate and voters to understand their obligations.

Mr. Chairman, there have been a number of questions and, unfortunately, allegations. I would like for the record to show my view with respect to contributions.

I said on Tuesday that there is only one commitment that I will make to contributors or anyone else. I will give all of my strength, and all of my ability to provide good honest government, to improve the quality of life, and to assure opportunity for all persons who live in the District of Columbia.

Mr. Chairman, I appreciate the opportunity to say these few words, and I stand ready with my staff, in all of this array, to be of assistance to language or drafting, such as you may wish, in the usual form.

Senator MATHIAS. We thank you very much for being here this morning. I think it is important that we have your views directly.

I understood you to say you feel the bill passed in the House has a loophole.

Mayor WASHINGTON. Yes; it has been referred to as a loophole. I think what we need to do is clarify what the congressional intent is. There has been a general reference to it, and I am not sure what it is that is intended.

Senator MATHIAS. In what respect?

Mayor WASHINGTON. It is that \$1,000 business you can deal with outside of the regular campaign committee arrangement.

I just think it needs to be clarified so that the congressional intent is clear. I really am not sure I fully appreciate it.

I read the congressional history, and it does not seem to put very much more light on it.

Senator MATHIAS. Perhaps we can resolve that ambiguity in the course of this process.

I think it is useful that you brought it to our attention here, and we can go to work on it.

REACTION TO \$250 LIMITATION

As you know, there is a major difference between the two bills. The committee bill here sets a limit of \$250 on contributions for candidates for the office of mayor.

What is your reaction to that limitation?

Do you think it is reasonable?

Mayor WASHINGTON. I think, Mr. Chairman, it is a little low.

I have committed myself to a higher figure. The figure, I believe, is higher in the House bill. I believe that, in all candor, we are starting a new and special thing. No one really had any elective constituency. We do not really know what it takes. I think the experience of this election will indicate to us what is reasonable.

Most of the Members of Congress have had some experience, as you have, sir, with your own situation and constituencies. I believe this is a factor that our own elected Council and Government could appropriately deal with. I think I would prefer the House limitations at this point.

Senator MATHIAS. Of course, this is an area that I am not sure experience helps. I recall one year in which Governor McKelden was elected Governor of Maryland. I believe the total cost of his successful campaign—not because he could not have spent more or was all he could raise for the Governorship of Maryland—was \$5,000.

Mayor WASHINGTON. Uninflated.

Senator MATHIAS. In other words, it has cost as much as \$1 million to be elected as Governor of Maryland. So I think one of the purposes of the law is to equalize the opportunities. Events very often control what is actually enough.

I think it is a general thing, as far as campaigns are concerned, that there is never enough.

Mayor WASHINGTON. Yes; I have been noticing that from those who seem to feel that I had some funds. I said the other day, I would like those nickels and dimes to hit me a little bit so I could really feel it.

I said this, Mr. Chairman, in all candor, that I would rest that limit with the committee, and with the Congress.

I have indicated my preference, but I think in your wisdom, you can arrive at a figure that I think we could live with.

FORMULA FOR EXPENDITURES

Senator MATHIAS. The figure we set in this bill is one that the Senate has adopted for its own election, which in brief is 25 cents per eligible voter, and which in the case of the District would be in the vicinity of about \$133,000. I suppose that your comments generally would apply to that overall.

Mayor WASHINGTON. I think overall.

The problem with the formula, in getting it understood in this first election, seems to me to be a question of certainty. This is a flexible floating figure based on numbers, and the registration drive in going forward at the same time. I thought in the first round if we set a figure certain that everybody would know—the candidates would know, and the citizens know—and it is kind of hard in an educational process to work out what that formula actually means to the average citizen.

It is not easy, in the first round and in the middle of the campaign now. Mr. Chairman, I just believe that we would be better setting a figure. I have had a problem with this in terms of being an incumbent also. I have tried to not really influence figures, because the lower the figure, obviously it would be an incumbent's figure.

I was advised not to come in with a \$50,000 figure, as that may have some adverse effect on quality candidacy. So for those who know what the figure is, I would rather leave it to them, but I am not sure. I am as candid as I can be, and I am prepared to live with the House figure, if this body on the other hand sets another figure, I am prepared to live with that.

Senator MATHIAS. We also provide that no more than 25 percent of total expenditures for any candidate should come from the candidate or his immediate family.

How do you feel about that?

Mayor WASHINGTON. That does not worry me one bit.

Senator MATHIAS. It would never have been an impediment in any of my campaigns.

Mayor WASHINGTON. It never will in mine. I have been a Government employee all these years, and that never strikes me as a problem.

LIMITATION ON CASH CONTRIBUTIONS

Senator MATHIAS. How about limiting cash to \$20?

Mayor WASHINGTON. I really don't know about that provision, Mr. Chairman. It is one in which I have no experience. I would have no real opposition to that, or any real feeling about it.

Senator MATHIAS. Of course, one of the evils that we have experienced has been the assembling of large amounts of cash, the collection of which is obscure, and the expenditure of which is sometimes even more obscure. It helps if the amount of cash that is handled is limited.

Mayor WASHINGTON. I think some limitations on cash ought to be imposed.

I am just not sure that \$20 is right, or whether it should be \$30, \$40, or \$50, but certainly, I favor the concept and the idea of limiting cash contributions.

Senator MATHIAS. What about the contemplating of the expenditures made in 1973, as a part of the 1974 election?

Mayor WASHINGTON. I am not sure of that provision.

ALL FUNDS SHOULD BE REPORTED

Senator MATHIAS. The committee has been advised, I do not know whether or not this has been the case, that some candidates began the collection of campaign funds in the last calendar year. There is always a question, of course, as to what is the overlay of 1 year's activities into another.

Do you think that funds collected at any point should be part of the reporting in this campaign?

Mayor WASHINGTON. I do, Mr. Chairman. I do not only feel that way about it, but in my first report I have reported everything that has been collected up to June 7. From the very time that the committee, over which I have no control, assembled some funds. We recorded and reported that. I have reported every dollar in my first report. I even returned one contribution.

It voluntarily came into the committee—and I favor that. I have completely disclosed everything that has come into any committee I have known about.

Senator MATHIAS. Without regard to the date it has come in?

Mayor WASHINGTON. Yes.

PUBLIC DISCLOSURE AND SUBMISSION OF INCOME TAX RETURNS

Senator MATHIAS. We also have one feature in this bill which is not in the House bill, and this is personal disclosure. There are two categories: (1) public disclosure; and (2) the submission of income tax returns. These have to be held confidentially by the policing agency—whether it is the electoral commission that is proposed in this bill, or the Board, as you have suggested.

How do you feel about those two provisions?

STATEMENT OF NET WORTH

Mayor WASHINGTON. As you know, Mr. Chairman, I have had three experiences with this committee along that line. I presented to you my net worth statement, and 3 years' prior income tax returns. It is a practice that I would favor and support as we go forward.

I think that that is an inherent part of disclosure. I have indicated publicly with respect to my net worth, for instance, as little as it is, at the time I submitted my petitions, and actually qualified for my candidacy. I set that time for a real reason.

I would not suggest that the candidates may not submit their petitions, simply put their personal matters out in public. I think that is an appropriate time. I would urge other candidates to follow that course. So I think, in sum, I support this. It is one on which I have had three experiences with this committee. I have had to come before this committee for approval on confirmation, and I think it is a perfectly acceptable thing.

The matter of reporting incomes within a confidential status, but having it available for use by this committee, has been the rule for

some time. But I think there is another part of disclosure: That is the source of income and net worth. I think that ought to be made public.

Senator MATHIAS. I personally agree with you, and it has been my own practice as well.

This bill also has certain provisions with regard to conflict of interest.

Are you familiar with those parts of the bill?

Mayor WASHINGTON. Yes; in general terms. I would support the provision that you have in there, Mr. Chairman.

RESPONSIVENESS PROGRAM

Senator MATHIAS. There is one much more difficult part of this whole problem, one that has surfaced nationally. One which is a very, very tough problem to legislate, and that is the so-called responsiveness program which we have been reading about. This is one in which the official action of government is not designed to create support by merit, but designed to create support by, in a sense, corrupting the operation of government by buying support.

Now, you sit there as an incumbent and a candidate, and I sit here as an incumbent and a candidate, and I think we both agree that public service, if it is truly serving the public, ought to bring its own reward in terms of public response. But where government is used as a tool to manipulate public opinion, where programs can be used to manipulate public opinion, then you are in a very different area.

Now, do you think we should include any measures to safeguard—it is a difficult area to legislate in—against a so-called responsiveness program?

Mayor WASHINGTON. I certainly favor the safeguard concept as you do, Mr. Chairman.

We have had 6½ years of having the General Accounting Office being at our disposal, at your disposal, and at the public's disposal. I only have a question of how you really put that in language.

If we went the fullest degree of specificity, with respect to disclosure, with respect to conflict of interest, and how to deal with responsiveness—and I have a little feeling that this grows out of the current climate—then I am just wondering how you are going to write it.

NO GUARANTEE AGAINST ABUSES

Senator MATHIAS. Of course, this is a very difficult problem on which to legislate. Even if we legislated with the wisdom of Solomon, we still could not guarantee that these abuses would not occur.

The ultimate guarantee has to lie in the character of the men and women who become public servants. If they want to violate that trust then I do not believe that any words in the statute will deter them.

What I think we can do is to make it clear it is the intent of the law that this kind of abuse be avoided, and set it up as a warning. Make it perfectly clear so that no one can come around and blandly say: I never thought of that, it did not occur to me this would happen, it would not have occurred to me this would have that effect.

We all know these abuses can come about.

MAYOR WASHINGTON. It is difficult. I would think a temptation there would be removed by the very electoral process. I also want to note, Mr. Chairman, in this connection, there are some provisions in the home rule bill as a check on official action.

It does not go completely to the area of responsiveness that you are talking about, but it does open up an official action to the point where you get a full view and a full look at all proceedings. I think there is merit in that. I may want to think of looking at that provision, and then seeing how that can be reconciled with this concept.

HATCH ACT

SENATOR MATHIAS. There is one other area that occurs to me as important. This is one which this committee wrestled with, in the conference committee, in the passage of the home rule bill. That was the Hatch Act coverage of both District and Federal employees. I think a very firm commitment to the integrity of those employees during any political campaign would be of further importance.

MAYOR WASHINGTON. Yes, I really think you are in the jurisdiction where we have gone back and forth within the home rule, and within the campaign financing bill—a great number of safeguards.

I am not saying they are all there, because I have hit on one—a real one.

It is just I am not sure how you reconcile the language. I think the safeguards that are being proposed in this legislation, and in the House legislation, which I have referred to, and the Hatch Act provisions which certainly are highly restrictive—each day now we are getting another word from the Civil Service Commission on some interpretation, even in that area—but I think there are the safeguards. Within the framework, Mr. Chairman, of these, you may be able to frame at least the kind of warning that you are talking about. I would think that this is appropriate.

SENATOR MATHIAS. We thank you very much for being here today. Your views are very valuable to the committee, and let me say I appreciate everything you have said, I appreciate the urgency of the message that you have given us, about the difficulty in conducting the campaign while the rules are still being written, and we will make every effort to clarify the situation.

MAYOR WASHINGTON. I was speaking in the interest of all candidates, because we suffer their infirmity, and I want to thank you, Mr. Chairman, for giving me this opportunity and certainly for having me now.

I want you to know that very shortly we will be entering into our tristate sewer agreement on Blue Plains. The whole matter of sludge will shortly be reconciled. I thought you would want to know that, because of your vital interest.

SENATOR MATHIAS. We are dealing with one kind of sludge at this meeting, and that is fine for the other kind.

MAYOR WASHINGTON. That is why I wanted you to know. I want to certainly thank the reverend and the others who have permitted us to go forward.

Thank you.

SENATOR MATHIAS. I now place in the record material presented by the District of Columbia government and Mayor Washington.

[The material referred to follows:]



THE DISTRICT OF COLUMBIA

WALTER E. WASHINGTON
Mayor-Commissioner

WASHINGTON, D.C. 20004

MAY 8 1974

Honorable Charles C. Diggs, Jr.
Chairman
Committee on the District of Columbia
U.S. House of Representatives
1310 Longworth Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter of May 3, 1974 in which you have asked whether there are any legal restrictions to prevent the D.C. Board of Elections from taking certain actions to put into operation immediately, machinery for an open electoral process for the elections this fall under Public Law 93-198. I share your concern for the need for machinery for an open electoral process and welcome this opportunity to inform you of what the city government is prepared to do within existing law to insure an open process.

As a preliminary to preparing a response to your letter, I asked members of my staff to meet Monday with members of the D.C. Board of Elections and its staff and representatives from the General Accounting Office and the D.C. Council. Since the D.C. Board of Elections is an independent agency, my responses to your specific questions are limited insofar as we find there is no legal obstacle to the Board of Elections taking certain actions. Although it is for the Board alone to decide, and my letter does not presume to prejudge what actions the Board may take, we have been assured that the Board would like to do as much as can be done under current law to carry out the purposes of the home rule act.

Responding to your questions seriatim, the D.C. Corporation Counsel has advised me that in his opinion:

Answer to Question 1: There is no legal restriction to prevent an increase in the staff of the D.C. Board of Elections.

With respect to this question and questions numbered 5 and 9, it is our position that the Executive Branch has been and will continue to be responsive to the requirements of the Board of Elections to carry out its responsibilities. This, of course, is contingent upon appropriate justifications and funding availability. Moreover, the District Government has requested funding in Fiscal Year 1975 for added resources for the Board of Elections to enable it to carry out increased responsibilities under home rule. A potential resource to assist the Board of Elections in meeting the costs not fully anticipated in the Fiscal Year 1975 budget request is an advance provided for in section 722 of Public Law 93-198. A part of this can be made available to the Board of Elections for carrying out the provisions of that Act.

Answers to Questions 2 and 3: It is within the regulatory power of the Board of Elections to specify the forms which are to be used by political committees for registration and to report contributions and expenditures. I am further advised that the D.C. Board of Elections will look favorably upon the adoption of the forms prepared by the Comptroller General of the United States in administering the Federal Election Campaign Act of 1971.

Answer to Question 4: The D.C. Board of Elections is authorized to seek the advice of the General Accounting Office and has already done so. The General Accounting Office has made available to the Board copies of its forms and regulations and will make available information about its procedures. In addition, the General Accounting Office can offer assistance in developing new regulations which will be needed for the forthcoming elections.

Answer to Question 5: There is no legal restriction which would prevent the Board of Elections from appointing a General Counsel to render such services as the Board may desire. If a position of General Counsel is needed immediately, interim provision can be made through the temporary position authority of the District Government. The authority for a permanent position for a General Counsel would have to be requested through the normal budget process. The Corporation Counsel is of the opinion that the Board of Elections should be supported by separate counsel in connection with any investigative functions relating to campaign contributions and expenditures. The Board will take this opinion into consideration when it decides what action to take on this suggestion.

Answer to Question 6: It is within the authority of the Board of Elections to advise candidates and political committees that present D.C. law empowers a judge to "void an election" for "making of expenditures by a candidate in violation of this chapter" in serious cases. The Members of the Board of Elections have advised that they intend to do this in the forthcoming elections.

Answer to Question 7: The Board of Elections has the authority to allow any financial reports and statement filed with it to be available for copying by hand or duplicating by machine at cost. The Board of Elections has allowed such copying in past elections and the Board intends to continue to do so.

Answer to Question 8: It is within the authority of the Board of Elections to compile and maintain current lists of all statements on file with it pertaining to each candidate. It is not clear whether the question also related to the type of full publication required by section 6(f)(4) et seq. of H.R. 13914. The cost of such publication would be prohibitive and beyond the capability of the Board's staff and fiscal resources.

Answer to Question 9: Under existing law, the Board of Elections would be authorized to conduct audits and field investigations with respect to reports and statements filed

with the Board and with respect to alleged failures to file any report or statement. The Board of Elections has advised that it will consider how it can best perform such audits and investigations. It will specifically consider asking the Comptroller General of the United States to assist in the formulation of a task force to do the job in the local elections this fall. Additional statutory authority would be needed to enable the General Accounting Office to participate directly in audits and investigations.

Answer to Question 10: The Board of Elections has authority to promulgate regulations which define terms such as "election," "candidate," "political committee," "contribution," "expenditure," and "political party." The Board of Elections has advised that it is prepared to consider adopting the definitions contained in the various campaign financing bills pending before the House District Committee.

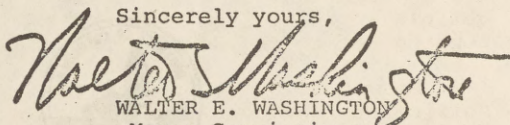
Answer to Question 11: The Board of Elections has sufficient regulatory authority to set a requirement for a central campaign committee for a candidate, filing reports with a candidate by other committees using his name, use of campaign depositories, and limitations on use of cash. The District of Columbia Government is without legal authority to prescribe crimes or offenses except where such authority is granted by Congress or where unspecified crimes or offenses are regarded as usual and reasonable police regulations which may be necessary for the protection of life, health, and safety of all persons. Act of February 26, 1892 (D.C. Code, sec. 1-226). The District of Columbia Election Act, as amended (69 Stat. 699; D.C. Code, sec. 1-1101 et seq.) does not authorize the District of Columbia to prescribe the criminal conversion of political contributions for personal use, as proposed in H.R. 13914 and H.R. 13539, 93d Congress 2d Sess. (1974). Under the terms of sec. 13 of the District of Columbia Election Act, however, a candidate for public office must report campaign contributions and expenditures (69 Stat. 704; D.C. Code, sec. 1-1113), and his failure to do so may be punishable as a crime, under the terms of that Act. Moreover, any political worker who converts campaign funds to his own personal use may be charged under the general criminal laws with embezzlement. Any more stringent campaign or election laws must be prescribed by Congress.

Answer to Question 12: In view of the expanded responsibilities of the Board under Home Rule, I will recommend to the Board that a broadly representative committee be appointed to advise and consult with the Board.

In summary, with respect to the specific questions raised in your letter, the city is prepared to draw fully on its existing powers to put into operation the machinery desired to insure an open electoral process for the first elections under the D.C. Self-government and Governmental Reorganization Act.

If I can be of further assistance, please let me know.

Sincerely yours,



WALTER E. WASHINGTON
Mayor-Commissioner

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D.C. Board of Elections Rules
District of Columbia
REGISTER

MAY 17, 1974

Supplement No. 3



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District of Columbia Register

May 17, 1974

GOVERNMENT OF THE DISTRICT OF COLUMBIA**BOARD OF ELECTIONS****DISTRICT BUILDING****WASHINGTON, D. C. 20004****MEMBERS****CHARLES B. FISHER**
CHAIRMAN
ROBERT E. MARTIN
J. E. BINDEMAN

May 17, 1974

NOTICE OF EMERGENCY RULE-MAKING

The Board finds that in order to carry out the provisions of sec. 15(b) of the D. C. Election Act, as amended, it is necessary to adopt the following amendments to Title 22, D. C. Rules and Regulations:

Subsection (e) of sec. 2.1,
subsection (k) of sec. 2.2,
subsection (e) of sec. 4.1, and
subsection (k) of sec. 4.2

are each amended by inserting at the end of each subsection the following:

"(4) He is not ineligible as a candidate under the provisions of sec. 15(b) of the D. C. Election Act, as amended."

A handwritten signature in cursive script that reads "Norval E. Perkins".

Norval E. Perkins
Executive Secretary

May 17, 1974

District of Columbia Register

GOVERNMENT OF THE DISTRICT OF COLUMBIA**BOARD OF ELECTIONS****DISTRICT BUILDING****WASHINGTON, D. C. 20004****MEMBERS**

CHARLES B. FISHER
 CHAIRMAN
ROBERT E. MARTIN
J. E. BINDEMAN

May 17, 1974

NOTICE OF EMERGENCY RULE-MAKING

The Board finds that in order to insure an open electoral process in the forthcoming elections under P.L. 93-198, it is necessary to adopt the following amendments to Chapter 13 of Title 22, D. C. Rules and Regulations:

Sec. 13.2 is amended by striking out "in writing" and inserting in lieu thereof the following: "on a form prescribed by the Board".

Secs. 13.1, 13.2, 13.3, 13.4, and 13.5 are redesignated secs. 13.2, 13.3, 13.6, 13.7, and 13.8, respectively.

In addition, new secs. 13.1, 13.4, 13.5, and 13.9, here attached, are adopted.

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Norval E. Perkins

Norval E. Perkins
 Executive Secretary

Title 22

Sec. 13.1. Definitions.

For the purposes of this Chapter:

(a) The term "election" means a primary, runoff, general, or special election held in the District of Columbia for the purpose of nominating an individual to be a candidate for election to office or for the purpose of electing a candidate to office, and includes a convention or caucus of a political party held for the purpose of nominating a candidate.

(b) The term "candidate" means an individual who seeks nomination for election, or election, to office, whether or not he is elected, and, for purposes of this Chapter an individual shall be deemed to seek nomination for election, or election, if he has (1) solicited or authorized any other person to solicit signatures on nominating petitions to qualify himself for nomination for election, or election, to office, or (2) received and accepted contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, for the purpose of bringing about his nomination for election, or election, to office.

(c) The term "office" means the office of Delegate to the House of Representatives from the District of Columbia, Mayor of the District of Columbia, Chairman or member of the Council of the District of Columbia, member of the Board of Education of the District of Columbia, or an official of a political party.

(d) The term "official of a political party" means:

- (1) national committeemen and national committeewomen;
- (2) delegates to conventions of political parties nominating candidates for the Presidency and Vice Presidency of the United States;
- (3) alternates to the officials referred to in paragraphs (1) and (2) above, where permitted by political party rules; and
- (4) members and officials of local committees of political parties as may be designated by the duly authorized local committees of those parties for election at large or by ward in the District of Columbia.

Title 22

(e) The term "political committee" means any committee, club, association, organization, or other group of individuals organized for the purpose of, or engaged in, promoting or opposing a political party or the nomination or election of an individual to office.

(f) The term "contribution" means:

(1) a gift, subscription (including any assessment, fee, or membership dues), loan, advance, deposit of money, services, or anything of value, made for the purpose of assisting in financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing provisions of this subsection, such term shall not be construed to include services provided without compensation, by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

(g) The term "expenditure" means:

(1) a purchase, payment, distribution, loan, advance, deposit, gift of money, services, or anything of value, made for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees.

Title 22

(h) The term "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

(i) The term "political party" means an association, committee, or organization which nominates a candidate for election to any office which appears on the election ballot.

Title 22

Sec. 13.4. Designation of Central Campaign Committee.

(a) Each candidate for office shall designate in writing one political committee as his central campaign committee. The central campaign committee shall receive all reports made by any other political committee accepting contributions or making expenditures for the purpose of influencing the nomination for election, or election, of the candidate who so designated it. The central campaign committee may require additional reports to be made to it by any political committee and may designate the time and number of all reports. No political committee may be designated as the central campaign committee of more than one candidate, except in the case of a political committee supporting the nomination or election of a candidate as an official of a political party.

(b) Notwithstanding any other provision of this Chapter, each statement (including the statement of organization required under sec. 13.3) or report that a political committee is required to file with or furnish to the Board under the provisions of this Chapter, shall also be furnished, if that political committee is not a central campaign committee, to the central campaign committee for the candidate on whose behalf that political committee is accepting or making, or intends to accept or make, contributions or expenditures.

(c) The treasurer of each central campaign committee shall receive all reports and statements filed with or furnished to it by other political committees, consolidate and furnish the reports and statements to the Board, together with the reports and statements of the central campaign committee, in accordance with the provisions of this chapter.

Title 22

Sec. 13.5. Designation of Central Depository.

(a) Each candidate shall designate one National bank located in the District of Columbia as his campaign depository. The central campaign committee of that candidate, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain a checking account at this depository and shall deposit any contributions received by the committee into that account. No expenditures may be made by any such committee on behalf of a candidate or to influence his election except by check drawn payable to the person to whom the expenditure is being made on that account, other than petty cash expenditures as provided in subsection (c).

(b) The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one National bank located in the District of Columbia as the campaign depository of that committee, and shall maintain a checking account for the committee at that depository. All contributions received by that committee shall be deposited in this account. No expenditure may be made by that committee except by check drawn payable to the person to whom the expenditure is being made on that account, other than petty cash expenditures as provided in subsection (c).

(c) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of \$50 to any person in connection with a single purchase or transaction. A record of petty cash receipts and disbursements shall be kept and furnished to the Board on its request.

* * * * *

Sec. 13.9. Reports and Statements Filed with Board of Elections.

(a) The Board shall compile and maintain current lists of all statements and financial reports on file with it pertaining to each candidate.

(b) The Board shall make all financial reports and statements filed with it available for copying by hand or duplicating by machine at cost.

May 17, 1974

District of Columbia Register

GOVERNMENT OF THE DISTRICT OF COLUMBIA**BOARD OF ELECTIONS****DISTRICT BUILDING****WASHINGTON, D. C. 20004****MEMBERS**

CHARLES B. FISHER
CHAIRMAN
ROBERT E. MARTIN
J. E. BINDEMAN

May 17, 1974

NOTICE OF EMERGENCY RULE-MAKING

The Board of Elections finds that upon certification of the results of the Charter Referendum, it is necessary to adopt the following new chapters of Title 22, D. C. Rules and Regulations, in order to carry out the intent of P.L. 93-198, the District of Columbia Self-Government and Governmental Reorganization Act, to be effective immediately:

Chapter 2 - Mayor

Chapter 4 - Council of the District of Columbia

A handwritten signature in cursive script that reads "Norval E. Perkins".

Norval E. Perkins
Executive Secretary

Title 22

CHAPTER 2 - MAYOR

Subchap.	Sec.
A. NOMINATION OF CANDIDATES	2.1

Subchapter A. Nomination of Candidates

Sec.

- 2.1. Nominating petitions for primary election.
- 2.2. Nominating petitions for general election.
- 2.3. Filing of petition and supplements.
- 2.4. Signatures on petitions.
- 2.5. Rejection of petitions.
- 2.6. Withdrawal of candidate.
- 2.7. Posting of nominating petitions.

Sec. 2.1. Nominating petitions for primary election.

(a) Information required on petition form. The information required on petition forms shall be as follows:

(1) The front of each page of the petition for the primary election shall contain information identifying the name, address, and registration number of the candidate, the political party of which he is a member, the office to which he seeks election, and the name, address, registration number and telephone number of the person initiating the petition. The front page shall also state that all of the signatories to this petition must be of the same political party as the nominee.

(2) The back of each page of the petition shall contain information identifying the name of the candidate and the political party of which he is a member.

(b) Name of candidate to be filled in. No nominating petition form shall be issued by the Board of Elections until the person requesting such form has first included the name of the candidate in all appropriate spaces on the petition.

(c) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector and registered in the same political party as the nominee;

(2) All of the information on the front page was completed before the petition was circulated;

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(3) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(4) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be, and not by any other person; and

(5) All the persons circulating the petition are duly registered voters personally known to the initiator.

(d) Persons circulating petition for signature. Each person circulating each page of a nominating petition must be a duly registered voter of the same political party as the candidate; and his or her name, address, and registration number must appear on each signature page before it is circulated to any other person for signature. Each circulator shall certify that he has taken necessary steps to assure that each signature is that of the registered voter whose signature it purports to be and not that of any other person.

(e) Affidavit of candidate. Each nominating petition, when filed with the Board, shall be accompanied by an affidavit of the candidate attesting that:

(1) He meets all of the legal qualifications for office;

(2) The petitions are filed with his knowledge and consent;
and

(3) To the best of his knowledge and belief, the petitions being filed contain signatures of duly registered voters who are of the same political party as the nominee, equal in number to at least 1 percent of the total number of such duly registered voters as shown by the records of the Board as of 114 days before the date of such election, or by 2,000 such duly registered voters, whichever is less.

Sec. 2.2. Nominating petitions for general election.

(a) Types of nominations. The Board shall require every candidate seeking direct nomination for election as Mayor to indicate in writing whether he is seeking direct nomination as an independent candidate, or as a candidate affiliated with a political party.

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(b) Two forms of nominating petitions. There shall be two forms of nominating petitions for direct nomination of a candidate, i.e., one for a person seeking direct nomination as an independent candidate, and another for a person seeking direct nomination as a candidate affiliated with a political party.

(c) Signatures on nominating petitions. Signatures for a person seeking direct nomination as an independent candidate shall be valid only if such signatures are on the form prescribed by the Board for an independent candidate. Signatures for a person seeking direct nomination as a candidate affiliated with a political party shall be valid only if such signatures are on the form prescribed by the Board for a candidate of a political party.

(d) Approval of name of political party. No nominating petition for a person seeking direct nomination as a candidate affiliated with a political party shall be circulated for signatures unless the name of the political party has been previously approved by the Board.

(e) Application for approval. Application for approval of the name of a political party, for the use stated in this section, shall be made on a form prescribed by the Board. Such application shall include the name, address, telephone number, and voter registration number of the chairman, treasurer, other principal officers, and each member of the duly authorized local committee of such party in the District. The Board may reject any application for approval of a name that, in the judgment of the Board, tends to confuse or mislead the public, or for any other good cause.

(f) Petition form for independent candidate.

(1) The front of each page of the petition shall contain information identifying the name, address, and registration number of the candidate; and the office to which he seeks election as an independent candidate; and the name, address, registration number and telephone number of the person initiating the petition. The front page shall also state that a registered voter may sign the petition, regardless of the party affiliation.

(2) The back of each page of the petition shall contain information identifying the name of the candidate.

(3) No nominating petition form shall be issued by the Board of Elections until the person requesting such form has first included the name of the candidate in all appropriate spaces on the petition.

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District of Columbia Register

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(g) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector and registered in the District;

(2) All of the information on the front page was completed before the petition was circulated;

(3) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(4) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be, and not by any other person; and

(5) All the persons circulating the petition are duly registered voters, personally known to the initiator.

(h) Petition form for affiliated candidate.

(1) The front of each page of the petition shall contain information identifying the name, address, and registration number of the candidate; the office to which he seeks election; the name of the political party with which he is affiliated; and the name, address, registration number, and telephone number of the person initiating the petition. The front page shall also state that a registered voter may sign the petition, regardless of party affiliation.

(2) The back of each page of the petition shall contain information identifying the name of the candidate and the political party of which he is a member.

(3) No nominating petition form shall be issued by the Board of Elections until the person issuing such form has first included the name of the candidate in all appropriate spaces on the petition.

(i) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector, and registered in the same political party as the nominee;

(2) All of the information on the front page was completed before the petition was circulated;

Title 22

(3) Before the petition was circulated, the name of the political party was approved by the Board;

(4) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(5) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be and not by any other person; and

(6) All the persons circulating the petition are duly registered voters, personally known to the initiator.

(j) Persons circulating petition for signature. Each person circulating each page of a nominating petition must be a duly registered voter and his or her name, address, and registration number must appear on each signature page before it is circulated to any other person for signature. Each circulator shall certify that he has taken necessary steps to assure that each signature is that of the registered voter whose signature it purports to be and not that of any other person.

(k) Affidavit of candidate. Each nominating petition, when filed with the Board, shall be accompanied by an affidavit of the candidate attesting that:

(1) He meets all of the legal qualifications for office;

(2) The petitions are filed with his knowledge and consent;
and

(3) To the best of his knowledge and belief, the petitions being filed contain signatures of duly registered voters equal in number to at least 1 1/2 percent of the total number of registered voters of the District as shown by the records of the Board as of 114 days before the date of such election, or by 3,000 persons duly registered under the Election Act, whichever is less.

Sec. 2.3. Filing of petition and supplements.

(a) Assmbling of petition sheets. Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered. The Board may refuse to accept any petition which has not been so assembled and so numbered.

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(b) Material to be filed. A petition nominating a candidate for the office of Mayor may not be finally accepted by the Board for inclusion on the ballot unless:

(1) There has been filed with the Board an affidavit of the candidate executed in accordance with the provision of this Chapter; and

(2) The petition is on a form provided by the Board and meets all the requirements of the provision of this Chapter and of the Election Act; provided that the Board, in its discretion, may waive any formal error.

(c) Filing Deadline. The nominating petition and affidavit shall be filed with the Board at its office in the District Building, 14th and E Streets, N. W., before 5:00 p.m. of the filing deadline required by law and announced by the Board.

(d) Filing of supplements to petitions. Supplements to petitions may be filed as follows:

(1) Any candidate who has met the requirements of this section may file supplements to his petition, provided that any supplement, when filed with the Board before the time set by this section, shall be accompanied by an affidavit of the candidate attesting that:

(i) At the date of filing the supplement, he meets all of the legal qualifications for office;

(ii) The supplement is filed with his knowledge and consent;

(iii) To the best of his knowledge and belief, the supplement being filed contains the signatures of persons who are duly registered, and who are of the same political party as the nominee; and

(2) All supplements filed in accordance with this subsection shall meet all other pertinent provisions of this section.

Title 22

Sec. 2.4. Signatures on petitions.

(a) Signature or mark. The signature on a petition shall be made by the person whose signature it purports to be and not by any other person. If the registered voter is unable to sign his name, he may make his mark in the space for signature. The mark may not be counted as a valid signature unless the person witnessing the mark shall attach to the petition an affidavit that he explained the content of the petition to the petitioner and witnessed his mark.

(b) Other information required. The petition shall also contain the signer's printed or typed name, address, and registration number. A signature shall not be counted as valid unless all required information is provided.

Sec. 2.5. Rejection of petitions.

The Board may reject any nominating petition that is confusing, misleading, or does not conform to the requirements of this Chapter.

Sec. 2.6. Withdrawal of Candidate.

A person who has been nominated as a candidate for the office of Mayor may withdraw his nomination by executing and filing with the Board a notarized affidavit stating that he irrevocably withdraws his candidacy for the office to which he has been nominated; provided, however, that in the event that the affidavit is received less than 30 days before the next election, the name of such person may not be excluded from the ballot.

Sec. 2.7. Posting of nominating petitions.

The Board shall post, by making available for public inspection, the nominating petitions or facsimiles thereof in the office of the Board for 10 days, including Saturdays, Sundays, and holidays, beginning on the 3rd day after the filing deadline required by law. Any qualified elector may, within such 10-day period, challenge the validity of any petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in such petition.

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CHAPTER 4 - COUNCIL OF THE DISTRICT OF COLUMBIA

Subchap.

- A. NOMINATION OF CANDIDATES
- B. NOMINATION OF POLITICAL PARTY CANDIDATES FOR MEMBER OF THE COUNCIL AT LARGE (EXCLUDING THE CHAIRMAN)

Subchapter A. Nomination of Candidates

Sec.

- 4.1. Nominating petitions for primary election.
- 4.2. Nominating petitions for general election.
- 4.3. Filing of petition and supplements.
- 4.4. Signatures on petitions.
- 4.5. Rejection of petitions.
- 4.6. Withdrawal of candidate.
- 4.7. Posting of nominating petitions.

Sec. 4.1. Nominating petitions for primary election.

(a) Information required on petition form. The information required on petition forms shall be as follows:

(1) The front of each page of the petition for the primary election shall contain information identifying the name, address, and registration number of the candidate, the political party of which he is a member, the office to which he seeks election, the ward from which he seeks election if running from a ward, and the name, address, registration number, and telephone number of the person initiating the petition. The front page shall also state that all of the signatories to this petition must be of the same political party as the nominee. If the candidate is running from a ward, the front page shall also state that all of the signatories to this petition must be registered in the same ward as the nominee.

(2) The back of each page of the petition shall contain information identifying the name of the candidate and the political party of which he is a member, and the ward from which he seeks election if running from a ward.

(b) Name of candidate to be filled in. No nominating petition form shall be issued by the Board of Elections until the person requesting such form has first included the name of the candidate in all appropriate spaces on the petition.

(c) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector, and registered in the same political party as the nominee;

(2) All of the information on the front page was completed before the petition was circulated;

(3) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(4) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be, and not by any other person; and

(5) All the persons circulating the petition are duly registered voters, personally known to the initiator.

(d) Persons circulating petition for signature. Each person circulating each page of a nominating petition must be a duly registered voter of the same political party as the candidate; and his or her name, address, and registration number must appear on each signature page before it is circulated to any other person for signature. Each circulator shall certify that he has taken necessary steps to assure that each signature is that of the registered voter whose signature it purports to be, and not that of any other person.

(e) Affidavit of candidate. Each nominating petition, when filed with the Board, shall be accompanied by an affidavit of the candidate attesting that:

(1) He meets all of the legal qualifications for office;

(2) The petitions are filed with his knowledge and consent; and

(3) To the best of his knowledge and belief, the petitions being filed contain signatures of duly registered voters, who are of the same political party as the nominee, equal in number to at least 1 percent of the total number of such duly registered voters as shown by the records of the Board as of 114 days before the date of such election, or by 2,000 such duly registered voters, whichever is less; or, if the candidate is running from a ward, that the petitions being filed contain the signatures of 250 registered voters who are of the same political party as the nominee, and who are registered in the same ward as the nominee.

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Sec. 4.2. Nominating petitions for general election.

(a) Types of nominations.

(1) The Board shall require every candidate seeking direct nomination for election as member of the Council to indicate in writing whether he is seeking direct nomination as an independent candidate, or as a candidate affiliated with a political party.

(2) Candidates shall be nominated separately for Chairman of the Council, member of the Council at large, and member of the Council from a ward.

(b) Six forms of nominating petitions. There shall be six forms of nominating petitions for direct nomination of qualified candidates for member of the Council:

(1) one for a person seeking direct nomination for Chairman of the Council as an independent candidate;

(2) one for a person seeking direct nomination for member of the Council at large as an independent candidate;

(3) one for a person seeking direct nomination for member of the Council from a ward as an independent candidate;

(4) one for a person seeking direct nomination for Chairman of the Council as a candidate affiliated with a political party;

(5) one for a person seeking direct nomination for member of the Council at large as a candidate affiliated with a political party; and

(6) one for a person seeking direct nomination for member of the Council from a ward as a candidate affiliated with a political party.

(c) Signatures on nominating petitions. Signatures for a person seeking direct nomination as an independent candidate shall be valid only if such signatures are on the form prescribed by the Board for an independent candidate. Signatures for a person seeking direct nomination as a candidate affiliated with a political party shall be valid only if such signatures are on the form prescribed by the Board for a candidate of a political party.

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(d) Approval of name of political party. No nominating petition for a person seeking direct nomination as a candidate affiliated with a political party shall be circulated for signatures unless the name of the political party has been previously approved by the Board.

(e) Application for approval. Application for approval of the name of a political party, for the use stated in this section, shall be made on a form prescribed by the Board. Such application shall include the name, address, telephone number, and voter registration number of the chairman, treasurer, other principal officers, and each member of the duly authorized local committee of such party in the District. The Board may reject any application for approval of a name that, in the judgment of the Board, tends to confuse or mislead the public, or for any other good cause.

(f) Petition form for independent candidate.

(1) The front of each page of the petition shall contain information identifying the name, address, and registration number of the candidate; the office to which he seeks election as an independent candidate; the ward from which he seeks election, if running from a ward; and the name, address, registration number, and telephone number of the person initiating the petition. The front page shall also state that a registered voter may sign the petition, regardless of party affiliation. If the candidate is running from a ward, the front page shall also state that all of the signatories to this petition must be registered in the same ward as the nominee.

(2) The back of each page of the petition shall contain information identifying the name of the candidate and the ward from which he seeks election, if running from a ward.

(3) Name of candidate to be filled in. No nominating petition form shall be issued by the Board of Elections until the person requesting such form has first included the name of the candidate in all appropriate spaces on the petition.

(g) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector and registered in the District;

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(2) All of the information on the front page was completed before the petition was circulated;

(3) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(4) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be, and not by any other person;

(5) All the persons circulating the petition are duly registered voters, personally known to the initiator.

(h) Petition form for affiliated candidate.

(1) The front of each page of the petition shall contain information identifying the name, address, and registration number of the candidate; the office to which he seeks election; the name of the political party with which he is affiliated; the ward from which he seeks election, if running from a ward; and the name, address, registration number, and telephone number of the person initiating the petition. The front page shall also state that a registered voter may sign the petition, regardless of party affiliation. If the candidate is running from a ward, the front page shall also state that all of the signatories to this petition must be registered in the same ward as the nominee.

(2) The back of each page of the petition shall contain information identifying the name of the candidate, the name of the political party with which he is affiliated, and the ward from which he seeks election, if running from a ward.

(3) Name of candidate to be filled in. No nominating petition form shall be issued by the Board of Elections until the person requesting such form has first included the name of the candidate in all appropriate spaces on the petition.

(i) Person initiating petition. The person initiating each page of the petition shall execute a certificate attesting that:

(1) He is a qualified elector, and registered in the same political party as the nominee;

(2) All of the information on the front page was completed before the petition was circulated;

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(3) Before the petition was circulated, the name of the political party was approved by the Board;

(4) To the best of his knowledge, the candidate meets the legal qualifications for the office;

(5) Based on reasonable inquiries, the initiator is satisfied that each signature on the nominating petition was made by the person whose signature it purports to be, and not by any other person; and

(6) All the persons circulating the petition are duly registered voters, personally known to the initiator.

(j) Persons circulating petition for signature. Each person circulating each page of a nominating petition must be a duly registered voter; and his or her name, address, and registration number must appear on each signature page before it is circulated to any other person for signature. Each circulator shall certify that he has taken necessary steps to assure that each signature is that of the registered voter whose signature it purports to be, and not that of any other person.

(k) Affidavit of candidate. Each nominating petition, when filed with the Board, shall be accompanied by an affidavit of the candidate attesting that:

(1) He meets all of the legal qualifications for office;

(2) The petitions are filed with his knowledge and consent; and

(3) To the best of his knowledge and belief, the petitions being filed contain signatures of duly registered voters, equal in number to at least 1 1/2 per cent of the total number of registered voters of the District, as shown by the records of the Board as of 114 days before the date of such election, or by 3,000 persons duly registered under the Election Act, whichever is less; or, if the candidate is running from a ward, that the petitions being filed contain the signatures of 500 registered voters who are registered in the same ward as the nominee.

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Sec. 4.3. Filing of petition and supplements.

(a) Assembling of petition sheets. Before the nominating petition is filed, all sheets which comprise the petition shall be assembled and serially numbered. The Board may refuse to accept any petition which has not been so assembled and so numbered.

(b) Material to be filed. A petition nominating a candidate for the office of Chairman or member of the Council may not be finally accepted by the Board for inclusion on the ballot unless:

(1) There has been filed with the Board an affidavit of the candidate, executed in accordance with the provision of this Chapter; and

(2) The petition is on a form provided by the Board and meets all the requirements of the provisions of this Chapter and of the Election Act; provided that the Board, in its discretion, may waive any formal error.

(c) Filing deadline. The nominating petition and affidavit shall be filed with the Board at its office in the District Building, 14th and E Streets, N.W., before 5:00 p.m. of the filing deadline required by law and announced by the Board.

(d) Filing of supplements to petitions. Supplements to petitions may be filed as follows:

(1) Any candidate who has met the requirements of this section may file supplements to his petition, provided that any supplement, when filed with the Board before the time set by this section, shall be accompanied by an affidavit of the candidate attesting that:

(i) At the date of filing the supplement, he meets all of the legal qualifications for office;

(ii) The supplement is filed with his knowledge and consent; and

(iii) To the best of his knowledge and belief, the supplement being filed contains the signatures of persons who are duly registered, and, in the case of nominating petitions for the primary election, who are of the same political party as the nominee.

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(2) All supplements filed in accordance with this subsection shall meet all other pertinent provisions of this section.

Sec. 4.4. Signatures on petitions.

(a) Signature or mark. The signature on a petition shall be made by the person whose signature it purports to be and not by any other person. If the registered voter is unable to sign his name, he may make his mark in the space for signature. The mark may not be counted as a valid signature unless the person witnessing the mark shall attach to the petition an affidavit that he explained the contents of the petition to the petitioner and witnessed his mark.

(b) Other information required. The petition shall also contain the signer's printed or typed name, address, and registration number. A signature shall not be counted as valid unless all required information is provided.

Sec. 4.5. Rejection of petitions.

The Board may reject any nominating petition that is confusing, misleading, or does not conform to the requirements of this Chapter.

Sec. 4.6. Withdrawal of candidate.

A person who has been nominated as a candidate for the office of Chairman or member of the Council may withdraw his nomination by executing and filing with the Board a notarized affidavit stating that he irrevocably withdraws his candidacy for the office to which he has been nominated, provided, however, that in the event the affidavit is received less than 30 days before the next election, the name of such person may not be excluded from the ballot.

Sec. 4.7. Posting of nominating petitions.

The Board shall post, by making available for public inspection, the nominating petitions or facsimiles thereof, in the office of the Board, for 10 days, including Saturdays, Sundays, and holidays, beginning on the 3rd day after the filing deadline required by law. Any qualified elector may, within such 10-day period, challenge the validity of any petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in such petition.

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Subchapter B. Nomination of Political Party Candidates
for Member of the Council At Large (Exclud-
ing the Chairman)

Sec.

4.21. Nomination of Candidates by Primary Election.

4.22. Direct Nomination of Candidates.

Sec. 4.21. Nomination of Candidates by Primary Election.

(a) Each qualified political party, except as provided in sec. 4.22, shall select its candidates for the office of member of the Council at large in the primary election held for that purpose pursuant to sec. 8(h) of the D. C. Election Act, as amended.

(b) Number of Candidates to be Nominated in the First Election Held for the Office of Member of the Council At Large. Pursuant to sec. 401(b)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 785, (hereinafter "the Act") not more than two candidates of each qualified political party shall be elected in the primary election of that party held in September 1974 for the office of candidate for member of the Council at large (excluding the Chairman).

(c) Number of Candidates to be Nominated in Subsequent Elections. Pursuant to sec. 401(b)(2) of the Act, the maximum number of candidates of each qualified political party to be elected in a primary election of that party held after September 1974 shall be one less than the total number of at-large members (excluding the Chairman) to be elected in the general election.

Sec. 4.22. Direct Nomination of Candidates.

(a) Any political party which has not qualified pursuant to sec. 8(h) of the D. C. Election Act, as amended, to hold a primary election for nomination of candidates for member of the Council at large may nominate candidates directly pursuant to sec. 4.2 of these Regulations.

(b) Number of Candidates to be Nominated in the First Election Held for the Office of Member of the Council At Large. Pursuant to sec. 401(b)(2) of the Act, not more than two candidates may be nominated by each political party for the general election to be held in November 1974 for member of the Council at large.

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(c) Number of Candidates to be Nominated in Subsequent Elections. Pursuant to sec. 401(b)(2) of the Act, the maximum number of candidates which may be nominated by each political party for a general election held after November 1974 for member of the Council at large shall be one less than the total number of at-large members (excluding the Chairman) to be elected in such election.

(d) Each political party shall select the appropriate number of candidates of that party for member of the Council at large. If in any general election the number of duly nominated candidates affiliated with the same political party exceeds the number of such candidates permitted by law, then the political party shall designate the names of those nominated candidates (not in excess of the number permitted) which shall appear on the general election ballot as affiliated with that political party. Such designation shall be made in writing to the Board of Elections within seven days after the filing deadline required by law. If such designation is not made within the time required, the Board of Elections shall determine by lot at a public drawing the names of the nominated candidates (not in excess of the number permitted by law) which shall appear on the general election ballot.

STATEMENT OF MAYOR WALTER E. WASHINGTON

My fellow citizens -

As I have previously stated, it is my intention to make full and prompt disclosure as required by law of the financing of my campaign to be this city's first elected Mayor in more than 100 years. There will be full public disclosure of the amounts received and identification of campaign contributors in accordance with existing regulations of the Board of Elections and any additional legislation that may be enacted by the Congress. The same disclosure policy will be applied to campaign spending. I will, of course, also comply fully with any spending limit established by law.

On the matter of personal finances, it is my intention to file with the Board of Elections a net worth statement accompanied by a statement of my income. I have filed such a statement on three previous occasions as part of the confirmation process as the city's appointed Mayor-Commissioner.

The net worth statement appropriately will be presented to the Elections Board at the time that I file my petitions and qualify for candidacy for Mayor. I will at that time make it public. I invite all other candidates for elective office to do likewise.

I announced this policy when I made my initial declaration of candidacy. I reiterate it now.

June 5, 1974

Statement of Mayor Walter E. Washington

June 11, 1974

Ladies and Gentlemen:

Today marks the 35th day since the voters committed themselves to self determination for this city at the polls.

This campaign for municipal office, our first in more than 100 years, is getting underway. There are 90 days remaining before the primary election. Already, the campaign has started to slip to the level of personal attack. That is not in the proud tradition of this city. It is not fitting in a campaign designed to produce good government -- self government.

Today, I would like to get the campaign back on the track where it should be so that the records of the candidates -- their experience and their qualifications -- may be examined calmly and rationally.

On May 11, when I announced my intention to seek the Democratic nomination for Mayor, I made this simple declaration:

"I will make my campaign an open and fair one.

There will be full disclosure of campaign finances."

I am indeed proud to have had the support of the people of this city in both tangible and intangible ways over the past six and a half years. That is what has made possible the forward motion of this city and I am thankful for this demonstration of unity. It has made the city one of the most stable and viable in America. I have confidence in our future. With new powers and renewed determination, working together, we will find the solutions that we seek.

With the new powers and the new opportunities provided by home rule, we will be able to maintain and increase the responsiveness of this government to meet the needs of the people of this city. That is my pledge: to continue to work untiringly to accomplish this great goal.

At the May 11 rally at the Masonic Temple, I made a personal comment which I repeat today:

"During the more than 30 years of my public life, I have served this city with INTEGRITY, DEDICATION, and UNDERSTANDING."

I said then, and I say now: "That is the way I intend to continue as your elected Mayor."

With my campaign activities getting underway, I am today releasing to the public my list of individual and group campaign contributions. They have been received from all segments of the Washington community who support my effort to maintain good government. They have committed themselves to what is being done by my administration and to the accomplishment of the tasks that lie ahead.

At about two week intervals during the campaign, including the times prescribed by law, further reports will be provided on contributions and expenditures. Today's release also covers the sums already spent in campaign activities on behalf of my candidacy.

Furthermore, when I qualify as a candidate with the filing of nominating petitions, I will release a statement of my net worth and sources of income. I invite other candidates to do so as well.

I also invite the other candidates for Mayor to join with me in adhering to an appropriate code of fair campaign practices. I am told that the National Fair Campaign Practices

Committee is prepared to make its good offices available to this city for its first Mayoral campaign. Such assistance is customarily made available at the national level and for state governorships. For this purpose, the Washington, D. C. Mayorality is viewed as a governorship.

As you know, I have a government to run, even as the campaign goes forward. As you also know, I must continue to identify the resources needed to provide services for the people of this city as home rule approaches. That vital work will continue during the campaign.

To conclude, I would make two points.

FIRST: In both my private and public life, I try to conduct myself to merit the confidence that people place in me.

SECOND: There is only one committment that I will make to contributors or anyone else. I will give all of my strength and ability to provide good honest government, to improve the quality of life and to assure opportunity for all persons who live in the District of Columbia.

STATEMENT OF C. FRANCIS MURPHY, CORPORATION COUNSEL,
D.C., ON H.R. 12638 AND H.R. 13539 BEFORE THE GOVERN-
MENT OPERATIONS SUBCOMMITTEE OF THE HOUSE DISTRICT
COMMITTEE.

April 3, 1974

Mr. Chairman and Members of the Subcommittee:

Mayor Walter E. Washington has requested that I
appear today to express the views of the District
Government on H.R. 12638 and H.R. 13539.

The District of Columbia Government appreciates
the action taken by the House District Committee to
consider promptly an election financing and disclosure
law to govern elections in the District of Columbia.
We support these efforts to establish the machinery
for an open electoral process and thereby guarantee
that the city's home rule government will begin in a
manner designed to instill public confidence in the
local electoral process and its elected officials.

The present election law in the District of
Columbia was not designed to regulate adequately the
conduct and financing of election campaigns in the
manner contemplated by H.R. 12638 and H.R. 13539.
Designed as it was for a limited electoral process,
existing law deals only with the mechanics of elec-
tions, such as petitions for candidacy, registration

and voting procedures, and certification of election results. It contains only a limited number of provisions concerning contributions and none on spending. Accordingly, we fully recognize the need, in view of the forthcoming elections, for prompt enactment of a campaign financing law. We would like to offer the following observations and suggestions with respect to the two bills:

First, we heartily endorse the application to District elections of financial disclosure and reporting laws. The centralized filing requirements and the provision that each candidate designate a single political committee as his central campaign committee, as provided by both bills, are highly desirable attributes for effective enforcement of the law. A strong law unaccompanied by strong enforcement will not do the job. Centralized committees, together with consolidated means for accepting and disbursing contributions and the reporting thereof, will greatly facilitate proper enforcement. In this connection, we suggest that the Committee give consideration to a requirement that each candidate for office shall designate only one bank as the depository for his campaign contributions, and the designation by a candidate of only one political committee to receive

contributions in an election.

Second, with respect to the administration and enforcement of campaign reform, we prefer the approach of H.R. 13539 which would expand the functions and duties and confer additional powers on the present Board of Elections. The District has consistently opposed the creation of additional, independent local agencies with authority to act only in a limited area, as would be the case with the establishment of a District of Columbia Political Campaign Finance Commission under H.R. 12638. We think the present Board of Elections should be the central agency for campaign and election matters and favor strengthening the Board by the addition of the powers necessary to insure its independence and impartiality in administering a campaign practices law. The duties which H.R. 12638 would assign to a new District of Columbia Political Campaign Finance Commission are fully compatible with this approach. The Board of Elections is maintained as an independent agency under the Self-Government and Governmental Reorganization Act and the provisions of H.R. 13539 appear to provide the current Board with adequate authority and independence to protect the integrity of the electoral process. The vesting of election controls in the Board

of Elections will also continue authority for the prosecution of violations with the Justice Department, rather than establish a new and separate prosecutorial authority as provided by H.R. 12638.

Third, we also support the principle of establishing reasonable and realistic limitations on contributions and expenditures. We appreciate the opportunity which H.R. 13539 offers to develop information concerning reasonable limitations on expenditures. Since the District of Columbia is without a tradition of voting election campaigning, it is important that the first election involve a public which is well-informed about the candidates and their views.

We support full disclosure of campaign financing, but we also support financing which will enable candidates to get their positions to the electorate. The members of this Committee and the Congress of the United States have far better information about the costs of elections than do we. We think areawide Congressional election expenditures may be most informative, reflecting as they do the media costs of the Washington Metropolitan Area. We think the limitations in H.R. 12638 may be unduly restrictive. Campaign exposure will

offer one of the few avenues for candidates to inform the public of their views given Hatch Act restrictions and the high percentage of Federal employees as well as the limited number of elective offices in the District of Columbia. That exposure will cost money and we trust the Committee will be fully cognizant of the realities of campaign expenses when the limits are set.

Fourth, H.R. 13539 provides for a tax credit against District of Columbia income taxes up to \$12.50. We find certain ambiguity in the present language, but we assume here that the \$12.50 credit was intended to be the total maximum amount which an individual taxpayer could claim. If that be so, the Committee should be aware that this provision alone will cost the District Government more than \$200,000 annually in loss of revenues. The tight budgetary limitations facing the District of Columbia compel us to oppose this provision on this ground alone. Further, we oppose the piecemeal whittling-away of local revenues and prefer to leave such decisions to a comprehensive review of local taxes by the D.C. Council under Public Law 93-198. It should be noted that the existing Federal law already provides sufficient incentive to contribute to local elections.

Fifth, we favor inclusion of the office of Delegate to the House of Representatives from the District in any local campaign financing act. We think it is important to provide the same financial limitations for the candidates for Delegate as for the candidates for Mayor and Chairman of the Council.

It should be kept in mind that we are talking about an election in one of the nation's major cities -- the Nation's Capital. The officials to be elected will have state functions as well as municipal duties to perform. It is of the utmost importance that the voters' choices be made in an atmosphere of full public discussion and disclosure and that the process not be restricted with arbitrary constraints that may get in the way of that free discussion and choice. Detailed information is lacking on the costs of comparable elections in comparable municipal situations, if a comparable situation can be said to exist. In any event, it is our feeling that the limitations to be set be those designed to guarantee the process, but not to use the first home rule election as an occasion to experiment with controls and restrictions that may be much more restrictive than is required to insure a proper election.

Thank you, Mr. Chairman.

STATEMENT OF C. FRANCIS MURPHY, D.C. CORPORATION COUNSEL
BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA, U.S.
HOUSE OF REPRESENTATIVES, ON H.R. 14754

May 20, 1974

Mr. Chairman and Members of the Committee:

I am here to express the support of the District of Columbia Government for enactment of legislation which will protect and insure that the first municipal elections under the D.C. Self-Government and Governmental Reorganization Act are open and fair. As I stated in testimony before the Government Operations Subcommittee, the District Government supports legislation which will provide full and complete disclosure of the contributions and expenditures made by and on behalf of candidates engaged in political campaigns and will place reasonable and realistic limitations on the amounts that may be contributed and expended in connection with a candidacy for elective office.

In a letter responding to an inquiry about present election law in the District of Columbia by Chairman Diggs, Mayor Washington conveyed my opinion as the Corporation Counsel of the District of Columbia that there are a number of important steps which the D.C. Board of Elections is authorized to take under the authority of existing law.

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The Board of Elections is already taking a number of those steps to insure an open electoral process. On May 17, 1974 the Board provided the first orientation session for candidates for the coming elections. In addition, prior to that session, the Board promulgated a number of new regulations. It has also adapted to local election requirements the forms developed by the General Accounting Office for Federal elections. I will leave it to the Board witnesses to go into further detail about what the Board is doing to prepare for the coming elections.

My comments about the Board's activities are, however, relevant to the comments of the District Government on H.R. 14754, the bill which has been reported to the full Committee. The District Government has taken the position before the Government Operations Subcommittee that because it is so important to have open and fair elections this year we favored the enactment of the bill which had been introduced by Chairman Diggs -- H.R. 13539 -- which would have augmented the present authority and membership of the D.C. Board of Elections. We continue to be of that view. Because time has elapsed and candidates have declared their candidacies, we continue to think it is

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extremely important that the Board of Elections be the body which is vested with the additional campaign election authority under consideration by the Committee for the new Division. Time alone will necessarily require that the Division adopt many of the decisions which are now being made by the Board.

As a practical management issue, we would also question whether the creation of a Division within the Board of Elections is the best way to achieve the independence which seems to be the intention of the bill. The bill has a unit which is labelled a Division but in many important respects it is a separate and independent entity. The participation of the Chairman of the Board as a member of the Division will not dispell this fact. There remains an unclear division of authority.

If the Committee favors creation of a Division in the Board of Elections as an administrative unit to handle campaign financing, then let the Board of Elections establish such a division upon its own initiative. On the other hand, it is our position that if the Committee favors the creation of an entity which is independent of the other operations of the Board of Elections, it is a mistake to put it nominally in the Board of Elections.

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We join in the request of the Board of Elections that it be given the additional authority it will need to insure as completely as possible an open electoral process.

As an alternative to the creation of a Division within the Board of Elections, the District Government supports the appointment of additional members to the Board of Elections. The Board of Elections has informed us that the number of Members of the Board should be increased and we rely on that judgment. We do, however, question whether or not the Board of Governors of the unified D.C. Bar is the appropriate authority to make appointments to the Board of Elections. Various drafts of bills before the Subcommittee had a number of different proposals for assigning appointment responsibility but we fail to see why this authority should not be continued in the Mayor. The D.C. Self Government and Governmental Reorganization Act would appear to recognize the validity of Mayoral appointments subject to Council confirmation. We have previously suggested and continue to suggest that this mechanism might be adopted for the appointment of additional Board Members.

I would also point out that we think the compensation specified in the bill for the Executive Director and the General Counsel seems rather high. These are super grades and we fail to see why these positions cannot be treated

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as are other positions subject to the regular personnel classification requirements.

We are in accord with the objectives of the amendment to the Election Act provided by section 507 of the bill which will permit Members of the Board of Elections to be compensated realistically for the increased workload and additional responsibilities generated by the forthcoming elections. To make certain, however, that the removal of the ceiling on the amount of compensation which may be paid such Members is applicable only to calendar year 1974 and not the fiscal year, we suggest inclusion of the word "calendar" immediately preceding "1974" in line 22 on page 38 of the bill.

The voter information pamphlet proposed in H.R. 14754 is a practice which has been adopted in other jurisdictions as well as a number of private institutions in their elections for members of the Board of Trustees and Overseers. We have no objection to a statutory provision of this kind provided it is accompanied by adequate funding. We would also call to the Committee's attention the concerns which the Board of Elections expresses in its testimony, and the fact that the local media already provides this picture-statement type of information free of charge to the city.

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For the same reason -- namely a concern about the drain on District revenues -- we continue to oppose a provision for a local tax credit. Federal law already allows a tax credit or deduction for contributions made on behalf of local candidates and elections. The effect of also having a local credit will be that a person contributing the amount of the Federal and local credits combined will, in effect, be making a contribution without any cost to himself. This is a matter which would be well left to the City Council to decide in 1975.

In my previous testimony before the Subcommittee I suggested that the District Government favored having the Office of the D.C. Delegate subject to the requirements of local law for campaigns. The Federal Campaign Practices Act reporting requirements may be sufficient for the Delegate provided they are required to be filed with the appropriate local authority. But it remains our position that the Office should be subject to the reporting requirements and any and all limitations on expenditures and contributions which are required of other local candidates. The possibility of slates is real and, consequently, limitations and the time of filing reports must apply to all candidates from the District of Columbia regardless of whether they be candidates for local or Federal office.

There are a number of other major and significant amendments and new provisions in H.R. 14754 which did not

appear in the bills before the Government Operations Subcommittee. We have been informed informally that, based on the experience of the General Accounting Office in Federal elections, a number of the changes will strengthen the bill, and, accordingly, we support them.

We also favor the new provision such as the one in H.R. 14754 which would exempt candidates who expect to spend a small amount of money in their campaigns.

The District Government also endorses the provisions of section 505 which call for public hearings and investigations by the D.C. Council in 1975 on the operation and effect of the bill on the 1974 elections. This will enable the experience and knowledge gained in the initial elections to be used to strengthen and improve local campaign finance laws in those areas where needed.

Before closing I would like to mention two other areas which, if the Committee decides they are needed this year, could be added to the bill before it is reported. The District of Columbia does not presently have any laws regulating local lobbying activities. In anticipation of the home rule government we have already received inquiries and requests to register from lobbyists. Therefore, it may be appropriate

for the bill to be amended to include a provision on lobbying.

We also think it would be desirable for the District to have conflicts of interest laws directed specifically to local problems. One of the bills before the Subcommittee -- H.R. 13914 introduced by Congressman Fraser -- included some provisions relating to this matter and we would be happy to work with the Committee to develop an appropriate amendment to H.R. 14754.

Thank you for the opportunity to present this statement.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
 CITY COUNCIL

WASHINGTON, D.C. 20004

June 12, 1974

JOHN A. NEVIUS
 Chairman
 STERLING TUCKER
 Vice Chairman
 W. ANTOINETTE FORD
 ROCKWOOD H. FOSTER
 TEDSON J. MEYERS
 REV. JERRY A. MOORE, JR.
 DR. MARJORIE PARKER
 DR. HENRY S. ROBINSON, JR.
 MARGUERITE C. SELDEN
 Council Members

Hon. Thomas F. Eagleton
 Chairman
 District of Columbia Committee
 United States Senate
 Washington, D. C.

Dear Mr. Chairman:

I sincerely regret that absence from town will prevent me from testifying in person on June 13, in support of the House bill to regulate campaign financing in the District, but I hope this letter may be admitted to the record and considered by your Committee in lieu of oral testimony.

In strongly supporting that bill, I would nevertheless urge upon the Committee four changes in the present text, one of which I have stressed already in a letter, a copy of which is enclosed, to Chairman Diggs. In the letter I argue that \$185,800 is far too low a contribution limitation for a candidate in a D. C. mayoral campaign. I have added a few further remarks concerning this problem below in my last paragraph.

However, whatever the overall limit turns out to be, I would urge, as the first and most important amendment to the draft, the deletion of the separation of the overall figure for primary and general election campaigns into two equal amounts, neither of which may be exceeded. I do not know what public purpose would be achieved by this requirement. A candidate who competes only in the primary or in the general election could be limited to \$150,000 without necessity for such a provision. Yet a candidate who

participates in both, as I discovered in my own campaign for D.C. Delegate, would find it extremely difficult to separate expenses as precisely as this provision mandates. For example, how much stationery, bought at the start of the primary campaign, should be charged to the general election campaign when the supply lasts through both? Or, how much of a campaign consultant's contract fee should be allocated to one campaign or the other when the basic research, analysis and graphics are done at the start but used in both campaigns? The date a debt is incurred is clearly not determinative. If the date of payment of bills is used as a test, woe betide the candidate whose contributions run well behind his expenditures, as is the case with most of us!

Finally, on this point, for many candidates, the amount required for one of the campaigns could well be much greater than for the other. This was the case for both Congressman Fauntroy and myself in the first D.C. delegate campaign. This is not inconsistent with points I have already discussed about the problem involved in maintaining accurate separate accounts. Even though an accurate division is impossible, it is obvious to anyone familiar with D.C. registration figures that much more might be needed for the primary campaign, for example, than for the general election campaign. Congressman Fauntroy, in opposing me for Delegate, required more for the primary campaign. In my case, on the other hand, the general election campaign was far more expensive. I really see no reason why a candidate should be prohibited from accommodating these realities. There is little point in creating unnecessary pitfalls for candidates who attempt conscientiously to meet the necessarily stringent reporting requirements of this bill.

The second amendment I would urge is liberalization of the amounts an individual could contribute, both contributions to a single candidate and the total contribution to all candidates in the same campaign, as specified in the House bill. The relative scales for different offices strike me as very fair, but I believe the amounts are well below half the levels which might make a candidate or a contributor vulnerable to criticism. Not to mention the fact that, during our first few local office elections, at least, there will be relatively few Washingtonians who have learned the need for and habit of contributing financially to political campaigns. Yet, the costs of the early campaigners in the District of Columbia will be no less than those of candidates running in jurisdictions where political contributions are a well established tradition.

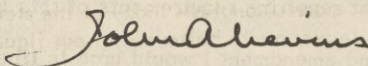
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The third amendment I would suggest is purely technical. The House bill requires lobbyists to file their reports with the Board of Elections. While I see no problem in this procedure, it seems to me that such reports should be filed either alternatively or concurrently with the Secretary of the City Council. This would conform to the practice in the U. S. Senate and House, and it would make the information readily available to Council Members who will, as a practical matter, have the most immediate and frequent need for it.

Finally, I urge that the total maximum expenditure for primary and general elections in the mayoral race be restored to \$300,000. In testimony at the original House hearings, I supported a lesser figure of \$180,000. Subsequently, my detailed analysis of a sample campaign budget of \$185,800 prepared by the House Subcommittee staff (copy attached), has led me to the conclusion that costs have vastly increased since I ran for delegate in 1970-71, and therefore my earlier judgment is in serious error. Hence, on May 29, 1974, I wrote the enclosed letter to Chairman Diggs revising my recommendation to a level of twice that figure, and coincidentally, about twice the staff sample budget as well. My specific reasons are stated in that letter and, hence, need not be repeated here. I earnestly feel that the \$200,000 in the House version should be restored to \$300,000 if we are to be at all realistic about today's costs.

I appreciate the opportunity to express my views in this manner.

Sincerely yours,



JOHN A. NEVIUS
Chairman, City Council

Enclosures

- May 29, 1974

Honorable Charles C. Diggs, Jr.
Chairman, Committee on the District of Columbia
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

While engaged in research this afternoon for preparation of the letter supplementing my testimony on May 20th which was requested for the record in the D.C. Financial Disclosure Bill, I have just been informed that even though the record will not be closed for several more days the Subcommittee has reported a bill and the full Committee will consider same tomorrow morning. Accordingly, even though a good part of what I plan to furnish by letter is not yet ready for transmittal, I feel that what I have ready to offer on one aspect of the bill necessitates providing the information contained in this letter immediately.

I refer specifically to the sample campaign budget prepared by the Subcommittee staff reflecting a total of \$185,800 for both primary and general elections and my own testimony at the hearing on April 3, 1974, with attachment suggesting a total of \$180,000 for same in the contest for Mayor. By coincidence, both that staff and I independently arrived at virtually the same estimate in good faith. However, careful analysis today of the staff breakdown in arriving at this level of budget leaves me to believe that our figures are completely unrealistic.

For example, in the sample budget the estimated pay for clerks annualizes at \$3,900, which is poverty-level income in this geographical area, and it works out to \$1.875 per hour, whereas the minimum legal wage rate in the District is now \$2.25 per hour. Similarly, suggested compensation for the lone advance man and

the accountant works out to \$5,200 per year. Such a price tag for those kinds of talent is at most only half that of a realistic estimate, and maybe closer to one-third. I don't know what news reporter would work as press secretary at the rate of \$7,800 a year as suggested. After three years' experience a reporter at the Star now receives \$20,384 per year, and those at the Post a little more. Moreover, the premium for short-term employment must be considered. Finally, no qualified campaign manager would work at an annualized rate of \$18,200, as suggested. An experienced professional would charge at least twice the \$18,200 per year rate suggested, considering the sporadic nature of such employment. My own experience indicates that a good campaign manager would require at least \$20,000 for six months.

For another example, the headquarters office rental also seems vastly underestimated at going market rates locally. At \$6 per foot per year, \$600 per month for the "central" office would rent one room 30 by 40 feet. With the suggested 10 employees in such a room, that works out to a rectangle 10 feet by 12 feet for each person and desk, without allowance for interior partitions or passageways between workers; and it leaves no room at all for reception area, work tables or volunteers to work in the office. Again, doubling this estimate would be necessary if we are to be realistic.

While I have no information on radio advertising, the estimates given for television and newspaper advertising seem way low when compared with actual costs such as \$1500 for a 30 second "spot" or \$3800 for a full page ad which I quoted in testifying at the hearing on April 3, 1974. Moreover, the agency fee for all such advertising is omitted altogether.

Finally, the Staff's sample budget omits any fee at all for a campaign consultant. Mine cost \$15,000 in the first Delegate campaign and would have been over twice that but for advertising commissions to the same firm.

From the above, I believe a realistic total budget for both primary and general elections for Mayor at today's costs in the District could easily be double the \$185,800 figure suggested in the Staff's sample in use by this Committee. Accordingly, after analyzing the Staff's components and current costs, I now feel that the \$90,000 expenditure ceilings for Mayor and Chairman, representing \$180,000 for six months, to which I testified before this Committee on April third, should be just about doubled if the new law is to be at all realistic for the present, let alone for any appreciable time in the future considering inflation.

I appreciate this opportunity to revise my earlier testimony on this most important aspect of the bill before you. A further letter will be forthcoming, as requested for the record, in a couple more days.

Respectfully,

JOHN A. NEVIUS
Chairman, City Council

SAMPLE CAMPAIGN BUDGET FOR A SIX MONTH CAMPAIGN FOR MAYOR (Estimates supplied by
advertising agencies, political consultants and others)

PERSONNEL, SALARIES	MAY	JUNE	JULY (5 weeks)	AUGUST	SEPTEMBER	OCTOBER (5 weeks)
Manager	\$1400	\$1400	\$1750	\$1400	\$1400	\$1750
Press Sec.	600	600	750	600	600	750
Voter Contact Chairman	400	400	500	400	400	500
Advance	400	400	500	400	400	500
Clerk 1	300	300	375	300	300	375
Clerk 2	300	300	375	300	300	375
Clerk 3			375	300	300	375
Clerk 4				300	300	375
Clerk 5				300	300	375
Accountant	400	400	500	400	400	500
Subtotals	\$3800	\$3800	\$5125	\$4700	\$4700	\$5875
SALARY TOTAL:	\$28,000					

8,300/yr
7,600/yr
5,200/yr
3,900/yr
5,200/yr

Polling: \$6,000

Headquarters:

One central - \$600 per month (x6) = \$3600

store fronts - \$150 " " 2 pre-primary

4 primary to general \$150 x2 x 4 (months) = \$1200
 \$150 x4 x 2 (months) = \$1200
 subtotal = \$2400
 Total: \$6000

Equipment: \$700 per month x6 (months) = \$4200
 (mimeo, duplicating, postage meters, etc.)

Supplies: \$500 per month x6 (months) = \$3000

Phones: Installation - \$500

Service - \$400 per month x6 = \$2400

Total - \$2900

Computers: Voter Registration list with phone numbers - \$2700

Walk List - \$ 500

Total - \$3200

Mailing: one letter - \$250,000

one tabloid - \$ 12,000

Brochures and Kits: \$5,000

Graphics: \$1500

Television: Production - \$15,000

Buy - \$35,000

Total: \$50,000

Radio: Production - \$4000

Buy \$7000

Total: \$11,000

Advertising: Production - \$3000

Buy \$5000

Total \$8000

Fund Raising Costs \$10,000

Voter Contact: \$10,000

(sound trucks, auditorium rental, rallies, bands)

Budget Total: \$185,800

Senator MATHIAS. Our next witness is Mr. Clifford L. Alexander, Jr., attorney-at-law, Washington, D.C.

STATEMENT OF CLIFFORD L. ALEXANDER, JR., CANDIDATE FOR OFFICE OF MAYOR

Mr. ALEXANDER. Mr. Chairman, on my right is Della Alexander, who has been working with me on my campaign, and more importantly, she is my wife.

Senator MATHIAS. The committee is very happy to have her here in both capacities.

Mrs. ALEXANDER. Thank you very much.

Mr. ALEXANDER. Senator Mathias, members of the committee, ladies and gentlemen. I am Clifford Alexander, currently a Democratic candidate for the office of Mayor of the District of Columbia.

CAMPAIGN FINANCE REFORM

I am pleased to have this opportunity to appear before your committee to give my views on the important issue of campaign finance reform in the upcoming District of Columbia elections. The enactment of an effective campaign finance bill will indeed have an important and significant impact upon the quality of the political life that develops in our city.

Since the District will witness its first full local elections in over 100 years, there is an urgent need for the financing of these elections to be well reported, expenditures and individual contributions held to reasonable limits, and for the entire operation to be free of the influence of special interest money.

I know that members of this committee are dedicated to the difficult task of attempting to fashion meaningful campaign finance reform at the national level. I am pleased to see by the unanimous cosponsorship of this bill by members of the committee that equal interest and effort will go into the fashioning of a campaign reform bill for the benefit of the citizens of the District of Columbia.

APPLAUDS HOUSE ACTION

I applaud the House of Representatives for its approval last Monday of a campaign reform bill which would set a \$100,000 spending limit in the primary election for mayor and would also require the public reporting of campaign contributions and expenditures. I urge the Senate to follow the lead of the House and approve spending limitations of no more than \$100,000 for the mayoral primary.

LOOPHOLE IN HOUSE BILL

The House action was a significant first step toward meaningful campaign spending reform. But the House retained one serious loophole which if left intact could result in the type of campaign abuses which unfortunately occurred during the 1972 Presidential campaign.

This concerns the difference between outright "contributions" and other "expenditures" made on behalf of a candidate. The House bill,

and if I am not mistaken, the bill before us today, section 13(a) (2) would allow an individual to make "expenditures"—not requested by the candidate—on behalf of a candidate up to a total of \$1,000.

If my understanding is correct, this amount would neither be included in an individual's total contribution, nor perhaps more seriously, in the total campaign spending limitations.

Without some controls, this loophole could wipe out the basic principle behind setting a campaign limitation in the first place.

Therefore, I urge your committee to act promptly to correct this oversight, and to stand firm to close this loophole when the bills go to conference, and to act promptly on all of the other worthwhile provisions contained in this bill.

ELECTIONS AND ETHICS COMMISSION

I would particularly like to mention the creation of the Elections and Ethics Commission—an enforcement agency adequate to oversee the enforcement of elections laws—which would be created by this legislation, and also your provisions for reporting of personal finances and income tax information.

I am pleased to have been able to present my views to you today, and particularly pleased that the Senate has seen the importance of campaign reform legislation for the District of Columbia in its first election of a Mayor and City Council in over a century.

Thank you.

Senator MATHIAS. Thank you very much for your statement. I think the suggestions you have made as to some problems that exist in the House bill will be helpful to us as we consider the Senate bill, and as we go to conference with the House.

CONTRIBUTIONS FROM OUTSIDE OF DISTRICT OF COLUMBIA

Do you feel that contributions made from outside the District of Columbia should be reported or handled in any separate or distinct fashion?

Mr. ALEXANDER. You mean any contribution that comes geographically from outside the District, or the \$1,000 loophole?

Senator MATHIAS. I mean geographical.

Mr. ALEXANDER. I think they should be reported as any other contributions.

Senator MATHIAS. Just as a part of the total?

Mr. ALEXANDER. That is right.

Senator MATHIAS. And there should be no separate register or list?

Mr. ALEXANDER. I think the same kind of registration requirement you have in the bill, the address or name and occupation, and so on, but I do think it is important to stress this loophole, as Walter Washington referred to it.

He talked about clarifying the loopholes. I think we have a great difference there. It is not a question of clarifying the loophole, it is a question of eliminating it.

If individuals can give \$1,000 allegedly, because they have not received some individual direction from either the candidate or the act of the candidate, then you do not have much of a bill here.

Senator MATHIAS. Yes, I would agree with you.

Our limitation, for example, of \$250 on an individual contribution for candidate for Mayor would be nullified completely. You could then go around that limitation. So I think the position you make is a very sound one on that.

LIMITATION ON CONTRIBUTIONS FOR MAYOR

What about the \$250 limitation on contributions for the Mayor?

Mr. ALEXANDER. I have set a personal limitation myself up to now which is the same as the House limit of \$1,000.

EXCESS CONTRIBUTIONS

It seems to me that is a reasonable figure. Obviously I will abide by the law, because I think anybody ought to do that, but I think the big question is what happens to the extra money.

The law as we certainly know cannot require a penalty for not returning the moneys if a limit of \$250 is set, but I think much more than abiding by the law is understanding what the spirit of the law is.

I do not want to do it, but if it is \$250, whether required or not, I will return those amounts I receive over that.

It seems to me there is a logical premise for setting \$1,000. If the limit is \$100,000, one could say that is 1 percent, but it is something else, even though there can be no retroactive penalties for not returning it.

Senator MATHIAS. I do not think it will be a question of penalty.

Mr. ALEXANDER. I think, sir, there is that question. It is all well and good for people to come to this committee and say they will abide by the law, but when the law cannot be retroactive—I think what we want to hear in the District of Columbia, what, in fact, are you going to do with the spirit of the law, and what are you going to do with those past contributions in excess of the amount.

MAKE ACCESS TO PUBLIC OFFICE NOT TOO DIFFICULT

Senator MATHIAS. It seems to me that one of the things that we want to do is just to make sure that access to public office is not too difficult. That the threshold is not so high that elections become really a farce.

This is a value judgment of some difficulty. As far as the placing of a severe limitation, say less than the one you have yourself voluntarily adopted, let me say the voluntary restraints are important, too.

The law allows us a wide range of social activity, but it does not mean it is desirable to go the full limit of the law, and the full range of all of the sort of things we can do without becoming criminals.

Mr. ALEXANDER. Senator, I think that we have heard some generalized statements from Walter Washington on the law, on his own limitations. But getting to what the restrictions are, and then what are going to be the facts, we have seen published \$5,000 contributions from a group.

We have had no statement from him as to what he is going to do about that which is beyond the \$1,000 limitation set for himself. So I think we need to have some answers to those kinds of questions in order to figure out whether the candidates are, in fact, going to follow the spirit of the law, or, in fact, only abide by the letter of the law.

TOTAL SUM LIMITATION

Senator MATHIAS. The limits that the Senate bill arrived at are those derived from the Federal election law, and which come to a total expenditure for a mayoralty candidate of about \$133,000.

What is your feeling about that as the total sum available?

Mr. ALEXANDER. Interrelated to that, of course, is when it would be spent.

In our city, the most significant expenditure period would be during the primary. I have said that I feel that the candidacy for mayor should run no more than \$100,000.

It would seem to me under your formula, it comes out to be pretty close to that.

Senator MATHIAS. I would hope that the day will come when there will be a viable two-party system in the District of Columbia—just as I hope there will be a viable two-party system all over the United States. When that day comes the general election will be just as important as a contest between Democrats and Republicans.

Mr. ALEXANDER. I am disappointed with the Republican Party in this city. I wish they would run a candidate. It would be helpful to the entire process here in the city. If I may just perhaps differ on one minor point in the political arena—it is true that both you and Walter Washington are incumbents, it is by a different route you became incumbents.

NEW EXPERIENCES

You were elected by the people of Maryland, and he is an appointee, Mayor-Commissioner of the city. So the experience as far as actually going through the campaign, for all of us running in the city are new experiences, very new experiences, and what we can judge, I think, is what the people in the city want, is what we gain from talking with the people of this city.

Senator MATHIAS. Absolutely.

My point about incumbency relates to the performance in office, in the faithfulness to trust really, and to the kind of extra responsibility, and not to abuse of public office for personal enhancement.

Mr. ALEXANDER. That is of extreme importance. I think the reporting provisions in this bill, that I myself have had personal experience with, as a member of the White House staff, I too made statements that were kept private, but required, and I think rightfully so, of exactly what my finances were to avoid any conflict, or appearance of conflict, back in the 1960's. I think it is a very important principle, and it is a very important principle you include in this bill.

PERSONAL DISCLOSURE FEATURES

Senator MATHIAS. So you support the personal disclosure features?

Mr. ALEXANDER. I do indeed.

Senator MATHIAS. In both aspects, both public and confidential reporting?

Mr. ALEXANDER. I do.

I do hope, obviously, that the bill will be passed as quickly as possible within reason.

If it is not passed, I publicly have indicated that I will release my own net worth, and my own sources of income for the past year.

Whether or not there is a bill by July 1 of this year—I will do that.

Senator MATHIAS. I think it is desirable to do it. I know that I have done it for a number of years, and the first time I did it, I had been sort of passing through an experience that I was not sure I liked, but once it is over, it does not hurt.

Mr. ALEXANDER. It does not hurt at all.

LIMITATIONS

Senator MATHIAS. What about the limitations of cash to the \$20?

Mr. ALEXANDER. That seems to me to be a reasonable figure.

Senator MATHIAS. How about the limitation on a candidate's family of not more than 25 percent of his total campaign?

Mr. ALEXANDER. That is no problem for me.

Senator MATHIAS. How about the limitation of \$2,000 which the House has suggested as the outside on contributions from organizations?

Mr. ALEXANDER. I find that to be a little bit high. It seems to me \$1,000 would be consistent with the individual figure.

Again, when I see a \$5,000 figure from Walter Washington, where it is about 25 percent of his contribution coming from one organization, I think that raises serious questions for the public.

I think one does not get into that if there is a limitation of \$1,000.

EXTENSION OF REPORTING

Senator MATHIAS. What about the extension of reporting over more than just a campaign year?

Mr. ALEXANDER. I think that is extraordinarily important. About 1½ months ago I indicated in letters to this committee, and to the House Committee, that I would reveal all of my givers, by name and amount, the first of every month.

I will continue to do that.

I did it as of June 1, and I will continue to do it through the general election.

I do think the provisions in your bill at the present time, the dates you specify, do a very adequate job of giving to the public an opportunity to assess, as the election goes along, where the dollars are coming from. The public, of course, is in the position to make its own conclusion.

CONFLICT OF INTEREST

Senator MATHIAS. Are you familiar with the conflict of interest provisions?

Mr. ALEXANDER. I am, yes.

Senator MATHIAS. And do you support those provisions?

Mr. ALEXANDER. Yes; I do.

CONTROL RESPONSIVENESS PROGRAM

Senator MATHIAS. We get down to this very difficult question, which I discussed earlier, and that is: How do you control and contain a limited development of a responsiveness program?

In your years in the White House—you have had experience in Government—I think you would share with me the feeling that most people who work for Government are dedicated people. They try to do a good job.

They hope that the programs on which they work will succeed, because they want them to succeed. They want them to benefit the country. But you also hope the program is going to succeed on the basis of personal satisfaction, personal fulfillment, whatever personal rewards there are.

Now, under those circumstances, where do you cross the line between taking a Government program that you want to succeed for the good of the country, and one in which you have so vested personal selfish interest—how do you control that kind of problem?

This not only affects you as a candidate, but it could affect you as an office holder of the future.

MR. ALEXANDER. Well, my concept of programs that operate in our city should not be programs that are controlled by the appointed Mayor-Commissioner.

They ought to be programs that are there to service the people of the District of Columbia. I think this interrelates to what has been a few unfortunate legislative steps. One in particular relating to the Hatch Act, where there is a special provision to allow those in office to act as political people, but for the reason of the people in our city, and in the District government, they are hampered.

They are neither here nor there. It would seem to me to have been quite logical for the Congress to have passed legislation in this particular city to allow people to be politically creative, and to make that a clear and definite exception to the Hatch Act.

At the limit that an individual now faces is very difficult.

SENATOR MATHIAS. One way to achieve that is with nonpartisan elections.

MR. ALEXANDER. I think we deserve partisan elections like any other city, and I am glad we have it, and it seems to me to achieve this, for people who do not happen to be appointed, to allow them to have a wide range of political activities, as you earlier indicated. There are some indications, as slow as the Civil Service Commission moves, it is moving in that direction.

I hope it would move very quickly. That creates the kind of dilemma for the individual who is covered by the civil service regulations. They see around them a campaign which will affect their personal lives—the tax assessment, the quality of their government—and yet they have to be constricted in how they perform, because it is the first election in 100 years. There may be some people who do feel that there is an extra added pressure if they work for the government, to be supportive of the incumbent, or be supportive of the government and its programs, and I think that is going to be a difficult strain.

I have a lot of faith in what the people of the city will do. I think they will overcome that strain, but I do not think that strain ought to be there. I think that has to do with how people really carry out the public kind of work that they are involved in.

I certainly hope that the city government will not be abused by programs that are utilized for any political purpose. If they are, obviously, somebody is running against Walter Washington. I am going to raise it, and I am sure others will raise it.

We do not see those abuses. I think there are, as you have found, many fine people working in the government today, and I think that those people will see their obligation is to the rest of us in the city, to carry out programs sensibly and energetically as possible.

Now, my whole candidacy says we have not had the proper direction at the top, but hopefully after January they will have that too.

Senator MATHIAS. Is there anything further you would like to say?

PUBLIC FINANCING OF CAMPAIGNS

Mr. ALEXANDER. One further comment, if I might, sir. We might avoid some of the problems of trying to set individual limits, if we had public financing of campaigns, which is something I feel should be done.

It is not included in this legislation.

Senator MATHIAS. Something that I think should be done.

Mr. ALEXANDER. But that would be to me the better thing to do. I have not discussed it in my statement, because I dealt with the provisions of the bill.

Senator MATHIAS. I am very sympathetic to that point of view. We pay the expenses of governmental decisions, we pay the Mayor's salary, the council's salary, for the heat and light of the District building, but the most important governmental decision that will be made in the District building is the governmental decisions that the voters make. The more efficient way to make that decision is to pay the expenses of making the decision, and we should do this. If you remove from the auction block all of the possible decisions which may flow from an election, and which may be influenced by the means of financing the election, I think in the long run the public will find it is a good investment to pay for the cost of good elections.

Thank you very much.

Mr. ALEXANDER. Thank you very much.

Senator MATHIAS. Mrs. Alexander, it is nice to have you here.

Mrs. ALEXANDER. Thank you.

Senator MATHIAS. We will now call: Rev. Philip R. Newell, Jr., director of the National Presbyterian Center, Washington, D.C., and he is accompanied by Rev. Monsignor Ralph Kuhner, director of social development, Roman Catholic Archdiocese of Washington;

Mr. Daniel Mann, executive vice president of the Jewish Community Council of Greater Washington;

Rt. Rev. John T. Walker, suffragan bishop, Episcopal Diocese of Washington;

Rev. John R. Wheeler, Vermont Avenue Baptist Church, Washington, D.C.; and

Rev. Edward A. White, Presbytery executive, National Capital Union Presbytery.

STATEMENTS OF REV. PHILIP R. NEWELL, JR., DIRECTOR, NATIONAL PRESBYTERIAN CENTER, WASHINGTON, D.C.; REV. MSGR. RALPH KUHNER, DIRECTOR OF SOCIAL DEVELOPMENT, ROMAN CATHOLIC ARCHDIOCESE OF WASHINGTON; DANIEL MANN, EXECUTIVE VICE PRESIDENT, JEWISH COMMUNITY COUNCIL OF GREATER WASHINGTON; RT. REV. JOHN T. WALKER, SUFFRAGAN BISHOP, EPISCOPAL DIOCESE OF WASHINGTON; REV. JOHN R. WHEELER, VERMONT AVENUE BAPTIST CHURCH, WASHINGTON, D.C.; AND REV. EDWARD A. WHITE, PRESBYTERY EXECUTIVE, NATIONAL CAPITAL UNION PRESBYTERY

Reverend NEWELL. We appreciate your hearing us.

We know that all of the candidates do not feel the need to have a little theology laid upon them, because they have left as soon as we approached the table, but, Mr. Chairman, we will lay it on you, if you do not mind.

Senator MATHIAS. This brings up the old story about the Chaplain of the Senate, who was once asked what thoughts passed through his mind as he mounted the roster each morning, with the convening of the Senate, and he was asked to compose a prayer for the occasion.

He said it is very simple. He looked out over the Members of the Senate and prayed for the country.

Reverend NEWELL. Thank you, Mr. Chairman.

I am Rev. Philip Newell, director of the National Presbyterian Center. Accompanying me before your committee this morning, partly in spirit and partly in the flesh, are:

Rabbi Eugene Lipman, chairman of the District of Columbia Affairs Committee of the Jewish Community Council.

Msgr. Ralph Kuhner, director of the Office of Social Development, Catholic Archdiocese of Washington.

Rt. Rev. John Walker, suffragan bishop of the Episcopal Diocese of Washington.

Rev. John Wheeler, pastor, Vermont Avenue Baptist Church.

Rev. Harold Hunt, associate for Urban and Metropolitan Mission, National Capital Union Presbytery, representing Rev. Edward White, General Presbyter of the National Capital Union Presbytery.

It is a privilege for us to testify as individuals in the name of the religious traditions we represent before the Committee on the District of Columbia of the U.S. Senate.

As I am sure you are aware, Mr. Chairman, it is neither our intention nor our role to endorse or reject specific legislation before your committee.

We understand, Mr. Chairman, that you have limited 90 percent of your campaign budget for this year to \$100 or less.

Senator MATHIAS. That is right.

We have limited all ongoing fund raising to \$100 limit. The only reason we have not done 100 percent of the whole campaign is that we had begun some fundraising more than 1 year ago. I would have limited all of that, if there was any way to undo history, but that fundraising amounts to something less than 10 percent of what our whole effort will be, so essentially you said 90 percent, and that is an accurate statement.

Reverend NEWELL. Mr. Chairman, we cannot endorse specific legislation, but we certainly salute support of that kind of leadership.

Normally, we would submit this statement and read the conclusions. However, I will read the statement if that is all right with you, because we think it is important that your committee know that we arrived at our position, not because we got together and dreamed up these things out of our own convictions, but because we are all part of a tradition.

RELIGIOUS AND MORAL TRADITIONS

It is, rather, our responsibility to draw upon the religious and moral traditions represented amongst us in order that we might comment upon what is just and what is right in the ordering of human affairs.

Religious and moral precepts may be said to be unique qualities in that they are not practiced by persons drawing only upon their own insights and convictions but, rather, they are discerned in the context of a received tradition, that tradition being regarded as originating, in part at least, as a result of the divine activity and intervention in the affairs of mankind.

Senator MATHIAS. If I could interrupt you at this point, because it is an interesting corrolation in what you say, and the comment made by Blackstone in his famous commentary on laws, in which he said the laws are the highest expression of the ethics of the Nation.

Reverend NEWELL. Thank you, sir. I am delighted to have that sort of interruption, because it corroborates our point of view.

In that regard, justice in our traditions, doing what is right, is equivalent to righteousness, the symbol of which is not the blind lady with the scales, but the man with the plumb line who squares away upon the human condition, leveling off everything that is not right in the human enterprise against that which is right, that which is right having been laid down by God himself.

God's justice, in our traditions, lies in the fact that He Himself gets involved in human dislocations in order to make just what is unjust, to cast down the mighty from their seats and to exalt them who are of low degree. The justice of God, according to the traditions to which we are heirs, consists in this: the bastions of status and privilege in the world are overthrown and the systems by which human lives are ordered are transformed into vehicles for fellowship and fulfillment for all humankind, no matter what their status had been.

Doing justly, therefore, doing that which is right, in our traditions, is to undertake any or all of those sections in the world which extend God's intrusion upon the prevailing culture for the transformation of human relationships into community.

One way we have, Mr. Chairman, from our religious traditions, of measuring cultural attainments in the prevailing society is to measure

the institutions and systems around which our common living is ordered against that which is right, against that which is doing justly in the world as revealed in our traditions as outlined above. When undertaking such measurements we are, in fact, employing the plumb line, first revealed in the commentary upon that which is good preserved in the words of the prophet Amos.

When we employ such measurements it is necessary to bear in mind two precepts which may be said to originate on the human side of the struggle for justice in the world.

If, as we have said, that which is just and right amongst humans has been laid down by God Himself, and doing justly, doing right is to do those things which cast down the mighty from their seats and exalt them who are of low degree, it is equally important to remember that our experience of the world teaches us that, first, cultural achievements are neither automatic nor necessarily permanent, and second, that law is the instrument, not the norm of justice.

EQUAL PARTICIPATION IN POLITICAL PROCESS

The attainment, in a democratically ordered society, of the equal participation in the political process of all citizens, no matter what their status, is a goal toward which the rhetoric of this Republic has been historically aimed. It is no judgment on the comparative achievement of this goal to remark that increasingly the citizens of this Nation believe, rightly or wrongly, that government at all levels is conducted more responsively to the interests of those who can make large contributions to political campaigns than to those who cannot or do not.

It is no cultural achievement to operate government that is more responsive to those who are rich than to those who are not. Quite the contrary, Mr. Chairman, it is wrong. How do we know that it is wrong? Because of the plumb line, and the witness of our religious traditions.

The cultural and political achievements of American democracy are threatened and can well be lost by such political campaign excesses and abuses which attended the activities of the Committee To Re-Elect the President in the 1972 Presidential campaign. The dissipating confidence of the American people in our political system is ample evidence of this fact.

It is equally important to remember that the law is the instrument, not the norm, of justice. For those of us who, hopefully, speak and act out of the Jewish and Christian traditions, the norm of justice, as noted above, has been worked out in the history of God's activities in and through the history of the struggles of the human enterprise.

Doing justly, doing that which is right in the world is to participate in the translation of the human quest for status and hegemony into a community of fellowship and fulfillment for all, no matter what their station has been.

Unhappily, we are most of us given by nature to the quest for status and privilege in the world. We do not always do by nature that which is just, that which is right. Law, therefore, is important as an instrument by which people are encouraged to do that which is right.

At times in our common history we in this Republic have known

leaders who undertook to act in the world in ways that were right, not because such ways were the law, but, simply, because they were right.

In our times, we believe there is extraordinary need, particularly in the matter of political campaign financing, for our elected representatives to translate into the law tools of justice based upon the norms of justice from our religious traditions so that together we may all learn anew to do that which is right.

TWO MAIN OBSTACLES: CASH AND SECRECY

Existing District of Columbia law concerning election financing is no deterrent to doing what is wrong and no instrument for encouraging the doing of what is right. Recent experience in political campaigns demonstrates clearly that cash and secrecy are the two main obstacles to the doing of what is right in the electing of our leaders and representatives.

Senator MATHIAS. Again, I will interrupt you.

There is nothing existing which deters candidates.

Reverend NEWELL. From doing what is wrong?

Senator MATHIAS. From doing what is right.

Reverend NEWELL. Or from doing what is right.

Senator MATHIAS. That is the point I would like to make. There is no obstacle to doing what is right.

Reverend NEWELL. But, Mr. Chairman, we are sufficiently persuaded by history, that not all candidates do what is right without a little law to help them.

We, therefore, urge your committee, the U.S. Senate, and the House of Representatives by law to eliminate secrecy in the financing of political campaigns in the District of Columbia and also so strictly to limit the use of cash as to remove the possibility of cash contributions playing any significant role in any campaign.

STRICT DISCLOSURE AND REPORTING NEEDED

We urge the passage of legislation including strict disclosure and reporting measures, strict ceilings on all individual and corporate and union contributions, strict ceilings on total spending for a campaign, and above all, strict limitations on cash contributions.

That is a misstatement, Mr. Chairman. By corporate, I mean groups and organizations. We are opposed to any contributions from corporations or from unions.

COLLECTIVE CONTRIBUTIONS CEILING

Senator MATHIAS. To avoid the word corporate from the collective contributions, would you put a ceiling, not only on the total amount that would be received from such an organization, or a ceiling on the amount that any individual within the group could contribute to a collective total?

Reverend NEWELL. Yes, both.

Senator MATHIAS. You would put both?

Reverend NEWELL. Yes, sir.

Senator MATHIAS. Do you have any figures in mind?

Reverend NEWELL. The distinguished religious leadership you see listed on the front page has several lengthy discussions of such things, and we decided not to go for figures, but strictly to say, if you ask for figures, stricter and lower than it has been everywhere by law.

Senator MATHIAS. Again, you were kind enough to make reference to my own experience, and I am not sure how this will work out, because we have never had it done before.

I never did it before in any of my own campaigns. We have suggested that a collective contribution should not include any element of more than \$100 from any single contributor.

Reverend NEWELL. We know that.

Senator MATHIAS. And that, of course, will then restrict that contributor in the group from contributing in any other way to my campaign, directly or through any other way.

Now, there are enforcement problems here. There is just a mechanical, secretarial problem of analyzing each list to make sure that there are no violations of that, but that very frankly fails to meet your further test of the overall limit, which we had not considered at the time we set up this code, but I am interested that you have come to this conclusion.

Reverend NEWELL. Well, as you know, we dodge such requests for specificity, by saying we cannot endorse specific legislation.

We just want you to do what you think is right.

Senator MATHIAS. You feel that what the Congress is paid to do, that it will accomplish that kind of thing.

Reverend NEWELL. That is correct.

We do not believe that the experiences or expenses of other cities should be a guide or a norm for what we do in the District of Columbia. We believe that the laws governing political campaign financing should be much stricter everywhere than they have been, and we believe that we can provide some leadership in beginning to help restore to our political processes the confidence in our electoral system which has been eroded by the twin evils of cash and secrecy in other municipalities and in national elections.

MINIMIZE ROLE OF MONEY

We believe that first class political campaigns can be mounted only by first class candidates; we further believe that the goal of campaign financing legislation should be to minimize the role of money in determining just whom the people will have an opportunity to elect or reject at the polls.

MONITOR POSSIBLE CONFLICT OF INTEREST

Finally, we also believe that a monitoring process of possible conflict of interest activities on the part of elected officials after the election is equally necessary for the assurance of responsible government. It is just as wrong to use elected office for financial gain as it is to use financial advantage to gain elected office.

Thank you, Mr. Chairman.

Senator MATHIAS. I thank you all very much.

I assume in the last paragraph of your comments—the same condemnation of the activities that I discussed earlier with both Mayor

Walter Washington and Mr. Alexander on the use of public office for political means, for just raw political advantage—you would agree with me on my comments?

Reverend NEWELL. Yes, sir.

Senator MATHIAS. Although how we achieve that is a very difficult drafting problem.

Reverend NEWELL. The kind of thing that appears to us to be again within this ethics commission seems to me to at least begin to address itself to this problem, not only during the campaign, but after the winners take office, continuing monitoring, which we believe should not be wholly the creature of those who are elected, but we should have some objective purpose in this procedure.

Senator MATHIAS. The founders of the Republic concluded from the observation of all that happened before their time that the great danger was to allow final and ultimate decisions to rest in one pair of hands.

Reverend NEWELL. Yes; sir.

Senator MATHIAS. It is a great pleasure, and very useful to have you here.

Monsignor Kuhner, do you have any further views?

MINIMIZE ROLE OF MONEY

Monsignor KUHNER. I would like to reinforce the idea of minimizing the use of money so the Government would be truly responsive to the people, so the people benefit from this law, and certainly it seems to be an important step in the right direction.

I am glad we have had this opportunity to present our views.

Senator MATHIAS. Reverend Wheeler?

Reverend WHEELER. What I think has been said is basically the idea of minimizing money, so that those who are campaigning do not have too much, and so that the people can still feel a part of the Government and of the electoral process.

Senator MATHIAS. Is not that one of the great challenges we have today—to make people feel that they do matter as individuals?

Reverend WHEELER. I would believe so, but it is a broad task.

Senator MATHIAS. I have been interested in reading some letters that Thomas Jefferson wrote in the latter part of his life, at the close of his life, in which he was expressing horror that a Member of the House of Representatives of that period was attempting to represent 33,000 people. He asked how it was possible for a Member of the House to really make 33,000 people feel that he is their Representative, and that their views matter to him. Today, of course, the Members of the House of Representatives represent a million people, in some cases, and the difficulties of personal participation is even greater.

I think this is very challenging to our political system to devise new ways in which the individuals understand that they do matter.

Reverend NEWELL. That is correct. That is so especially for the poor people.

Senator MATHIAS. Yes. Thank you very much.

Reverend NEWELL. Thank you, Mr. Chairman.

Senator MATHIAS. We will now hear from Dr. Robert E. Martin, chairman, Board of Elections of the District of Columbia.

**STATEMENT OF DR. ROBERT E. MARTIN, CHAIRMAN, BOARD OF
ELECTIONS OF THE DISTRICT OF COLUMBIA**

Dr. MARTIN. Good morning, Mr. Chairman. I am Robert Martin, chairman of the Board of Elections, and I have with me today Mr. Perkins, the executive secretary of the Board, and Miss Munroe, one of the members of the staff.

Senator MATHIAS. Dr. Martin, again, I do appreciate your appearance. I know you expected to be called first, and I am very grateful to you for bearing with us.

Dr. MARTIN. Thank you.

The Board of Elections for the District of Columbia appreciates this opportunity to comment on certain provisions of the proposed legislation to regulate the conduct of political campaigns in the District of Columbia.

URGENT NEED FOR REMEDIAL LEGISLATION

Clearly there is an urgent need for remedial legislation on financing political campaigns. The sponsors of S. 3264 are to be commended for their efforts to curb the abusive effects of money on our political system.

The Board's deep concerns about these matters have led it to take action on two fronts: (1) to work with those who are involved in preparing legislative proposals for consideration by the Congress, and (2) to issue certain regulations within the Board's rulemaking authority to deal with the situation.

While the Board of Elections strongly supports the general concept and purposes of limitations on contributions and expenditures and of frequent and timely filing of financial reports, we do not wish to comment on specific provisions.

JURISDICTION

From the point of view of the Board of Elections, the major question to be resolved in the consideration of this legislation is: What agency should have jurisdiction over the filing and auditing of political campaign financial reports?

S. 3264 creates and assigns this authority to a new agency, an independent District of Columbia Elections and Ethics Commission composed of seven members appointed to serve 6-year terms.

The Board of Elections recognizes the feasibility of setting up an entirely new and separate agency to perform the functions of overseeing the filing and auditing of political campaign financial reports.

From an administrative point of view, however, we believe that it would be advantageous to set up the machinery for receiving and evaluating financial reports in an experienced organization already in existence. Thus, it appears to us that the Board of Elections would be the logical and appropriate place for this authority to reside.

Moreover, the Board feels that its reputation for fair and impartial electoral administration in the District of Columbia and its outstanding success in court cases in which Board decisions have been subjected to litigation recommend the Board for this important assignment.

If it should be decided that the responsibility for implementing this legislation is to be entrusted to the Board of Elections, it seems that there would be at least two main options as to the organization established to administer the act:

TWO OPTIONS

1. One option would be to enlarge the Board by adding two additional members, thereby increasing the membership to five. This would permit two members, perhaps on a rotating basis, to be assigned to the duties relating to campaign finance regulations. This plan was recommended to the House District Committee by the Board of Elections. At one stage in its legislative history, the draft legislation of the House subcommittee contained the major thrust of this proposal. The chairman of the Board would have served as liaison between those working in the area of campaign finance and those concerned mainly with regular electoral administration.

2. The second option would be to assign the new responsibilities to the director of a campaign finance division established in the Board of Elections. The director would be appointed by the Board and be responsible to the Board for implementing the new legislation. This plan was finally written into the bill prepared by the House District Committee and passed by the House of Representatives a few days ago.

If the Board is to be given these added functions, it is imperative, of course, that there be authorization for additional funding for staff and other resources required for enforcement of the reporting and filing provisions which may be enacted.

If tough new limitations on contributions and expenditures are adopted, and the Board is patently without the means to enforce them effectively, the situation would only invite evasion and corruption.

FULL-TIME CHAIRMAN ESSENTIAL

Now a few words about the chairmanship; it is imperative that the chairman's position be made full time. This was highly desirable even before the home rule legislation was passed. With the additional duties already resulting from the self-government act, a full-time chairman is now essential.

The bill passed by the House would make the position full time. However, the method of compensation was not changed. Presumably because of preoccupation with more important provisions of the bill this was overlooked. We call the committee's attention, therefore, to the need to change from the present per diem arrangement to a specific annual salary at the level of GS-17.

POWERS AND FUNCTIONS UNCLEAR

Finally, we suggest that it may be desirable to provide for a little more clarification at some point in S. 3264. The District of Columbia Ethics and Elections Commission is established by the bill, but the full scope of its powers and functions is unclear.

The introduction to the bill refers to the establishment of an "independent agency of the District of Columbia to administer election laws generally, and for other purposes.

In addition, section 6(h) provides for a transfer from the Board of Elections to the Commission of all "records, documents, memorandums, and other papers associated with carrying out their responsibilities under the District of Columbia Election Act."

However, there seem to be no provisions which specifically empower the Commission to administer the provisions of the Election Act.

Sections 5 and 6 provide only for administrative functions and functions related to the receiving and evaluating of political campaign financial reports and statements. Nor does there appear to be a provision which either abolishes the Board of Elections or spells out what is to happen to this agency.

Mr. Chairman, we wish to thank you for the opportunity to offer these comments for your committee's consideration. We hope that it will be possible for the Congress to complete its action on this crucial legislation in the very near future, for the campaign for elective office in the District is well underway, and the need for statutory guidelines is urgent, indeed.

I might point out there are now over 150 candidates seeking election to the 14 elective positions, so those additional guidelines that require statutory provisions, we hope would get in place as soon as possible.

Thank you, sir.

We will be glad to answer any questions.

Senator MATHIAS. Thank you very much for your comments. I am particularly pleased that some of the technical suggestions you make, the committee will find them very useful. But I am wondering, Dr. Martin, if you would tell us what you think would happen if the committee simply did not act, if there were no new financing legislation?

ACTIONS OF BOARD OF ELECTIONS

Dr. MARTIN. Yes, sir.

The Board of Elections has indicated that it understands the spirit, the interests, the concerns of Congress in this important area, and we have committed ourselves to doing everything within our power to implement those intentions and objectives.

They happen to be shared very strongly by the Board. To that end, as I have indicated, we have rushed into place certain regulations, feeling for example with the requirement of a central depository, the requirement of a designation of a central campaign committee, the requirement that all political literature contain the statement as to the source, people issuing it, on whose behalf, and also the Board has committed itself to making, keeping, and updating records of financial reports, and make these financial statements available to the public.

The Board feels that it is without authority to do some of the other important objectives, those objectives, such as setting limitations on individual group contributions and expenditures. We feel that legislation is required here, and we would hope that the Congress would be able to do it.

The Board, however, is prepared to consider further the possibilities of extending any legitimate authority they have toward achieving any other breakthrough.

LOOPHOLE

For example, you mentioned here in talking to some of the previous speakers, this matter in one case, it is called a loophole, the matter of permitting persons or groups to make expenditures on behalf of the candidate without that candidate's permission up to \$1,000.

I do not think this was overlooked by the other body. I think they failed to attempt to prohibit this because of consideration of the first amendment rights.

BOARD WOULD PUBLICIZE FACTS

The Board has indicated, in talking to the candidates and their associates, that if we found through examination of reports submitted to us that it appears that a number of persons or groups were making expenditures on behalf of the candidate to the end of vitiating the intent of this regulation, that the Board would be prepared to publicize this fact, to make it available to the public, so the public would demand an accounting for this on the part of the candidates.

We have been reluctant to do this. We would do it only after very careful consideration. But if, in our judgment, this appeared to be in order as a result of certain proliferation of contributions and expenditures on behalf of candidates then the Board would be prepared to do something about it.

GUARANTEE INDEPENDENCE OF OFFICIALS

Senator MATHIAS. You have expressed a very sensitive understanding of what Congress is trying to do here. We hoped, in the proposal for an independent agency; to guarantee the independence of the officials who carry out their functions by whatever name they may be called.

Dr. MARTIN. Surely.

Senator MATHIAS. How can this be achieved if the Board, particularly the Chairman of the Board, is to be appointed by the Mayor, who is the official most interested in the function?

Dr. MARTIN. Surely, my response to that, Senator Mathias, would be along two lines: (1) in terms of the provisions of the congressional statute, which provides in section 76 of the District of Columbia Election Act, in the performance of its duties, the Board shall not be subject to the direction of any nonjudicial office of the District.

The Board has been very jealous of that provision and we have acted consistently, and systematically in that frame of reference.

The Board has made it clear that while it would be happy to consider suggestions from all sources, it would not take directives from any source other than the courts. I think our record on this is quite clear.

I am happy to be able to say to you that in this community, the parties, and the District government officials have recognized this, and have made no effort to soften it.

They have responded to the Board in terms of its independence, and there have been many instances in which the Board has taken positions which were different from those of the major political parties in the District.

The Board as a matter of fact has taken the position that we should function largely in a nonpartisan fashion in the District. That our decisions should reflect what we feel is best for the entire community—regardless of what the parties may feel. I must say, however, that the parties have acted in an enlightened fashion, and have not attempted to subject the Board to pressures, which is often the case in some jurisdictions. So I think there has been a history of independent action on the part of the Board. I would think also, Senator Mathias, that the success we have had when we were sued, the tremendous extent to which the courts have found the Board's decisions persuasive, meritorious, and impartial, would suggest again the Board's capacity to act independently and to pursue its work in terms of its own judgment.

IMPACT OF GENERAL ACCOUNTING OFFICE

Senator MATHIAS. Dr. Martin, what about the impact the General Accounting Office has on Federal elections? They make a considerable impact.

Dr. MARTIN. Yes, we are aware of the great resources that can be made available to the Board of Elections by GAO.

As a matter of fact, we have consulted with them. We have had members of the GAO staff to sit in with us when we were considering the regulations that we were about to issue—in order to get their experience and suggestions.

Also, we have adopted, with certain modifications, the forms which GAO created for reporting on political expenditures and contributions.

We are prepared to call upon them. They have already responded in several instances. So it seems clear that we will be able to have a good relationship with the General Accounting Office.

As a matter of fact, there is a young attorney there who has acted as legal consultant to the Board for quite some time, who is now on our staff, and we are planning to ask to borrow him in order to help the Board if it is given these new responsibilities with respect to political financing.

Senator MATHIAS. Dr. Martin, I have been an advocate of home rule for some years.

Dr. MARTIN. Yes, sir, I am aware of that.

TREMENDOUS IMPORTANCE OF FORTHCOMING ELECTIONS

Senator MATHIAS. We are looking forward to actually having the experience of seeing it come into being. But as one of the advocates, and very concerned that its birth will be successful, without any side effects that will diminish the achievement: Is there anything, in your judgment, the Congress can or ought to do which will make this process more successful?

Dr. MARTIN. Well, Senator, I greatly appreciate that expression from you, and I can understand your concern, and indeed the Board shares it.

We recognize the tremendous importance of the forthcoming elections. We know that the eyes of the entire Congress and of the entire country will be upon this community.

We know that some people unfriendly to the idea of self-government will be looking at us with the idea of exploiting any mistakes and any unfortunate developments in connection with the election.

Now, it seems to us that the Congress can assist most effectively in providing additional guidelines, additional regulations of the kind being considered in your bill, and that passed by the other body, and that adequate support be made available for the additional staff and other resources that the Board or whatever agency is entrusted with this tremendous responsibility.

Senator MATHIAS. Thank you very much, Dr. Martin.

Dr. MARTIN. Thank you for the opportunity of being here.

Senator MATHIAS. The next witness is Mrs. Helene Lecar, Chairperson, U.S. Congress Committee, League of Women Voters of the District of Columbia.

STATEMENT OF MRS. HELENE LECAR, CHAIRPERSON, U.S. CONGRESS COMMITTEE, LEAGUE OF WOMEN VOTERS OF THE DISTRICT OF COLUMBIA

Mrs. LECAR. The League of Women Voters of the District of Columbia is happy to appear before this committee this morning to support legislation regulating the financing of political campaigns in the District of Columbia.

It is with deep satisfaction that we contemplate having political campaigns to regulate. But we have all learned too much in the last 2 years to be satisfied until the regulations are in force, firm and effective.

SWIFT ACTION NECESSARY

Because of various delays, we are once more forced to deal with our city's affairs in great haste. Some of the issues embodied in the bills before the committee—S. 3264 and H.R. 15074—require thoughtful consideration and widespread citizen discussion.

But time is very short. Although the bill reported out of the House District of Columbia Committee does not address many aspects of campaign financing which we in the League consider important, which I will itemize in a moment, we nevertheless support that bill, and the Senate bill or any reasonable combination of the two, in our urgent desire to see some valid legislation enacted as soon as possible.

It is already June. The deadline for candidates' filing for the September primaries is July 12. Committees have been formed. Every day money is being taken in and spent on political campaigns. We doubt whether the retroactive clause in the House bill can provide adequate compensation for the tardiness with which this legislation becomes law.

There must be swift action to insure that this, our first exercise in full local franchise in almost a century, is wholesome and free of the taint of undisclosed contributions.

With regard to the particulars of both bills, we would favor including the Senate clause concerning complete confidential disclosure of candidates' personal financial interests.

INDEPENDENT SUPERVISORY AGENCY

We would also be happier with an independent supervisory agency, insulated as far as possible from the pressure of day-to-day politicking by some procedure such as the one outlined in the Senate bill. We find title III of the House bill, placing supervision of election campaigns under the Board of Elections, an inadequate safeguard. A chief officer who serves at the pleasure of the Board, which is itself appointed by the Mayor, is too exposed to the appearance of undue influence, even if no such influence exists.

The supervisor of the election campaign laws should be outside the reach of any elected official. His agency should be fully equipped with all the necessary power to pursue violations of the law without reference to any external enforcement agency.

REGISTRATION OF LOBBYISTS

As lobbyists ourselves, we find the section initiating the registration of lobbyists commendable. We would welcome the extension of such a provision to the activities within the Congress as well. There was some anxiety that the constitutional rights of persons expressing their political views not be in any way abridged by title IV, section 401(d)2, limiting the unauthorized expenditures of individuals on behalf of, or in opposition to, particular candidates.

The fairness of this provision will depend on the discretion with which it is administered. A useful provision from the original House bill which was stricken from the final version—the voters' guide—seems valuable, and we would like to see it restored.

In a broader perspective, there are several areas of league concern that are not reflected in either bill, and we would like to mention them now in the hope that they will not be forgotten once the emergency status of the present campaign has been relieved.

PUBLIC AND PRIVATE FINANCING

In October of 1973, we polled our members regarding financing of national level campaigns; again in March of 1974, we polled them regarding local campaigns. Their opinions have been consistent. The District of Columbia League favors a mixed system of public and private financing, with enough public funds available, in primary as well as general elections, to insure that candidates can mount serious campaigns once they have raised some threshold sum of money.

Although they favored public funding, League members were eager to preserve the possibility of private contributions in some modest measure as a vehicle for citizens to express their preferences, and to take a meaningful, active part in the political process.

EQUALIZE OPPORTUNITIES

Throughout our discussions, members wanted to equalize the opportunities of challengers and incumbents in presenting their candidacies. While members supported limits on campaign expenditures in a general way, they were far more interested in controlling the prime political expense—the purchase of television time.

There was strong feeling about the need to modify the "equal time" provisions currently governing political use of TV in favor of the simultaneous preemption of broadcast time for televised discussion of issues before the public.

While such legislation, even affecting local races, lies partly outside the jurisdiction of this committee, it is our hope, nevertheless, that some further congressional action will ensure the opportunity to admit intelligent political debate to the airwaves.

These issues are of continuing concern to us, but our primary focus now is to get a workable law on the books as quickly as possible. Then we expect to reopen the discussion and renew our efforts for more encompassing legislation.

Finally, as citizens of the District, we would like to thank you for all you have done over many years to make our elections this fall a reality. We still want first-class citizenship and full voting representation in Congress, so we'll be back, but for now, we would just like to say—thank you!

Senator MATHIAS. Thank you very much. I appreciate your statement.

UNAUTHORIZED EXPENDITURES

You present us with an interesting and different point of view on the question of expenditures on behalf, but not authorized by, a candidate. This is a very difficult problem, and I think it does raise a controversial ground.

It may, however, be one of those areas such as the conflict between the constitutional guarantee of the free press and the constitutional guarantee of a fair trial, for which there is no final and ultimate resolution.

You simply have to do the best you can with what is a natural conflict, and that is the problem we are faced with.

Mrs. LECAR. I was thinking of that when I heard about Mr. Alexander's remarks. It seems to me the way the bill is put in the House version, where the amount that a person is legally allowed to expend relative to the total amount the persons are allowed to expend in campaign contributions, is a very significant portion.

In fact, it is equal to individual contributions, where the Senate limit of \$50 was imposed, that is way outside the range of possible political contributions.

I think there is also another complication when you consider in many campaigns, the use of issues is very closely identified with one candidate or the other. There would be many organizations and individuals with very strong views on issues who would feel moved to make known their point of view. They would then be in danger of violating some provision which regulated unauthorized expenditures on behalf of a candidate. This is why we left it up to the discriminating officer.

Senator MATHIAS. How would \$1,000 strike you as an alternative?

Mrs. LECAR. My friend, who has a vital interest in this issue, feels that \$1,000, when you consider what it costs to take out a quarter page ad in the Washington Post, is very low and would be very uncomfortable with making the figure so small that a person could not express himself and make his views known.

Senator MATHIAS. We thank you very much for being here, and we thank the league for its consistent help and efforts.

Mrs. LECAR. We'll be back.

Senator MATHIAS. We are always happy to have the views of your organization.

Mrs. LECAR. Thank you.

Senator MATHIAS. The committee now wants to inquire of those who are present if there are any further statements to be made.

Mr. Dugas?

STATEMENT OF JULIAN R. DUGAS, RESIDENT, DISTRICT OF COLUMBIA

Mr. DUGAS. Yes, Mr. Chairman. I came here this morning as an observer.

Senator MATHIAS. Although the Chair knows you well over many years, would you state your name for the record?

Mr. DUGAS. My name is Julian Riley Dugas. I reside at 2020 Trumbull Terrace NW., Washington, D.C.

I come as a private citizen, Mr. Chairman.

LIMIT USE OF MONEY

Mr. Chairman, I have listened very carefully to the remarks of all of the witnesses this morning. It appears to me that since money has always cropped up as the evil, that perhaps the thing the committee ought to address itself to is find ways and means of limiting the use of money.

Your remarks about Mr. Jefferson also struck me, because I too am a student of Mr. Jefferson, and let me suggest that perhaps the bills that contain an absolute prohibition against the use of money to pay for the use of any form of media advertisement, that is to say, on radio, TV, newspapers, or any other form of media, and even the primary or the general election.

I believe this would compel candidates to do what you said, Mr. Chairman, to think of some new innovative techniques of getting back to the people, and that is what everybody said they want to do, they want to get back to the people.

PERSONAL BASIS IS BEST

I would like to see the candidates submit themselves to the people on a personal basis.

Eyeball to eyeball, without fanfare ballyhoo, for an honest appraisal of them as candidates, for the people who have an opportunity to observe their demeanor, their appearance, and their reactions, without the benefit of the makeup or other artificial aids. And I believe this would also provide the people an opportunity to engage in conversation with the candidate on a bilateral basis, and not only on a unilateral basis, where they could react to him on the spot, and if everything that the candidate says is true, they would welcome the opportunity to get out and hit the footpaths of this town and go to the people, and that is what I advocate, and that is one of the ways you cut out the use of money.

You can buy a few more pairs of shoes, and not pay the newspapers for the full page ads or the TV stations for the 1-minute spots.

This would also do another thing, Mr. Chairman. This would give the media an opportunity to honestly satisfy their requirement for public service announcements, to serve the public so that every 3 or 4 years they will not have to come around to try to generate situations where they have honestly served the public, to serve the requirements of the FCC Act.

D.C. AREA IS SMALL

Logistically, the District of Columbia is perfect for this. Geographically, we are confined to a very small area, so we do not have the problem, Mr. Chairman, that Congressmen had, that Jefferson was worrying about, about huge and tremendous amounts of space.

We are confined to a very small area, so the candidates if necessary can walk throughout the city, and particularly they can walk throughout their wards.

The other reason why this was absolutely important, Mr. Chairman, I believe one of the candidates hit on it this morning; this is the first time around for us in the electoral process. There is a need for the public to be educated on issues, and there is no opportunity for it if they are going to have full-page ads and spots on TV and radio.

I think they ought to be required exactly by law to go to the people, and those are my remarks, Mr. Chairman.

Senator MATHIAS. Thank you very much. I know they are motivated by many years of interest in the affairs of the District.

Mr. DUGAS. Not only that, but the high moral tone that the clergy set this morning, I think compelled me, based on the association with the Judo-Christian effort, to come forward and tell you this.

Senator MATHIAS. Thank you very much.

Mr. Thornton, state your full name and address for the record.

STATEMENT OF JOHN THORNTON, COUNCIL CANDIDATE

Mr. THORNTON. All right, sir. My full name is John M. Thornton. I am a candidate for the fifth ward, and in the case of identification, I am vice chairman of the District of Columbia Federation of Civic Associations, and so forth.

My purpose, sir, of appearing here today is to make several observations to this committee, and one or two things I would like to clear up.

I am a member of the Democratic State Central Committee for the District of Columbia.

I am acquainted with about 80 of the 150 candidates who have taken petitions to run for office. Most of these candidates are walking around town in a state of shock. That is the reason why they did not answer your letter, and that is the reason they are not here today.

I have been communicating with them. My committee and I have been in touch with most of them almost every other day. I have been telling them the trouble I have had with the staff trying to get a chance to appear before this committee and give my views as to the amount of money each candidate should raise and be allowed to spend in this very, very important and first election in 100 years.

Now, most of them were so disgusted that they just took the attitude—to hell with it.

Now, I wrote this committee—Senator Mathias, I sent you a telegram on or about the 1st of June, to appear at the meeting on the 6th of June.

On the 5th of June, I called to see if the hearings were on, and I was told by one of the members of your staff that the hearings had been canceled. I had a meeting to appear at a case in court in Ohio, and I asked them, I said, I wish you would notify me, because I have to go away tomorrow.

SENATOR MATHIAS. Mr. Thornton, let me say I regret any inconvenience to you, because we have sincerely tried to serve the people of the District in this hearing.

I regret that you are inconvenienced, but the important thing is that we are here together now, and we would like to hear your views on the legislation.

MR. THORNTON. I understand that too, sir, but if you want I can put this in a letter to you, because it is very important.

LIMIT MONEY

Now, my personal observation, of my training as assistant national director of the CIO action committee of the United Steel Workers of America, for which I worked for 33 years, the amount of money that was requested by Mr. Washington, the \$400,000 to be spent in the election, it was cut down to \$200,000 in the House of Representatives, it is still a fastidious amount of money, to be spent in an election for Mayor.

With my training on political action in this country, and I have worked over most of this country, you give me a quarter of a million dollars in the State of Maryland, and I do not care who the candidate is, if you allow me to spend \$200,000 in an area that I want to spend it, I guarantee the man who gives it to me, I will elect him against everybody else.

Two hundred thousand dollars to be spent in the city of Washington where people have not had the right to vote in partisan elections for 100 years is entirely too much money.

One hundred thousand dollars is a logical amount to be spent on radio and TV, and in the precincts, unless you are going to force all of us candidates from the wards and at-large all to become some kind of political prostitutes, where we have to go out and sell our soul to the devil, or some contractor or liquor dealers, or real estate interests to get \$20,000 or \$30,000 to run for public office.

There is no other way to do it.

SENATOR MATHIAS. The House bill has a ceiling of about \$200,000 and the Senate bill about \$133,000; you would favor the Senate bill?

MR. THORNTON. I would say your bill, sir, the Senate bill, is almost on the button, \$133,000 could not be called an exorbitant amount of money.

Two hundred thousand dollars is almost an incredible amount of money to be spent for Mayor in the city of Washington, where we have mostly homeowners and Government workers.

This is not the city of Chicago. This is not the city of Detroit. Most of us are just average workers on our jobs with no political experience.

If we are going to have to go out and find large sums of money the first time we have got the right to engage in partisan politics, where is that going to leave us?

I was surprised to see that six answered that questionnaire, because in light of Watergate, where the only problem that Mr. Nixon had was he received too much money.

If you turn over to each one of these candidates \$200,000 or \$250,000, which they want as a compromise figure, that is a quarter of a million dollars, this town will become a political slaughterhouse.

I would suggest to you, sir, that this committee stick to its original figure of \$133,000 as a compromise in the conference, if this bill goes to conference.

You will be doing the citizens of this District a great favor.

Now, maybe some of us will have a little advantage out here, because of the experience we have had in this business, but I do not have the funds, and I am not trying to seek it.

I could get large sums of money. My organization is one of the richest ones in the whole United States. My organization takes in dues and other interests over a half a billion dollars a year. I have not asked them for a penny.

I am going to use what nickels and dimes that I can get. I need about \$5,000. I think I can make it with \$3,500.

This is the kind of campaign that we want to carry on here. We hope that you will help us, and not turn us over to a group of vested lives. I am sure, sir, I am legally blind. Senator Mathias, and I have to have my friend here to go along with me, and if I do not see your actions up there, you will excuse me, because I cannot see you.

Senator MATHIAS. We all need friends in life. It is very important to have one at your side at this time.

Mr. THORNTON. One of the most attractive aspects of this whole case is that the community is interested in receiving the franchise given us, and they want to do it without being hindered by a great deal of excess money.

Now, it is true, you know, that the board of trade has received a reevaluation of their property down with \$17 million. I am sure you understand that, because you hear it every day. The Mayor reduced the value of the property that much. I understand Mr. Joseph Danzansky's group has contributed to Mr. Washington's campaign a sum in excess of \$400,000.

They have already collected the money. This is common knowledge around town, and they want the permission to spend it.

We say that is too much money. We hope that, sir, you will keep your figures down to \$133,000 for the Mayor, and reduce it proportionately all the way down. We hope that you will stick to this figure in the conference.

Thank you very much.

Senator MATHIAS. Thank you very much, Mr. Thornton, and I appreciate your patience in persisting and coming here today.

Now, there is one further witness.

Will you identify yourself?

STATEMENT OF REV. WILLIAM D. JACKSON, COUNCIL CANDIDATE

Reverend JACKSON. My name is Reverend William D. Jackson. I am one of the candidates for Ward 7.

Senator Mathias, it is a privilege that I did not know I was going to have, because I had felt you had too many here, so I will not impose on your time, but I would like this for the record.

HUMAN NATURE

Are we to assume that the time has come when our great form of Government must make laws on those being governed on how much one is to spend to elect a person of his choice?

We must recognize that there is alleged dishonesty and corruption in our Government and those being governed. Is this the time for negative expression? That there are not enough honest businessmen, churches, and other folks to reduce the amount of scheming which goes on in an election in which we are electing legislators to office?

From the time of man's creation, God gave him dominion over earth, which was perfect, until man fell into a cheating state.

Has God not proven to us that honesty can be legislated in man's heart?

It is a fact that God himself has said that honesty must be written in the heart of man. If there must be limitations placed on campaign spending, they should have the element of fairness which is beyond reproach.

EQUALIZE OPPORTUNITIES

There must be a system that will prorate one's financial abilities and achievements to a degree that one who has the lesser amount may have opportunity to equalize.

There should never be an election law made that is unequal for any person seeking to serve his country, or it will destroy its goals.

There are men who serve their country who are broadcasters giving their time for no money. Men who have proven their leadership abilities and whose total audience could elect them. Are renowned men to be penalized to give up their achievements which were made through sweat and blood, to seek to serve the same public which knows his philosophies?

There are leaders in the poverty field in which our heritage lies, who would be surrounded by people who can only afford a few dollars from their living to elect a person to represent them.

There is no way to elect a man from the poverty arena, unless some means to supply his election needs could be discovered.

Do not take this opportunity away from them. Let the new Government in Washington clean its own laundry until we have failed as much as others who have allegedly forgotten that we are one Nation under God, with liberty and justice for all.

BEST NOT TO HARNESS IN EMBRYONIC STAGE

Above all, do not set a precedence with Washington that will destroy the election procedures for other cities.

In other words, we are just not ready to administer a fair decision by limiting campaign spending. It is to be thought about that legislation, is not mere advice, it is an authority with power to enforce its laws, on which its people must insist.

I am one who has been a broadcaster on a Sunday program, which did not get involved in politics, but I have given up that program. I am one who is a minister running, whose name cannot appear so far as that title on the election ballot.

I am one who has exhausted my possibilities for financing my own campaign through the struggle which I had.

Now, I will not get hurt as badly, because I do believe I have mobility to continue to seek, but I would hate to see the District of Columbia in its embryonic stages harnessed to the extent that they seem not to be able to trust the Government which we advocate the obedience to by those whom we seek to serve.

Yes; we have all of these kind of big differences, but are we to say it is predestined, that there is no honesty in our land, that the legislators cannot be honest?

The media, Mr. Chairman, it is impossible even at times like these for people to be informed about the alleged 150 candidates without the media.

GIVE INFORMATION TO PEOPLE

Door to door, I have been going as much as anybody, but I am real surprised that the media is not doing right now in its arena of informing people before these elections, that, which it could do. But I understand there are problems. There should be a way of giving to the people the kind of information which they can expect in good government, as the media spends in reference to Watergate.

Surely there are 150 candidates, but they do not take the place in the media any more than Watergate issues. The people in Washington really need to be informed about these officers they are going to elect.

Senator MATHIAS. Reverend Jackson, I think that is a valid point. I am very encouraged by the optimistic view you take of human nature.

I think it is too bad we all get cynical about life. I appreciate your input here, which is really unique this morning and useful.

We were, however, scheduled to adjourn at 11:45, and I think there is one further witness. I want to make the suggestion to you, Reverend Jackson, if you have anything further you would like to add—I do not want to abbreviate your expression of views—I would be happy to keep the record open for 24 hours if you want to submit any further information to the committee.

Reverend JACKSON. I would be glad to do that.

I thank you very much, Mr. Chairman.

Senator MATHIAS. Mr. Carmichael, can you limit your remarks?

Mr. CARMICHAEL. Four minutes.

Senator MATHIAS. How about 2 minutes?

Mr. CARMICHAEL. I will try.

Senator MATHIAS. I will announce at this time the record will remain open for 24 hours.

STATEMENT OF ALBERT CARMICHAEL, COUNCIL CANDIDATE

Mr. CARMICHAEL. My name is Albert Carmichael, I am a candidate from ward six.

When I first came here, I was thinking about the control and the lobbying for political pressure, the moneys accrued and spent, the

abuses, and political contributions. But as I was sitting listening to the other candidates, I think the area of concern is in the wrong area.

POLITICAL OFFICE NOT JUST FOR RICH

I would suggest that your office look into the fact that if the poor could have automatic representation on political levels, that they would lessen the conflict of interests and control by money power sources.

I am a welfare recipient. I cannot match \$200,000, or \$133,000 in credit or anything else, but there are people who do have that kind of money. So if these people wish to spend that kind of money to gain political office, then I do not think our system should be torn down to make a political situation for rich people.

That will infringe into other areas of the system, and eventually, it might bring the whole system down.

CONTROLLED CONTRIBUTIONS

Senator MATHIAS. Let me say I agree with you that the time has come for public financing of elections, and I have voted for that in the Senate nationally.

I think this is an area in which we are going to have to go to.

A former Senator and Ambassador, Henry Cabot Lodge, visited me recently, is a strong advocate of public financing. So there is a growing body of us who share this view in this country. But we are faced with this election, in which public financing is not available.

Let me ask you this specific question.

As between the Senate bill and the House bill, which looks to more expenditure of money, and therefore a larger contribution, which would you favor?

That is a decision that we have to face today.

Mr. CARMICHAEL. Sir, your question is whether I favor larger contributions or smaller contributions?

Senator MATHIAS. Yes.

Mr. CARMICHAEL. I would favor controlled contributions in any amount.

FULL PUBLIC DISCLOSURE

Senator MATHIAS. And by that, you would like to see all of the facts and figures disclosed for the public's judgment?

Mr. CARMICHAEL. Full public disclosure.

Senator MATHIAS. I think that is fine.

Thank you.

Mr. CARMICHAEL. However, I would like to add one more thing. I think that an office needs to be set up whereby in each election—I am thinking that a staff of four people per State or city, or national elections, per ward, four people could handle any candidate as far as receiving of their funds, and forwarding of those funds, recording and certifying of those funds, which would mean anybody submitting funds for a campaign donation or contribution would be assured that their candidate would receive those funds, they would be recorded, and certified.

I will move rather fast now because I am reading.

Senator MATHIAS. If you are reading, I wonder if you would mind submitting that for the record?

It will appear in the record as if read, and if you want to supplement it further, we will hold the record open for you.

Mr. CARMICHAEL. Thank you. I would be glad to do that.
 [The prepared statement of Mr. Carmichael follows:]

PROPOSAL

Problem: Reported abuse of campaign and election finance
 Lack of effective policing
 Individual and corporate contributions
 Impositive national contribution scale

AL CARMICHAEL, No. 6 Ward Candidate.

NEED

Authorize a Federal office to:

- a. Receive, certify, record and forward all campaign contributions individual and corporate to the designated candidate.
- b. Any and all contributions not channeled through this proper office is to be considered illegal.

CRITICAL PRIORITY

Research and establishment of a financial cost ceiling per candidate, State, city or national election, this ceiling is to be determined by an incidental to local campaign cost.

MAXIMUM CORPORATE CONTRIBUTION SCALE, I.E.

Determinant: Contribution can not exceed previous year tax payment.
 \$1.00 (one dollar) per registered voter of any or all political faction(s).
 \$1.00 (one dollar) per nomination to any or all nominees. State and national campaign contributions adjusted.

Annual gross sales.....	\$500, 000
Federal, State, city tax payment.....	100
Maximum campaign contribution allowed.....	100

NON-RESIDENT AND NON-VOTER CAMPAIGN CONTRIBUTION CONTROL MEASURE

Non-resident and non-voter campaign contributions will create a mechanism of local election controls, self interest and therefor the possible control of urban population movement, housing cliques initiating a money power source that could be instrumental in electing a candidate who is concerned but not primarily of his office.

Our major cities house mass a massive potential to exemplify all that is traditionally American the social progression of all citizens.

Our major cities also house most of our nations poor who can not compete monetarily with local vested interest.

ELECTED OFFICE TENURE

PROBLEM

Elected official who resign, quit or gain a leave of absence during an elected term to campaign for a different elective office. Which would result in:

1. Lost confidence in our nations electoral system.
2. Re-electing, replacing or leaving vacant that elected position that may be filed by a person less qualified.
3. Perpetuating democratic permanent candidacy that will narrow the competitive avenues to political office.
4. Dual use of previous campaign contribution given and solicited for one specific elected office without completing previous length of office voted by the people.
5. Unfulfilled campaign donation purpose and/or supporter financial loss.

NEEDED LEGISLATION ELECTED OFFICE TENURE

1. A period of one year out of office prior to campaigning for a new office.
2. A freeze on expending of any campaign funds associated or donated to a old office to gain a new elected office.
3. A post haste return of all salaries, collected during a voluntary fractured term of office.

Senator MATHIAS. We thank you all very much.

The committee will stand adjourned.

[Whereupon, at 11 :55 a.m., the committee adjourned.]

[The following material was submitted for insertion in the record.]

Statement On S3264

Submitted to the Senate Committee on the District of Columbia

by

The American Federation of State, County, and Municipal Employees.

AFL-CIO

June 13, 1974

AFSCME supports the aims of S3264. It leads toward full franchise, and new political responsibilities to the three-quarters of a million residents of the nation's capitol, and the one-quarter of a million registered voters. Elections in the District of Columbia should be a model of openness, participation, disclosure and, most important, integrity. Integrity of the candidates, their campaign organizations, their party, and their supporters.

The disclosure provisions of S3264 are adequate to insure that the financing of political campaigns in the District of Columbia will be honest, that there will be no hidden contributions, secret funds, or special interest "buys." These are the most critical features of the proposed law and all else will rest on their effective enforcement and administration.

With respect to limits on contributions by individuals and committees receiving voluntary contributions, we feel that the limits may well be set to law for this, the District's first election under Home Rule. It would be preferable that these limits be modified and raised, since we believe that the real issue is disclosure. As long as the source of the contributions is public and reported sufficiently prior to the election time, the size of the contributions assume relatively less importance.

The ceiling on spending for individual candidates also seems somewhat unrealistic. Submitted with this statement is an estimate of the costs for conducting a modest election campaign for a contested city-wide office in the District of Columbia. The estimated cost comes to some \$150,000 -- almost \$20,000 more than the \$130,750 limit in the Bill.

This estimate does not include the cost of radio and television advertising, nor does it include the cost of any public opinion polling that might be conducted. Washington is an expensive media market. A minimal three-week radio and T.V. campaign in the District of Columbia would cost nearly \$65,000. Therefore, the total campaign of over \$200,000 for a single city-wide election is not at all unreasonable. The breakdown of these costs is attached to this statement.

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The cost of campaigning in the District of Columbia may be somewhat higher than it is in most cities of this size, because there has not been a long tradition of campaigns and political participation. Most campaigns run, and rely heavily, upon volunteer workers. Few candidates can afford to conduct a campaign entirely with salaried staff.

In the District of Columbia, however, adequate numbers of volunteers may now prove more difficult to recruit, not only because of the newness of the political experience, but because nearly half of the registered voters are directly affected by the Federal Hatch Act and by law effectively removed from participation in the campaigns of the principal political parties.

Our Federation's Local Council 20 earlier urged this Committee to remove the Hatch Act restrictions on political activity for this year's election campaigns, and made the same plea to the House Committee.

In addition, Council 20 asked U.S. Civil Service Commission to use its authority to waive certain Hatch Act restrictions in the District, as permitted by that statute. The Commission took that action, but, as I am sure the members of this Committee are aware, this waiver has little meaningful assistance to District of Columbia and Federal Government workers who wish to voluntarily participate in the primary and general election campaign of Democratic or Republican candidates. Thus, a sizeable plurality of the eligible voters is prohibited from participating in the campaigns of either major party candidates because they work for the District of Columbia or for an agency of the Federal Government.

An additional factor further complicates the problems. One must assume that members of the immediate family of District or Federal workers will also be under some constraint in volunteering to work for major party candidates, since the provisions of what one can and cannot do under the Hatch Act are confusing and complex. The Government worker's family will be under serious constraint not to jeopardize the job of the breadwinner.

The result is that much of the volunteer work force on which a normal campaign depends cannot be counted on by candidates of either of the major political parties in these first Home Rule elections in the District of Columbia.

What the Congress seems intent on doing is, on the one hand, insisting that the elections be "partisan," but refusing to give the District or Federal workers an exemption permitting them to participate or work in the campaigns, while, on the other hand, proceeding to further restrict the major party campaigns from adequate dollar resources through restrictions proposed in the bill before the Committee.

In a political campaign setting, where there is a general lack of experience by the electorate, it does not seem reasonable to apply both restrictions on volunteer workers, and on volunteer dollars. This appears to be another unreasonable restriction on the political rights of the citizens of the District of Columbia.

Political campaigns are efforts to communicate a candidate's views to the voters. With large numbers of volunteer workers, this can be done through canvassing and distribution of literature. Obviously, the more restrictions placed on the availability of volunteers, the more costly the campaign, with the campaign manager resorting to commercial means of communication, such as mailings, television and radio, phone banks, and newspaper advertisements. In summary, this Committee should modestly increase the spending ceiling for candidates seeking city-wide office, increase limits on individual contributions, and there again needs to be a Congressional effort to find some realistic relief for the District and Federal workers who continue to be restricted by the terms of the Hatch Act.

It is wrong for the voters of the District of Columbia to go into this major experience of selecting their new government for the District with one hand tied behind them through archaic and unfair restrictions on their right to full political participation.

ESTIMATED D.C. ELECTION COSTS

REGISTERED VOTERS - As of May 3, 1974

Total - 257,986
 Democrats - 195,904

OFFICE

<u>Rent</u>	Main Office	5 months	500/mo.	\$2500.00
	8 Ward Offices	5 months	200/mo./office	8000.00
<u>Staff</u>	Campaign Manager	5 months	2000/mo.	10000.00
	Press Director	5 months	1500/mo.	7500.00
	Field Director	5 months	850/mo.	4250.00
	Office Manager	5 months	850/mo.	4250.00
	Secretary	5 months	600/mo.	3000.00
	Advance Person	5 months	600/mo.	3000.00
	Volunteer Co-ord.	5 months	800/mo.	4000.00
	8 Ward Co-ord.	5 months	800/mo./person	4000.00
<u>Supplies</u>	Main Office	5 months	1000/mo.	5000.00
	8 Ward Offices	5 months	500/mo.	2500.00
<u>Phones</u>	Main Office	5 months	700/mo.	3500.00
	8 Ward Offices	5 months	175/mo./office	7000.00
	Deposits		100/line	2400.00
<u>Literature</u>	Bumper Stickers	One color reverse	175,000	5500.00
	Posters	2 colors	25,000	1600.00
	Buttons	2 colors	50,000	2125.00
	Brochure	2 colors	200,000	8000.00
<u>PHONE BANK</u>	30 phones, working 28 hrs/wk, for 8 weeks, reaching 25% of the Registered voters.			
	Phones	2 months		11000.00
	Operators	8 weeks	\$3.00/hr.	20460.00
<u>MEDIA</u>	Newspaper Adver. Full Page	<u>Post</u>	\$5042.88/Daily	21110.88
			5512.56/Sunday	
		<u>Star-News</u>		\$3534.96
<u>TOTAL ESTIMATED COST</u>				<u>\$147,765.80</u>

Johnny W. Allom
William P. Hamilton
Robert P. McDonough
Donald W. Smith

ALLEN/HAMILTON/PARTNERS

1302 Eighteenth Street, N.W.
Washington, D. C. 20036
202/296-0551

POLITICAL CONSULTANTS

May 20, 1974

To: Bill Welsh

From: AHP

The following schedule will give you an idea of what a minimal broadcast buy for a Washington, D.C. campaign might look like.

Rates based on a recent buy, not necessarily taking into account the lowest unit rate applicable to political races.

Radio- 6 stations
18 spots a week -- ROS

TV- 4 stations
9 spots a week

RADIO

<u>Station</u>	<u>Average Spot Rate</u>	<u>Per Week</u>	<u>Total</u>
"A"	\$115	12c	1380
"B"	80	12x	960
"C"	45	12x	540
"D"	12	12x	144
"E"	17	12x	204
"F"	30	12x	360
	Cost Per Week		<u>\$3568</u>

TELEVISION-PER WEEK

STATION	PRIME RATE/FREQ.	FRINGE RATE/FREQ.	DAY RATE/FREQ.	TOTAL PER WEEK
"A"	\$1400 3	\$250 3	\$75 3	\$5175
"B"	1400 3	350 3	100 3	5550
"C"	1000 3	300 3	100 3	4200
"D"	600 3	300 3	150 3	3150
			TOTAL PER WEEK	\$18075

RECAP FOR 3-WEEK CAMPAIGN

Radio	216 spots	\$0,704
Prime TV	36 spots	39,600
Fringe TV	36 spots	10,800
Day TV	36 spots	3,825
TOTAL 3-WEEK CAMPAIGN		<u>\$64,929</u>

Statement for the Senate Committee on the District of Columbia S. 3264
 The District of Columbia Election Finance and Conflict of Interest Act-
 June 13, 1974

By John M. Anthony

Sir's;

In response to Senator Charles Mac. Mathias, Jr. request of June 5, 1974 for written statements on the bill S. 3264, The District of Columbia Election Finance and Conflict of Interest Act, of June 1974.

It gives me great pleasure to respond to this request and to present my recommendations to this deliberative body.

Gentlemen;

Because of the wide spread need for large amounts of campaign money and the seeming abuse of large amounts of this money, I think the Committee should take a hard look at the need. The Committee should consider very carefully some methods of reducing this need.

The answer for me is to reduce the need. It is obvious that every candidate is competing for large donations. Most of the money goes to radio and television. To a lesser degree money goes to the news print media. Therefore I recommend some control on these funds.

I believe that all of us are concerned with the corruption that large donations can cause. It can cause harm not only to candidates but to our form of government, and to the character of the people. There is a harmful influence on the recipients. And it impacts on non-recipients in society too.

We know that a threat of none contribution unduly influences the votes of non-recipients because of the threat of financing opponents, that every vote is carefully scrutinized by influence peddlers, that carries the intemanation that the money goes where the vote goes that best serves the interest of the influence peddlers.

Therefore to curtail the need for large sums of money, we need to look at the requirements for large sums. We have mentioned competition as one reason, the second reason is the cost and need for electronic and news print media exposure, that every candidate needs as well as the public needs to know them.

I propose that the congress impose two requirements on the electronic media, (one) that equal limited time be allowed each candidate and, (two) this time be rendered at cost by the media. (This would be separate from the Public Service and strictly news area or editorials.)

Certain condition should be imposed on the media and candidates. They are, (one) that candidates competing for the same office must be on/at the same media (except print) during the same time span, (two) the cost be equally share by them, and (three) they would not be permitted to use; nor would any of their supporters be permitted to use; that type of media again for any type of paid campaign advertisement for that office. Other type of campaign advertisement would be exempt from these constraints, there should be a limit on newspaper campaign advertisement spending.

Therefore the need for large sums i.e. donations for campaigning would be greatly reduced and all candidates would have equal opportunity and exposure to present themselves to the voting public and should be able to pay the cost. The number of electronic appearance should be the group decision of the candidates with in the ability of the media to produce.

There should be limits on the dollars that candidates and their supporters can spend on public relation, or consultants or publicity firms during any one campaign.

Because of difficulties for some voters to get to the polls on election day, because of working conditions and location and other obsticals, I recommend that all general election days be declared legal and mandatory holidays, with the excption small towns, hamlets, counties etc under a population number be given the option of exemption for hardship reasons.

I am very disturbed ~~over~~ the requirements of reporting small donations or contributions from poor candidates from poor districts, where candidates get much of there funds from house parties, dinners, teas, cabarets, sales of campaign material, in short, donations of les- than \$5.00; causes serious book keeping problems, if every donation has to be recorded with names and addresses. Many persons living in low income areas are afraid to make public their place of residents and some would be embarrassed to be knowned to live there, this has the effect of reducing restricting and prohibiting would be contributors from making contributions.

There should also a minumum personal financial reporting, that candidates would be required to start their report from, to protect candidates that have low financial reserves from embarrassment through disclouser.

John M. Anthony
1002 - G St. N.E.
Washington, D.C. 20002

STATEMENT OF WILLIAM M. BARTLETT, TREASURER, D.C. REPUBLICAN
COMMITTEE BEFORE THE SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE HOUSE DISTRICT COMMITTEE APRIL 4, 1974

It is a privilege for me to appear before you to testify on behalf of the D.C. Republican Committee. My name is Bill Bartlett and I am Treasurer of the D.C. Republican Committee, having held that position since June 19, 1972.

My testimony will take into consideration the two bills that I have had an opportunity to look at - H.R. 12638 and H.R. 13539. This testimony and the ideas expressed herein are those that I have accumulated during my nearly two (2) years as party Treasurer and having signed many campaign reports, while at the same time trying to interpret the law and not end up in jail.

I fully realize that at the present time there is no campaign practice law that governs District of Columbia elections on which we are about to embark, if the Charter Referendum is approved by the voters on May 7, 1974. I still, however, get the feeling that we are over reacting to poor judgment and excesses on the part of a few people which are unlikely to be repeated.

We are all interested in good government. Nobody likes to see an elected or appointed office holder become indicted for illegal activities. Nobody likes to see offices in government go to the highest bidder and to my knowledge nobody has proven that they have.

I am not an attorney, I enjoy and feel it is a responsibility being involved in politics, I never intend to run for governmental office, I feel I am honest and yet there is a distinct question in my mind as to whether I should continue my participation. It is beginning to concern me that I may inadvertently make an error on one of the forms that must be submitted periodically and therefore jeopardize my whole family to ridicule and persecution.

H.R. 12638 says that if there is a vacancy in the Chairman of Treasurer's position on expenditures can be made and no monies received. I realize this was taken from Public Law 92-225, but still think it is ridiculous. In my party neither the Treasurer or the Chairman, either collectively or individually has the authority to spend money without further approval. The section could cause serious problems in the event of sudden incapacity in either office, and seems to serve no useful purpose.

H.R. 12538 states there can be only one central committee per candidate and all monies for that candidate must funnel through this committee. What happens if 4 or 5 candidates wish to work through the regular party organization? Does this mean that the regular party organization should not be a clearing house for all candidates? Are we not creating another administrative nightmare within political organizations?

I am opposed to setting up another bureaucracy, without first investigating the possibility of using something that already exists. In H.R. 13539 the Board of Elections is given additional powers, whereas in H.R. 12638 a new Commission is created. I recommend giving the Board of Elections this responsibility.

Gentlemen, both of these bills put stipulations as to amounts of monies that can be contributed by any one individual, facility for disclosure by candidates and their committees and at least one of the proposals legislates rather stiff penalties for non-compliance.

I would like to make the following recommendations to this group:

1. If there is to be an election Commission to cover the broad spectrum of elections within the District of Columbia, then let the appointments, whether they be by the Mayor or Chairman of the City Council, be approved by the whole Council.

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2. In requiring reports let us make them as simple as possible, with an eye towards having D.C. report forms identical to GAO and House election report forms and the filing dates the same also. In this manner, the volunteer Treasurer, of which I am one, will not have to spend all his time filling out reports.

3. I too would like to broaden the base of candidate support by having the people who can afford \$5 or \$10 dollars, also contribute. I also believe that some of the campaign contribution limits are unrealistically low. We are comparatively new in this area. I would ask each of you to look into your States to see what is being done. After all, the States that you represent have been doing this a lot longer than the District of Columbia residents.

4. I believe that having to report any contribution over \$200 within 48 hours of receipt, would also create a hardship and is unnecessary unless that contribution is received after the last report is filed, before the election. My reasoning is that the contribution will show up on the next report which will still be prior to election. To avoid administrative misinterpretation, I suggest the word "last" be changed to "final".

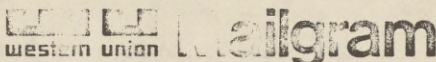
5. I am opposed to any form of government subsidy or matching fund. My reasoning is this - the people we elect are supposed to run our government. Should that same government contribute to their campaign? I don't think so. Nor should people be forced to support their opposition through expenditure of their taxes for this purpose.

6. A suggestion for the District of Columbia campaign financing might be to encourage TV stations and radio stations to offer public service time, equally to the major candidates. After all, the bulk of campaign money goes for TV and radio time. Public service time could significantly reduce campaign spending.

I would hope that we could begin to find ways of cutting down on campaign costs. I would hope that we could come up with a plan that would be uniform nationwide, so that we would not all drown in paperwork, or have to spend even more in hiring batteries of lawyers and accountants.

Thank you for the opportunity for allowing me to appear before you.

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 ZIP 20019


 western union Mailgram



REVEREND WILLIAM D JACKSON
 44 58 ST SOUTHEAST
 WASHINGTON C 20019

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

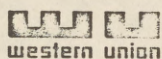
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 ZIP 20510

UNITED STATES SENATE, COMMITTEE ON DISTRICT OF COLUMBIA
 CAPITOL HILL DC 20510
 REFERENCE TO CAMPAIGN LIMITATIONS

DEAR SIR, ARE WE TO ASSUME THAT THE TIME HAS COME WHEN OUR GREAT
 FORM OF GOVERNMENT MUST MAKE LAWS TO TELL THOSE BEING GOVERNED
 HOW MUCH ONE CAN SPEND TO ELECT A PERSON OF HIS CHOICE? RECOGNIZING
 THAT THERE IS ALLEGED DISHONESTY AND CORRUPTION IN OUR GOVERNMENT
 AND THOSE BEING GOVERNED, IS THIS THE TIME OF NEGATIVE EXPRESSION
 THAT THERE ARE NOT ENOUGH HONEST BUSINESSMEN, CHURCHES, AND
 OTHER FOLK TO REDUCE THE AMOUNT OF SCHEMING, WHICH GOES ON IN
 ELECTING LEGISLATORS TO THERE OFFICE? FROM THE TIME OF MANS
 CREATION GOD GAVE HIM DOMINION OVER THE EARTH, WHICH WAS PERFECT,
 BUT MAN FELL INTO A CHEATING STATE, HAS GOD NOT PROVED US THAT
 HONESTY CANNOT BE LEGISLATED INTO MANS HEART? IT IS A FACT THAT
 GOD HIMSELF HAS SAID THAT HONESTY MUST BE WRITTEN IN THE HEART
 OF MAN, IF THERE MUST BE LIMITATIONS PLACED ON CAMPAIGN SPENDING,
 THERE SHOULD HAVE THE ELEMENT OF FAIRNESS WHICH IS BEYOND REPROACH,
 THERE MUST BE A SYSTEM THAT WILL PRORATE ONES FINANCIAL ABILITIES
 AND ACHIEVEMENTS TO A DEGREE THAT ONE WHO HAS THE LESSER AMOUNT
 MAY HAVE OPPORTUNITIES TO EQUALIZE, THERE SHOULD NEVER BE AN
 ELECTION LAW MADE THAT IS UNEQUAL FOR ANY PERSON SEEKING TO
 SERVE HIS COUNTRY OR IT WILL DESTROY IT'S GOAL, THERE ARE MEN
 WHO ARE BROADCASTERS GIVING THEIR TIME FOR NO MONEY, MEN WHO
 HAVE PROVEN THEIR LEADERSHIP ABILITIES WHOSE TOTAL AUDIENCE
 COULD ELECT THEM, ARE RENOWNED MEN TO BE PENALIZED TO GIVE UP
 THEIR ACHIEVEMENTS WHICH WERE MADE THROUGH SWEAT AND BLOOD,
 TO SEEK TO SERVE THE SAME PUBLIC WHO KNOWS HIS PHILOSOPHIES?
 THERE ARE LEADERS IN THE POVERTY FIELDS FROM WHICH OUR HERITAGE
 LIES WHO WOULD BE SURROUNDED BY A PEOPLE WHO CAN ONLY AFFORD
 A FEW DOLLARS FROM THEIR LIVING TO ELECT A PERSON TO REPRESENT
 THEM, THERE IS NO WAY TO ELECT A MAN FROM THE POVERTY ARENA
 UNLESS HE WOULD BE DISCOVERED BY SOMEONE OF MEANS TO SUPPLY
 HIS ELECTION NEEDS, DO NOT TAKE THIS OPPORTUNITY AWAY FROM THEM,
 LET THE NEW GOVERNMENT IN WASHINGTON CLEAN ITS OWN LAUNDRY UNTIL
 WE HAVE FAILED AS MUCH AS OTHERS WHO HAVE ALLEGEDLY FORGOTTEN
 THAT WE ARE ONE NATION UNDER GOD WITH LIBERTY AND JUSTICE FOR
 ALL, ABOVE ALL DONT SET A PRESIDENCE WITH WASHINGTON THAT WILL

35-670 328.

PAGE 2

western union

Mailgram



DESTROY THE ELECTION PROCEDURES FOR OTHER CITIES IN OTHER WORDS,
WE'RE JUST NOT READY TO ADMINISTER A FAIR DECISION ABOUT LIMITED
CAMPAIGN SPENDING. IT IS TO BE THOUGHT ABOUT THAT LEGISLATION
IS NOT MERE ADVICE, IT IS AUTHORITY WITH POWER TO ENFORCE ITS
LAWS OF WHICH ITS PEOPLE MUST INSIST

REVEREND WILLIAM D JACKSON, CANDIDATE FOR CITY COUNCIL FROM
-RD 7

June-14, 1974

There are many different reasons for my opposition to the proposed legislation on campaign spending and reporting.

Campaign limited spending does not include the area from which one must obtain his help related to its prosperity or poverty. Limited campaign spending is determined when its flexibility will not permit the prosperous to supplement the inabilities of financially disabled voters.

Limited campaign spending is not the answer to remove the ills of campaign spending faced in the past.

Limited campaign spending is a form of dictatorship which tells a person or an establishment how and to what degree they can support a candidate with their own money, thereby causing the loss of valuable expertise.

Campaign reporting while serving a major problem for identification creates a destructive problem at the voting polls for a secret ballot.

Campaign reporting can result in physical and racial danger.

Finally if a person is to vote ones convictions, there must remain a sense of privacy such as that which is at the secret ballot box.

Rev. William D. Jackson
Candidate for Ward 7
Washington D.C.

TESTIMONY OF JOEL D. JOSEPH

Ward 3 Candidate for D.C. City Council

Before the District of Columbia Committee

U.S. Senate

June 13, 1974

Mr. Chairman, Members of the Committee: I strongly endorse the expenditure limits for the Council elections as established in S.3264. The expenditure limit of 10 cents per person of voting age is very reasonable. In the Ward races this limit will mean that candidates will be able to spend approximately \$5,000 in the primary campaign and another \$5,000 in the general election. This figure is a striking contrast to the outrageously high amount, \$20,000, which has been approved by the House of Representatives.

The Maryland Fair Campaign Financing Act of 1974 provides expenditure limits of 2.5 cents per capita, not per person of voting age, for Baltimore City Council elections. Applied to the District of Columbia the Maryland law would allow expenditures of approximately \$2,500 in Ward city council races.

I feel that the 10 cents per person of voting age limit will allow me to reach all of the voters of my district. I also feel that this limitation is a reachable goal for all serious candidates and will help to provide access to the democratic process. Thank you very much for this opportunity to express my views to the Committee.

SUSAN MEEHAN **DEMOCRAT**

city council - ward two

1740 corcoran st, nw, dc 20009 * tel. 234-5151

I wish to speak to a neglected part of the campaign spending bill - the part that does not cut down severely on spending by ward candidates. As presently written, the bill is a license for wealthy interests to buy an election, and in fact a whole city council. It is not in the best interests of the city or the country for you to allow such large war chests by ward candidates, for ward candidates can and will be bought through contributions by special interest groups.

In fact, that very thing is happening right now in my own ward race. I call your attention to the fact that an opposing candidate recently offered a friend of mine a job as her campaign manager at \$250 a week, which over a period of six months amounts to over \$6000. In a ward race, that is an extraordinary sum, a sum so far above what a candidate could reasonably hope to raise from small contributors that I must conclude that this candidate has already been bought off by extremely wealthy interests. A candidate ought to have to substitute shoe leather for golden slippers.

I sincerely feel that \$7000 at the most for the total campaign period is more than sufficient to enlighten ward voters about a candidate and that candidate's position. In fact, that's darn generous. Anything more than that is inescapably corrupt. -30-

June 11, 1974

Testimony before Senate District Committee

Press Release

Testimony Before the Senate Committee on the District of Columbia Regarding
Regulation of Political Campaigns in the District of Columbia.

- - - -

Mr. Chairman. I am the Reverend Philip Newell, Director of the National Presbyterian Center. Accompanying me before your Committee this morning, partly in spirit and partly in the flesh, are:

Rabbi Eugene Lipman, Chairman of D.C. Affairs Committee of the Jewish Community Council.

Msgr. Ralph Kühner, Director of the Office of Social Development, Catholic Archdiocese of Washington.

The Rt. Rev. John Walker, Suffragan Bishop of the Episcopal Diocese of Washington.

The Rev. John Wheeler, Pastor, Vermont Ave., Baptist Church.

The Rev. Harold Hunt, Associate for Urban and Metropolitan Mission, National Capital Union Presbytery, representing the Rev. Edward White, General Presbyter of the National Capital Union Presbytery.

It is a privilege for us to testify as individuals in the name of the religious traditions we represent before the Committee on the District of Columbia of the United States Senate. As I am sure you are aware, Mr. Chairman, it is neither our intention nor our role to endorse or reject specific legislation before your Committee. It is, rather, our responsibility to draw upon the religious and moral traditions represented amongst us in order that we might comment upon what is just and what is right in the ordering of human affairs. Religious and moral precepts may be said to be unique qualities in that they are not practiced by persons drawing only upon their own insights and convictions but, rather, they are discerned in the context of a received tradition, that tradition being regarded as originating,

-2-

in part at least, as a result of the divine activity and intervention in the affairs of humankind. In that regard, justice in our traditions, doing what is right, is equivalent to righteousness, the symbol of which is not the blind lady with the scales, but the man with the plumb line who squares away upon the human condition, levelling off everything that is not right in the human enterprise against that which is right, that which is right having been laid down by God Himself. God's justice, in our traditions, lies in the fact that He Himself gets involved in human dislocations in order to make just what is unjust, to cast down the mighty from their seats and to exalt them who are of low degree. The justice of God, according to the traditions to which we are heirs, consists in this: the bastions of status and privilege in the world are overthrown and the systems by which human lives are ordered are transformed into vehicles for fellowship and fulfillment for all humankind, no matter what their status had been. Doing justly, therefore, doing that which is right, in our traditions, is to undertake any or all of those actions in the world which extend God's intrusion upon the prevailing culture for the transformation of human relationships into community.

One way we have, Mr. Chairman, from our religious traditions, of measuring cultural attainments in the prevailing society is to measure the institutions and systems around which our common living is ordered against that which is right, against that which is doing justly in the world as revealed in our traditions as outlined above. When undertaking such measurements we are, in fact, employing the plumb line, first revealed in the commentary upon that which is Good preserved in the words of the prophet Amos.

When we employ such measurements it is necessary to bear in mind two precepts

which may be said to originate on the human side of the struggle for justice in the world. If, as we have said, that which is just and right amongst humans has been laid down by God Himself, and doing justly, doing right is to do those things which cast down the mighty from their seats and exalt them who are of low degree, it is equally important to remember that our experience of the world teaches us that, first, cultural achievements are neither automatic nor necessarily permanent and second, that law is the instrument, not the norm of justice.

The attainment, in a democratically ordered society, of the equal participation in the political process of all citizens, no matter what their status, is a goal toward which the rhetoric of this Republic has been historically aimed. It is no judgement on the comparative achievement of this goal to remark that increasingly the citizens of this nation believe, rightly or wrongly, that government at all levels is conducted more responsively to the interests of those who can make large contributions to political campaigns than to those who cannot or do not. It is no cultural achievement to operate government that is more responsive to those who are rich than to those who are not. Quite the contrary, Mr. Chairman, it is wrong. How do we know that it is wrong? Because of the plumb line, and the witness of our religious traditions. The cultural and political achievements of American democracy are threatened and can well be lost by such political campaign excesses and abuses which attended the activities of the Committee to Re-elect the President in the 1972 Presidential campaign. The dissipating confidence of the American people in our political system is ample evidence of this fact.

It is equally important to remember that the law is the instrument, not the norm, of justice. For those of us who, hopefully, speak and act out of the Jewish and Christian traditions, the norm of justice, as noted above, has been

worked out in the history of God's activities in and through the history of the struggles of the human enterprise. Doing justly, doing that which is right in the world, is to participate in the translation of the human quest for status and hegemony into a community of fellowship and fulfillment for all, no matter what their station has been. Unhappily, we are most of us given by nature to the quest for status and privilege in the world. We do not always do by nature that which is just, that which is right. Law, therefore, is important as an instrument by which people are encouraged to do that which is right. At times in our common history we in the this Republic have known leaders who undertook to act in the world in ways that were right, not because such ways were the law, but, simply, because they were right. In our times, we believe there is extraordinary need, particularly in the matter of political campaign financing, for our elected representatives to translate into the law tools of justice based upon the norms of justice from our religious traditions so that together we may all learn anew to do that which is right.

Existing District of Columbia law concerning election financing is no deterrent to doing what is wrong and no instrument for encouraging the doing of what is right. Recent experience in political campaigns demonstrates clearly that cash and secrecy are the two main obstacles to the doing of what is right in the electing of our leaders and representatives. We, therefore, urge your Committee, the United States Senate, and the House of Representatives by law to eliminate secrecy in the financing of political campaigns in the District of Columbia and also so strictly to limit the use of cash as to remove the possibility of cash contributions playing any significant role in any campaign. We urge the passage of legislation including strict disclosure and reporting measures, strict ceilings on all individual and corporate and

union contributions, strict ceilings on total spending for a campaign, and above all, strict limitations on cash contributions.

We do not believe that the experiences or expenses of other cities should be a guide or a norm for what we do in the District of Columbia. We believe that the laws governing political campaign financing should be much stricter everywhere than they have been, and we believe that we can provide some leadership in beginning to help restore to our political processes the confidence in our electoral system which has been eroded by the twin evils of cash and secrecy in other municipalities and in national elections.

We believe that first-class political campaigns can be mounted only by first-class candidates; we further believe that the goal of campaign financing legislation should be to minimize the role of money in determining just whom the people will have an opportunity to elect or reject at the polls.

Finally, we also believe that a monitoring process of possible conflict of interest activities on the part of elected officials after the election is equally necessary for the assurance of responsible government. It is just as wrong to use elected office for financial gain as it is to use financial advantage to gain elected office.

Thank you Mr. Chairman.

TESTIMONY OF REV. ROBERT EARL PIPES PRESENTED TO
UNITED STATES SENATE COMMITTEE ON THE DISTRICT
OF COLUMBIA ON S. 3264, THE DISTRICT OF COLUMBIA
ELECTION FINANCE AND CONFLICT OF INTEREST ACT.

I am very grateful to Senator Mathias and the other members of the Senate Committee on the District of Columbia for giving me this opportunity to present written testimony on S. 3264, the District of Columbia Elections Finance and Conflict of Interest Act hereinafter referred to as "the Act"

I have several concerns regarding the Act because I am committed to the position that such legislation should accomplish the vital purpose of ensuring integrity in the political campaign processes of the District of Columbia and at the same time not unduly burden the ordinary citizen who wants to participate in his or her government by seeking an elected office.

At the outset of examining the Act, I noted provisions for the establishment of a "Nominating Committee" and "Elections and Ethics Commission". I am concerned also that participation in these bodies be as open as possible to citizens of the District of Columbia. Section (c) (3) (B) under "Nominating Committee" provides for the appointment by the Mayor of two members of the Committee, at least one of whom shall be a lawyer. This provision limiting one of the Mayor's choices to a lawyer seems unduly restrictive in view of the lack of any indication in the Act that the appointment of a lawyer would be of particular value to the Committee. Not only should the Mayor not be singled out as the official whose arena of choices

are limited, but the Act should not place arbitrary limitations on participation on the Committee by the citizenry of the District of Columbia by narrowing one arena of choice to the legal profession.

Section 3(c) (A) of the Act states:

"One member of the (Nominating) Committee shall be the Comptroller General of the United States, or his designee."

And Section 4(c) (3) of the Act provides:

"One (member of the Elections Ethics Commission) shall be appointed by the Comptroller General. Member appointed under this subsection shall serve only for the terms ending on the date on which the Council of the District of Columbia approves appointments made by the Mayor under Subsection (d)."

I strongly oppose these provisions. They constitute an unnecessary oversight by a Congressional agency over the local affairs of the District. It is contrary to the spirit and very heart of the already constricted concept of home rule, which is now being implemented. Furthermore, it demonstrates a basic congressional distrust in the ability and integrity of local officials.

I therefore believe that these provisions should be removed, and that the District of Columbia officials should be allowed to appoint all members of the Nominating Committee and the Elections and Ethics Commission.

In Section (3) (d) (3), the Act indicates that government agencies of the District must produce such records, information, and services and such other assistance to the Committee "upon request" as may be necessary to enable the Commission to perform its tasks. The use of the term "upon request" suggests that an immediacy in the production of the indicated materials would be

- 3 -

expected which may not be feasible in every conceivable instance. Certainly, District agencies should make diligent efforts to produce needed information at the earliest possible time, but they should not be placed in the position of having to drop other vital District business in order to produce information for the Committee. I therefore suggest the deletion of the phrase "upon request" from Section (3) (d) ③.

I noted further that Section 3, while indicating specifically the process by which vacancies on the "Ethics Commission" must be filled, does not indicate the process by which the Committee will participate in the nomination of original members for the Commission. Such a procedure, I believe, should be specifically delineated in the Act.

Under Section 6, entitled "powers of the Commission", (a) (1) thereof specifies that the Commission has the power to require any person to submit within a "reasonable period" such reports and answer to questions as the Commission may prescribe. As the length of time indicated by the phrase "reasonable period" is not susceptible to a common interpretation and, therefore, would not provide adequate notice to a person of whom information may be required, I believe a date certain should be inserted in lieu of "reasonable period". Insertion of a date certain would tend to ensure that all persons are treated similarly in this information gathering process. The Commission should have the power, additionally, to grant such extensions of time for the submission of reports and answers, for good cause, as it determines appropriate.

- 4 -

Under 6 (c) (1) and (2), a person charged with violating any provision of the Act of the D. C. Election Act may be assessed a civil penalty after a "due process" hearing. Section 7(a) provides for judicial review of any agency action by the Commission upon petition filed in the District of Columbia Court of Appeals by any "interested person". I think this provision is unduly broad because it could result in the civil penalties assessed against an individual being made the subject of judicial review by an interested third party, thus subjecting the individual to further scrutiny. To correct this, the term "interested person" should be narrowly defined in the Act to include only the Commission and the individual subject to the penalty or penalties.

As aforementioned, I am particularly concerned about Sections 8 through 10 of the Act which deals specifically with campaign financial activities. Although, the Act on a whole is a carefully designed effort which may very well produce more carefully documented campaign financial activities than in the past, several of its provisions could very possibly be burdensome and unfeasible for the concerned and lowest citizen who is endeavoring to seek public office but who lacks strong political organization.

Section 10 (b), providing for weekly reports to the Commission, by candidates, of cash contributions, particularly falls into this category. Weekly reporting would require several hours of report preparation by the limited staff of a beginning politician, thus, robbing him or her of efforts which a limited staff could be directing toward the election of the candidate. Weekly reporting efforts could not be considered a service or contribution to the public

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knowledge which would keep the citizenry apprised of wrongdoings by any candidate for the office as such reports, according to 6(f) (4) of the Act, will not be published by the Commission except on an annual basis. Therefore, I feel that Section 10 (b) provides for frequent reporting simply for the sake of reporting and not for a concrete and identifiable purpose. I further feel that this provision, like the provisions dealing with the appointment of election officials, demonstrates an unwarranted congressional distrust of candidates and local election officials. I believe that bi-weekly or monthly reporting would be as sufficient for monitoring purposes as weekly reporting. Therefore I suggest that the Act be amended to provide for bi-weekly or monthly reporting of contributions in order to minimize the report preparation efforts required of the candidate who does not have a large efficient campaign organization.

That part of Section 10 (d) (11) which provides for identification of purchasers of tickets at prices in excess of \$20.00 for events such as dinners, luncheons, rallies and other similar events, is similarly burdensome. Any event for which tickets are priced at \$25.00 to \$30.00 would be a small fund raising event from which a candidate could not expect to net more than \$10.00 per ticket. Such an event would require wide dissemination of tickets by campaign volunteers, many of whom may be unschooled and, thus, may not properly acquire the necessary identifying information. Therefore, I believe that as to fund raising events, the amount of single contributions which would trigger identification of contributors should be raised in the Act to \$35.00. Otherwise, fund raising, particularly by

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by minority candidates, would be greatly stymied. For the same reasons, the provision of Section 10(h) also would be unduly burdensome.

Section (12) (a) (2) of the Act, limiting the total contributions of one contributor to a candidate for City Council to \$200.00 would operate to the disadvantage of the new politician having limited campaign organization. Such a low limit would result in the candidate's necessary preoccupation with contacting innumerable people for the purpose of soliciting funds at the expense of devoting time to issue discussion and the smooth and efficient running of his or her campaign. Certainly, an amount of \$500.00 or greater up to a limit of \$1,000.00, given by a single contributor, would not put that person in a position to feel that he or she could place undue influence upon a candidate once elected to public office. Furthermore, this provision, limiting contributions to small amounts, would necessarily increase the number of contributors needed to finance a campaign. The same time, large numbers of contributors would make the report preparation activity specified in Section (10) (d) (1) even more burdensome than aforementioned.

The provisions of Section 13 (a) (1) through (4) dealing with "Limitations on Campaign Expenditures" are so indefinite and contingent upon constantly changing variables, the voting age population of the District of Columbia and its various wards, that candidates presently considering the Act could formulate no realistic notion of the amount of expenditures the bill is projecting for the campaign for the various District of Columbia elected offices. I

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feel strongly that such provisions are so imprecise as to be blantly unfair to prospective candidates. Furthermore, as no one can accurately surmise the amount of money necessary to run a successful campaign and the types of efforts on which money must be spent to win voters, the correlation of campaign expenditures to the voting age population would appear to have no rational basis. I strongly urge the Committee to insert in lieu of this irrational gauge, realistic and definite amounts which contenders for the various District of Columbia elected offices may spend. Such figures should be subject to yearly adjustments, by amounts specified in the Act, in order to accommodate rising costs resulting from inflation.

Again my thanks to the Committee for this opportunity to present written testimony. I would be privileged to participate in the learnings on the Act in any further way that the Committee may request.

(Rev.) Robert E. Pipes
Candidate-at-large for the District
of Columbia Council

6/11/74

3924-7 Street, N.E.
Washington, D.C. 20017
June 12, 1974

The Honorable Charles McC. Mathias, Jr.
Committee on the District of Columbia
United States Senate

Dear Senator Mathias:

Thank you for the opportunity to express my views to this Committee.

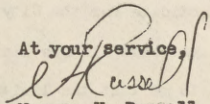
Like so many citizens and candidates, I have been aware of and disturbed by indiscretions, influences, and other practices which have over the years been a part of most political campaigns. I salute the Committee's concern. I must support wholeheartedly the reporting to the public of campaign contributions and expenditures, the disclosure of personal financial interests by candidates, elected office holders, and high ranking appointed officials, especially such persons who have the authority to grant permits, licenses, franchises, benefits, exemptions, or advantages.

I do, however, support just as equally, the right of any person (individual or legal) to do with their money what they want, as long as proper disclosure of such transaction is made. I see no reason to encroach upon the liberties of any such individual to support by financial contribution or other devices the candidate of choice. If there is legislation, then there must be the consequent enforcement. The question of limitations brings the question of enforcement brings the question of cost benefit brings the question of cost.

With regard to the enforcement method, it is abundantly clear that the last thing the District of Columbia needs is another agency, bureau, department, or what have you to burden the taxpayer and clog the wheels of action. I would recommend that any such legislation be developed in such a way as to allow for "self-enforcement", that is enforcement without bureaucracy.

For example, "Any person claiming to be aggrieved by a practice in violation of this law shall have a cause of action in any court of competent jurisdiction for such remedies as may be appropriate or provided for by this law." Also, "The Court shall be authorized to enjoin or otherwise restrict the activities of any such individual whose action or omission constitutes a violation of this law."

Such a system will provide and promote the public interest, will not restrict the individual liberties, and will not cost the already burdened citizen with another price to pay. Thank you for the opportunity to address myself to these issues now before the Committee. Should you wish to discuss any portion of my testimony further, please contact me at 832-1790, or 629-5218.

At your service,

Norman H. Russell

STATEMENT BY POLLY SHACKLETON

on

H. R. 14754 -- CAMPAIGN FINANCE BILL

before the

HOUSE OF REPRESENTATIVES COMMITTEE ON THE DISTRICT OF COLUMBIA

May 21, 1974

Mr. Chairman, members of the committee: My name is Polly Shackleton and I am a former member of the appointed City Council and a former Democratic National Committeewoman for the District of Columbia. I am a candidate for the Democratic nomination for City Council from Ward 3. Thank you for this opportunity to testify before the full District Committee on regulation of campaign financing in the District of Columbia.

First let me make some general observations. It should be clear, particularly in light of the unfortunate events of the past several years, that big money in political campaigns has the effect of distorting the entire political process. The test of the candidate should not be how much he or she can raise from large contributors, or how much can be spent to blitz the voters with 30 second spot commercials or yards of campaign posters. The test should be where the candidate stands on the issues, the candidate's record and what kind of job can be done for the constituency that the candidate seeks to represent. It does not take vast sums to communicate a clear and effective message.

The subcommittee bill, it seems to me, makes a sound and sensible effort to regulate campaign finance. Its disclosure requirements are not unduly burdensome, even to a ward campaign. Obviously, full disclosure of all manner of campaign contributions from all sources is the heart of the matter and absolutely essential. The proposed enforcement mechanism has sufficient independence to guarantee strict enforcement of the law.

Because I am a candidate for the City Council from a ward, I shall specifically direct my comments on campaign finance limitations to those requirements relating to ward races. It seems to me that the limitation of a contribution by an individual to

Page Two

a Ward Council candidate should be the same as for a ward candidate for the Board of Education. The subcommittee bill proposes \$200 for council candidates and \$100 for school board candidates. I support the lower figure of \$100 limitation on individual contributions in a single election. That figure is entirely reasonable and would allow a candidate some flexibility in raising funds, and at the same time require the candidate to establish a broad base of financial support.

Similarly the subcommittee bill differentiates between ward council and ward school board candidates in the matter of limitation of campaign expenses allowing the former to spend \$20,000 in a single election while school board candidates are limited to \$10,000. I have assessed carefully the costs of running a campaign for City Council on the ward level and feel certain that a candidate can make an effective presentation of his or her qualifications and communicate positions on the issues well within the \$10,000 ceiling imposed for school board candidates. I therefore support that figure. Higher ceiling expenditures would only encourage candidates to rely far too heavily on expensive media.

Mr. Chairman, this legislation is urgently needed. I would hope that the District of Columbia could lead the way toward campaign reform. While there are some campaign finance requirements on the books now, they are inadequate for the Mayor and City Council races coming up. But for this legislation to be effective, it must be enacted by Congress very soon so that candidates will know what standards are expected of them and begin to shape their campaign plans accordingly.

Again, I commend you for your efforts in considering comprehensive campaign reform and urge you to move rapidly to make it a reality for the District of Columbia.

104 -- 5th St., N.E.
Washington, D.C. 20002
June 12, 1974

The Honorable Charles Mathias
Committee on the District of Columbia
United States Senate
Washington, D.C.

Dear Senator Mathias:

I want to thank you for asking me to submit comments on your proposed District of Columbia election reform and conflicts of interest bill, S. 3264. As a Democratic candidate for the nomination for the District of Columbia City Council from Ward 6, I strongly endorse your efforts, as contained in this bill, to create a controlled and open campaign system for the District. I only hope that your proposal can be implemented in time to cover the upcoming September and November elections.

Without going into detail over the particular provisions of the bill, let me say that I specifically endorse the concept of strict dollar limitations on contributions and expenditures in the various elections covered, including the aggregation of contributions. My own estimates of what my campaign financial requirements will be fall well within the limits of this bill. And I think that what you have proposed will permit a reasonable opportunity for the candidates to reach the voters and discuss the issues without allowing some candidates with unusually large sources of funds to overwhelm the citizenry with a media blitz. At the same time, these limitations require candidates to seek contributions from many sources rather than to become beholden to a few large contributors. It almost goes without saying that these limitations must be tied in with full and timely reports on contributions and expenditures, and your bill does this admirably in a comprehensive manner.

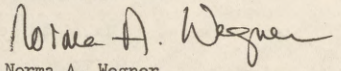
In order to administer and enforce this highly desirable plan for campaign reform, the bill provides for an election and ethics commission with many helpful features. I believe these are essential to making real reform work, particularly the relatively independent board, staff, subpoena powers, and the power to assess penalties.

The one area of the bill that I would like to see treated separately is Section 14, Conflicts of Interest, which I believe should be subjected to independent hearings either in the Congress or before the newly elected City Council. Such hearings would serve to determine the District's needs in this complex area, and would also raise inquiries into the experience of the Federal Government in connection with its conflict of interest statutes and regulations. These constitute a complex, subtle, and comprehensive network of laws to ensure ethical standards in Government and are the outgrowth of a

landmark study of the subject by the Association of the Bar of the City of New York in the early 1960's. I also understand that the Committee on District Affairs of the D.C. Bar Association will shortly begin its own study of the problem. Thus, I believe that further study of this matter will ensure an even better coverage of the problem than is contained in the bill. However, I support the enactment now of Section 15 relating to disclosures of financial interests as a means of discouraging breaches of the public trust through self-dealing that would be revealed through the disclosure mechanism.

Although my remarks are brief and not as comprehensive as I would wish, I support your efforts to ensure that truly open and honest elections in which the people are permitted to speak can be carried out in the District's first home rule elections in one hundred years. Thank you for your efforts.

Sincerely yours,



Norma A. Wegner

TESTIMONY OF LEAFORD C. WILLIAMS, DEMOCRATIC
CANDIDATE FOR THE D.C. CITY COUNCIL, WARD 5
BEFORE SENATE DISTRICT OF COLUMBIA COMMITTEE
JUNE 13, 1974, AT 9:30 A.M.

"District of Columbia Election Finance"

Mr. Chairman, members of the Committee,

I am Leaford C. Williams. I reside at 1037 Crittenden Street, N.E. in the District of Columbia, and I am a Democratic Candidate for the City Council from the Fifth Ward.

I am, therefore, grateful Mr. Chairman for inviting me before this Committee to express my views on the question of financing political campaigns in the District of Columbia, because this is a matter that is of great concern to me as it is, I am sure to all citizens residing in the District of Columbia.

For the record, Mr. Chairman, I would like to state that my field of study is political science. I have studied government and politics of the United States and of other countries around the world. Consequently, I have had the good fortune of researching, observing, and understanding to a large extent the way in which governments function not only here in the United States but in many countries of the world. The process of financing political campaigns is a matter that has occupied much of my time and research in governmental affairs.

With the background which I have outlined for the Committee, therefore, Mr. Chairman, I must now state that the outlook on the financing of political campaigns in the District of Columbia which I have read in the press seem

to be very narrow and short sighted. I must confess that I have not had the benefit of reading the complete version as proposed and passed by the Congress, and, therefore, the news summary might not have done justice to the plan as presented by the Congress in full. If that is the case, then I stand corrected.

The news summary though Mr. Chairman gives the average reader the sense that the campaign finance bill for the District of Columbia is the residue of a tug of war between two opposing forces who are currently vying for political office in the District of Columbia. It seems to me that the very best campaign finance legislation should not, and cannot come about this way.

Further, because of the heat of the campaign for election to the office of Mayor and Chairman of the City Council little or no attention and consideration are being given to the financing of campaigns for candidates for the City Council from the Ward level. Again, if this is a mistake on my part I stand corrected, but in all the news summaries that I have read about the campaign finance bill, they refer to a limit of \$200,000 for the office of Mayor and \$100,00 for Chairman of the City Council.

Our sights seem to become dimmed by the heated race that is being ensued for Mayor and Chairmanship of the City Council, that in my humble opinion, the most important Representatives of the people, the Ward Candidates are not even given honorable mention. I think this is a mistake.

As a Ward Candidate myself, I would like to offer for consideration of the Committee what I believe would be a reasonable amount to effectively carry

out a Ward campaign in the District of Columbia. I believe, from my own experience of Ward politics, that \$20,000 would be more than enough to run an effective campaign in any Ward in the District of Columbia. This estimate is based on the following program considerations:

CAMPAIGN BUDGET

PROJECTED BUDGET ----- \$ 20,000

Expenditures

Flyers	\$ 850
Posters	580
Buttons, Bumper Stickers, Balloons	500
Banners	210
Campaign Stationery	200
Ticket Printing	150
Rental Sound Equipment \$30 per day for 12 days	360
Rental, campaign headquarters \$100 per month for 4 months	400
Telephone bill per month \$50, four months	200
Telephone Installation	80

MEDIA PURCHASE

Radio

WOL	\$ 100
WTOP	100
WWDC	100
WMAL	100

Radio (Continued)

WHUR	100	
WOOK	100	
Month of July	600	
Month of August	600	
Month of September	1,200	

NEWSPAPER ADVERTISING

July 1974

Star-News	\$ 1,000	
Post	1,000	
Afro-American	500	\$2,500

August 1974

Star-News	1,000	
Post	1,000	
Afro-American	500	\$2,500

MAILINGS

Mailing to 25,000 voters

at 8¢ each --\$2,000

-July mailing	2,000	
-August mailing	2,000	
-September mailing	2,000	\$6,000

Operational Funds

Gasoline	150
Typing Service	500
Petty cash	100
Materials for posters and art work	50

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Artist's service for preparing signs	50	
Contingency funds for Inflationary costs	<u>2,195</u> -	
	\$ 20,000.00	Total \$ <u>20,000.00</u>

At the same time Mr. Chairman I am of the opinion that the Congress has been more than liberal in its consideration of the amounts for financing the campaign of the office of Mayor and Chairmanship of the City Council. These amounts being \$200,000 for Mayor and \$100,000 for Chairmanship of the City Council.

Again, this view is based is what we have experienced here in the District of Columbia in the past. I recall that within the past four years we have run some very exciting campaigns for the office of Delegate to the Congress and all of the professional traits of running a political campaign were employed. Still, even the highest spender spent less than \$100,000 for those campaigns. I equate the Delegates race to the race for Mayor and Council Chairmanship, thus, even taking into consideration inflationary costs, the new amounts set by the Congress for the running of our campaigns in the future should be more than adequate.

On the other side of this restrained campaign spending lies our concern that we do not want (1) a sell out of our public officials to big business and monied interests from the very beginning; we have learned enough from Watergate in this respect. (2) we do not want to produce instant politicians who launch their careers in the political arena from the top. It is my belief that our leaders who aspire to political office should seek those offices through the grass roots. They should work in the Wards and

Precinct among the people throughout the city in leadership roles where they get to understand the problems and concerns of the people, then when they run for office they will be seasoned and qualified to deal with the concerns of the people. This process would also lessen costs of campaigning.

It was once mentioned that the government should give consideration to financing the campaigns of all persons who run for public office. I would strongly vote against such a proposal, as such a plan would only serve to mushroom candidates for political office for the mere sake of running qualifying for the campaign funds whether or not the candidates themselves have qualifications for the offices which they seek.

Lastly, up to the advent of Watergate I was somewhat proud of the way in which we finance our political campaigns in America, having observed some disadvantageous election campaigns in other governments abroad. It had been our practice that each political party or office seeker raises its own funds to carry on its campaign. In my opinion such a system produces the best candidates because these are candidates who must work with the people and, therefore, must be responsive to the needs of the people.

We have now gone into the process where government has entered the arena of collecting funds for political campaigns and in a way embarking upon a central system of political campaign financing. I have observed similar systems in operation in Japan and in Korea and it has been the general consensus of western observers of government and politics in East Asia that these are not the best systems by any means. They are systems which I do not believe would serve the best interest of our political structure in the United States.

The financing of political party activities in Korea for example is car-

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ried out principally by the central government, through the instrument of the Korean CIA. Party politics is, therefore, controlled by the CIA, which gets its funds for operation from the central government. As we know, under this system the democratic concept of government greatly suffers. We can read these accounts in the newspapers daily. Contributions are also made by private individuals in Korea who play politics with the CIA and the Democratic Republican Party in order to obtain personal favors of the Party and the CIA officials. However, private contributions are small, in comparison to government outlays for party activities.

In Japan the government does not play the direct role in financing party activities as does the government in Korea. However, the Economic Reconstruction Council, organized as a fund raising mechanism, does the disbursing for the political parties in Japan.

The catch is that the Economic Reconstruction Council is heavily oriented toward the Liberal Democratic Party, which is the party in power, and accordingly, most of the funds raised by the Council goes to the Liberal Democratic Party.

In 1960, for example, the Economic Reconstruction Council raised 800 million Yen approx. (\$22 million) for political party organizations in Japan. Of that amount 700 million yen went to the Liberal Democratic Party and 100 million yen went to the other Japanese political parties. I can envision where it would be very easy for such a disaster to hit our political process in America if we resorted to these stange methods of political financing.

In essence, therefore, Mr. Chairman, I believe that careful consideration must be given to all aspects of our political campaign financing in order to develop a system that is sound and lasting. I do not believe that a campaign finance bill should be based on contingencies of the current political race

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in the District for Mayor and Chairmanship of the City Council. I believe rather, that even if the spending for this current race exceeds the norm, that time be taken enough to vote out a bill that will be meaningful and purposeful in the future, and that will have relevance to all the citizens and to all who run for public offices provided under the Home Rule Bill.

Thank you Mr. Chairman for your indulgence which has given me this opportunity to elucidate on this very important matter that is of interest to all of us who make our homes in the District of Columbia.

Leaford C. Williams

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The first part of the report is devoted to a description of the
 work done during the year. It is divided into three main sections,
 each of which is further subdivided into smaller parts. The first
 section deals with the general work of the department, the second
 with the work of the various sections, and the third with the work
 of the individual members of the staff. The second section is the
 most important, as it contains the results of the various
 investigations carried out during the year. The third section
 contains a list of the names of the members of the staff, and
 a list of the names of the members of the public who have
 been invited to attend the meetings of the department.

Report of the Department of Science and Art, 1881-82.

