
The Federal Election Commission

Washington's most corrupt bureaucracy

by Sanford Roberts

One of the vilest excrescences of the Watergate era and James Earl Carter's administration was the creation of a political police in the United States, the so-called Federal Election Commission. Placing itself above the Constitution and the laws of the land, the FEC is a blatantly partisan instrument of the Liberal Eastern Establishment and its choice of candidates for public office. In a city where nothing has been quite clean for some years now, the FEC has earned its reputation as Washington's most corrupt bureaucracy.

The secret of the FEC's notoriety on this count is a bewildering tangle of statutes and regulations called the Federal Election Campaign Act. The FECA is so convoluted that it empowers a collection of politically inspired appointees, i.e., the Commission, to make novel, oblique, and arcane interpretations of law to accomplish preconceived political objectives. This corrupt quality of FEC decision-making which circumvents both the Constitution and Congressional intent has been the target of several federal judges.

In *FEC v. Machinists Non-Partisan Political League*, an appellate court chastised a "novel extension of the Commission's investigative authority" and rejected "a sweeping demand by the FEC for membership lists and internal communications of a political group over which no showing of jurisdiction has been made. . . ." Another federal appellate judge blasted the FEC for viewing free-speech activity as "a potential 'evil' to be tamed, muzzled, or sterilized," and said the Commission had "failed abysmally" in meeting its responsibilities (*FEC v. CLTIRIM*). The list goes on *ad nauseam*.

The best example of the unconstitutional nature and conduct of the FEC is the Commission's present investigation of 1984 Democratic presidential candidate Lyndon H. LaRouche, Jr. The LaRouche candidacy captured the hearts and minds of millions of patriotic Americans who were inspired by LaRouche's program calling for crash development of a beam-weapon defense and the reimplementation of American System economics. However, at the FEC, LaRouche is an "evil to be tamed, muzzled, or sterilized" or perhaps all three.

In 1980, the FEC began a systematic inquisition of supporters of LaRouche's 1980 presidential bid which was only curtailed by an federal-court injunction. In a strong opinion, Judge Charles Briant pointed to "an extensive list of unnecessarily oppressive acts by the FEC" and the cost of "de-

fending against the FEC's interminable, inconclusive, and oppressive investigations." In conclusion, he stated: "It would be hard to imagine a more abusive visitation of bureaucratic power . . . as shown by the relatively uncontroverted facts alleged here and described, we think with some restraint, in the foregoing pages of this opinion."

Shortly after the close of the 1984 campaign, LaRouche's campaign committee received several FEC Matters Under Review (MURs). These MURs claimed that, because the campaign had not promptly paid back certain loans obtained from its contributors, the committee may have violated sections of the FECA. The incredible fact is that an advisory opinion rendered by the FEC itself denies the Commission jurisdiction over these disputes. This is not only a "novel extension of the Commission's investigative authority," but an extension of authority which the FEC previously denied to itself!

Over the Christmas holidays, the FEC even surpassed the idiocy of these MURs. It decided to open another MUR against LaRouche to investigate credit-card contributions and loans to the campaign because FEC auditors found bank notations on credit-card chargeback slips which claimed "cardholder dispute," "declined," or "unauthorized." The Commission seized upon these chargeback slips as evidence of lack of donative intent by the contributor or lender. Moreover, in defiance of its own regulations, the Commission hastily sent out a letter to targeted LaRouche supporters without even informing the campaign a MUR had been opened. Again, the FEC has no jurisdiction over such matters, but rather manufactured jurisdiction for itself by reasoning that if the donors did not intend to give money to the campaign, then the campaign falsely reported the transactions as contributions or loans in violation of the FECA's reporting requirements. Of course, had the campaign not reported the transaction, the FEC—Catch-22—would have also opened a MUR against the campaign for reporting violations.

At this time, the FEC was whitewashing the obvious criminal activity of the Mondale-Ferraro campaign. After last summer's scandal over the 1978 Ferraro congressional campaign, the FEC began a review of the sham purchases used to retire her campaign debt. Despite considerable evidence to the contrary, the Commission voted that there was no reason to believe that Ferraro, her husband, or anyone in the campaign had violated the law.

During the primary season when Walter Mondale's campaign was having financial problems, they circumvented the spending limitations of the FECA by manipulating the finances and activity of individual delegate-selection committees. After a perfunctory inquiry, the FEC found there was over one-third of a million dollars misspent. Despite an accumulation of evidence pointing to criminal violations, the FEC signed a conciliation agreement with the Mondale campaign which merely required them to pay back the misspent funds and a token fine.