

*Fix the Federal Election Commission and
Preserve the Office of Congressional Ethics*
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The Federal Election Commission (FEC) is intentionally structured to be ineffective. In that sense, it is the most successful agency in Washington -- but to the detriment of the American people.

That's one of the reasons why this particular agency needs Commissioners who believe in their constitutional and statutory duties. Currently three Commissioners are ideologically opposed to the laws they are sworn to uphold.

Though the agency has never worked well, what is happening now in terms of the FEC's failure to enforce the laws on the books is worse than ever. When the soft money system began to explode in the 1990s, the FEC was AWOL -- in a bipartisan manner. Commissioners became overly focused on protecting their parties rather than upholding the law. When efforts began in earnest to get rid of soft money and sham issues ads, the Republicans, led by Senator Mitch McConnell (R-KY) and House Majority Leader Tom DeLay (R-TX), bitterly fought the bill that former President George W. Bush ended up signing.

Since that time, the Republican Party's leadership has engaged in an all-out assault on both existing campaign finance laws and the FEC. President Bush, perhaps to assuage his angry colleagues, nominated Republican Commissioners who reflected even more strongly the party's opposition to the law. One nominee -- Hans Von Spakovsky -- harbored such extreme in his views on election and voting issues that he was unable to receive Senate confirmation and withdrew.

Congressional sponsors of the McCain-Feingold bill have repeatedly gone to court to force the FEC to do its job and they have won judgments requiring the agency to implement the laws, not undermine them. Twice the Commission came back with even worse regulations interpreting the new law.

Even when it came to disclosure -- which enjoyed longstanding party support -- the Republican Commissioners continued to shirk their duties. The Republican FEC Commissioners refused to rule on whether in 2008 Freedom's Watch had failed to disclose its donors appropriately. Almost all of the group's \$30 million had come from just one person -- Sheldon Adelson.

Things are so bad at the FEC that Commissioners have deadlocked three times since 2011 over whether to even accept public comments about changing its inadequate disclosure regulations.

It is also disappointing that President Obama has failed to nominate new Commissioners and that the one name he did put forward early on was a labor lawyer who opposed the McCain-Feingold bill the President supposedly supported. The President has the right by law to appoint FEC Commissioners and should do so. President Obama should challenge Senator McConnell on FEC appointments for the benefit of the American people. He should present the Senate with a bipartisan list of nominees (which is his constitutional right and prerogative) and demand that Sen. McConnell identify what is wrong with his nominees. Failure to do so will allow Senate Minority Leader McConnell to continue running the show as the President sits on the sidelines and acquiesces.

Senator McConnell should be required to stand in the harsh spotlight and account for his obstinate opposition to enforcement of our campaign finance laws. He clearly believes there is little political price to pay for his leading his fellow Senate Republicans in a campaign of obstructionism -- the campaign finance equivalent of standing in the schoolhouse door.

In the 113th Congress, it needs to be made loud and clear who is responsible for letting Super PACs and dark money groups run amok in our system. And that person is Mitch McConnell. But he can't be held accountable if the President continues what has been to date feckless inaction in this area.

And just to be clear about Office of Congressional Ethics (OCE), it was quite a relief to see last night that Speaker Boehner is going to keep it. You only have to read Special Counsel Billy Martin's account of the disastrous investigation into Rep. Maxine Waters to be reminded of how dysfunctional the House ethics committee remains. OCE is the only part of the process that is working. Let's hope Speaker Boehner appoints credible new Board members.