

The Volokh Conspiracy

Campaign Finance Reform and the 1968 Campaign

Jonathan H. Adler • February 14, 2012 7:44 am

Ed Crane and David Keating in the *WSJ*

It is instructive to recall the 1968 presidential campaign of Minnesota's late Democratic Sen. Gene McCarthy (who was also a plaintiff in *Buckley*). Popular support for the war in Vietnam was declining, yet no establishment candidate was available to challenge the war—certainly not Richard Nixon. On the Democratic side, President Lyndon Johnson was escalating the conflict. McCarthy was the most outspoken and articulate opponent of the war in the U.S. Senate, but he lacked the resources to conduct a serious presidential campaign.

Had the 1974 amendments to FECA, with their \$1,000 contribution limits, been in place in 1968, there would have been no “Clean Gene for President” campaign. As it was, wealthy liberals such as Stewart Mott, Stanley Sheinbaum and the recently deceased Max Palevsky stepped up to make six- and seven-figure contributions to fund the McCarthy campaign, donations worth nearly \$10 million in today's dollars.

Suddenly, tens of millions of antiwar Americans had a candidate. McCarthy didn't win the New Hampshire Democratic primary, but he did so well that President Johnson, seeing the handwriting on the wall, announced he was not going to run for re-election. Such is the manner in which campaign-finance laws can affect history.