

David Schultz, ed. *Money, Politics, and Campaign Finance Reform in the States*. (Durham, North Carolina: Caroline Academic Press, 2002) pp. 409. \$39.95. ISBN 0890890722.

Justice Louis Brandeis famously observed that, in our federal system “a single courage state, may, if its citizens choose, serve as a laboratory; and try out novel social and economic experiments without risk to the rest of the country.” Yet scholars and analysts of American politics have never been entirely comfortable with states in their role as ‘laboratories’ for policy experimentation. No one, for instance, would in the present day applaud state experiments in racial segregation; and, as recent conflicts over the medical use of marijuana, assisted suicide or gay marriage illustrate, views of state policy innovation seem to depend upon one’s view of the issue about which innovation is taking place. Ultimately, our ambivalence about state policy in a federal system resolves into two contending perspectives. The first, and positive, perspective values state policy for its creative potential-to boldly go where no national government has gone before. The second, and negative, perspective faults state policy independence for facilitating various ‘races to the bottom’, as the lack of authoritative national standards gives play to the states’ worst policy instincts. Indeed, as a rejuvenated commitment to federalism leads to greater devolution of policy responsibilities to the states, this ambivalence can only become more prominent.

With what perspective should we view state campaign finance regulation? Hitherto the issue of campaign finance has been addressed almost entirely at the national level, as the effects of the Federal Election Campaign Act (FECA) are refracted by decisions like *Buckley* and subsequent legislative efforts culminating in the Bipartisan Campaign

Reform Act of 2002. It is well known with what ingenuity both national parties have parsed campaign finance rulings and statutes, respecting their letter while circumventing their spirit. Less well known is how state developments have either followed, or deviated from, the national experience. In this edited volume, David Schultz and his contributors shine a welcome light upon the practices of twelve states. It is undeniable that state politics themselves have become more important. With the ‘nationalization’ of state and local elections, media-driven campaigns, and their associated expenses, have raised the electoral stakes of once-obscure contests. In the current polarized political climate, divisive national alignments spill into state politics, bestowing them with new attention and money. Moreover, thanks to term limits, state contests are inherently more competitive than national races. Most ominously, national campaign law limiting soft money contributions has encouraged a new appreciation of state parties as devices for circumventing regulation.

While the diversity of state campaign finance regulation defies easy generalization, some common tendencies are apparent. States have not been unaffected by national developments in campaign finance, as soft money becomes a greater factor in increasingly-expensive races. State races have also seen the intrusion of independent expenditures and issue ads by organizations nominally independent of the established parties and interest groups. In what seems almost an iron law of campaign finance regulation, expenditures restricted for one purpose will reappear in other forms, and under other pretexts.

For students of Oklahoma politics, a notable contribution to this volume is Jan Hardt’s chapter, *The Fuel Behind Oklahoma’s Politics: The Role of Money*, where she provides careful dissection of Oklahoma’s campaign finance contributions (239-272). Given both the state’s history of political corruption and its populist instincts, campaign finance reform has had mixed results. In some respects stricter than national standards, Oklahoma also permits financing practices—most notably corporate donations—that are illegal under federal law. In Hardt’s words, “a palpable tension exists between the need for strong ethics laws and the recognition that member of the legislature are reluctant to pass laws that could damage their re-election campaigns (241).” Emblematic of this tension is the fate of the Oklahoma Ethics Commission, created by popular vote in 1990. Its fact-collecting and investigatory

powers are not backed up (apart from the threat of fines for late reporting) by any ability to enforce criminal penalties for noncompliance. As a result, it relies upon the uncertain club of publicity to secure enforcement.

If these were not difficulties enough, the unwillingness of the legislature to mandate electronic filing makes the task of wading through the reported financing data even more arduous. Incredibly, the Ethics Commission is not required to aggregate its reports into a comprehensive picture of Oklahoma's campaign spending, leaving the task instead to the initiative of private citizens. At the center of Jan Hardt's research lies a meticulous and exhaustive effort to provide such a picture for the 2000 election cycle. In this regard, Hardt is to be commended not merely for having accomplished a formidable empirical feat, but for setting an example for the sort of ongoing factual record that any serious future discussion of Oklahoma campaign finance will require. For scholars interested in a comprehensive picture of Oklahoma campaign financing at both the state and local levels, this contribution to the volume is a must read and should set the standard for future investigations.

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