

and opportunists has traditionally relied upon ballot box chicanery — allegedly blocking valid delegates from voting, declaring valid new bylaws that appear suddenly without warning and without having been seen or approved by delegates, and so on — to control the organization. Growing weary of this, Max Rayner, Los Angeles County YR chairman, last December appealed to the YR National Federation at their quarterly meeting in Knoxville. Rayner came equipped with more than 400 pages alleging a wide variety of YR rules' violations committed by current self-proclaimed CYR Chairman Julie Gallaher and her cronies. The

National group's Executive Board agreed that the CYRs needed a new start. They called the convention, then proclaimed the revolutionary policy of allowing anyone the right to vote who was a registered CYR and who actually attended the convention.

NOW, RAYNER is running for state chairman at the head of a 12-officer candidate slate of conservatives from around the state that is expected to carry the day at the convention. More than 500 attendees are anticipated, including John McGraw, a candidate for state Republican Party vice-chairman at the California

Will Proposition 68 Ride Again?

Charles H. Bell, Jr., and Chris Micheli

THE CALIFORNIA Supreme Court will soon hear a case (*Christopher, et. al., v. FPPC*) seeking to reinstate Proposition 68, the campaign finance reform initiative California voters passed in June 1988. Plaintiffs include several members of California's Commission on Campaign Financing and Common Cause. The lead plaintiff is Secretary of State Warren Christopher.

Voters also passed Proposition 73 (another campaign finance reform measure) in 1988. The state Supreme Court ruled that 68 and 73 could not both go into effect (they were "alternative regulatory schemes") and that, because 73 had received more votes, 68 would be laid aside. But then, in 1992, the U.S. Supreme Court let stand a lower court ruling invalidating 73's contribution limits, transfer ban, and carryover money ban. The *Christopher* suit seeks to reinstate all of 68's provisions or, failing that, at least its contribution limitations, arguing that, if 73 was invalid when enacted, it cannot prevail over 68. Since it might come back, 68's provisions are worth a second look. They include:

- a \$1,000 limit on personal contributions, a \$2,500 limit per election on contributions from "organizations,"

and a \$5,000 limit per election on contributions from Small Contributor Political Action Committees (SCPACs) to legislative candidates or committees formed to support or oppose them,

- further limits on individual, "organization," and SCPAC total contributions to legislative candidates during two-year election cycles,

- limits on political party committee contributions to legislative candidates in general or special runoff elections, and

- a limitation allowing candidates to solicit or accept contributions only during the year they are on the ballot.

Proposition 68 would also give us public financing of legislative campaigns. Taxpayers could earmark up to \$3 from their state tax returns for this purpose. Legislative candidates could receive up to \$175,000 in public funds, but, in return, they would have to comply with campaign spending limits — \$250,000 per general or special election (Assembly), \$350,000 (state Senate). But if the Supreme Court's *Christopher* ruling leaves 73's ban on public financing in place, these limits presumably go out the window.

Proposition 68's provisions would substantially — and probably unconstitutionally — infringe the free speech

and free association rights of individuals and groups, imposing strict criminal liability for even inadvertent or negligent violations of the Political Reform Act. All committee treasurers (volunteer or paid) and candidates could be subjected to criminal prosecution for merely negligent or inadvertent violations. This criminalization of all violations would drive volunteers out of politics and could cause the political reform law's voluntary compliance system to break down completely.

ALSO, CONSTITUTIONALITY problems loom for 68's draconian bans on political party expenditures and "off-year" campaign contributions. The U.S. Supreme Court struck down a similar ban on political party activity in 1989. And, in 1990 the Florida Supreme Court struck down an off-year contributions ban. Oral arguments in *Christopher* will be made early this year with a decision expected shortly thereafter.

Will 68 return? If the Court rules for Christopher, it could take effect for the '94 elections. It seems more likely, though, that, unless 68 is thrown out completely, the matter will remain mired in litigation, sending confusing signals to candidates, driving more Californians away from politics, and keeping squads of attorneys and accountants busy for years to come. Where would we be without campaign reform? CPR

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Sacramento Spectator

Pin-Pulled Hand Grenades

AS YOUR *Spectator* predicted *early* last summer, the Bill Jones "leadership" of the Assembly Republicans did not survive the November elections. The conservative majority in the newly-elected GOP Assembly caucus could not elect their first choice, Dean Andal of Stockton, because he was involved in a recount for one week after the election (he ended up winning by 1,100 votes) and therefore was not officially a member when the leadership selection took



place two days after the election. Second choice (and many conservatives' first choice all along) was Jim Brulte of Pomona, who won the post unanimously. The Bill Jones "moderates" had made such a mess of the elections that they didn't even contest any of the leadership spots. Brulte starts

with a strong hand.

And he'll need it if he is to battle Assembly Speaker Willie Brown successfully. Brown is up to his usual tricks, rolling pin-pulled hand grenades into the Republican caucus and waiting to see what happens. His most serious challenge involves the ability of the GOP caucus to select its own "lead" members of committees. Republicans named Andal, a tough, savvy conservative, as their lead on the powerful, budget writing Ways and Means Committee. This annoyed Brown, who instead named Whittier's Paul Horcher, who defied, and betrayed, his caucus by accepting.

A BATTLE OF wills commenced that is still going on. All 31 other GOP Assembly members refuse to recognize Horcher's appointment, demanding that Brown name Andal instead. So far, they've refused to deal with Horcher and are setting up an Andal "alternative" Ways and Means leadership. If they stay to-

gether on this, enduring Boss Brown's barbs and the tsk-tsking the press will eventually start, they can win this one and set the tone for a successful two year session.

Horcher's willingness to take the position is a story in itself. His two years in the Assembly have set new lows in behavior, a considerable achievement in this town. Seldom refusing a lobbyist's — any lobbyist's — free drink or meal, he reels from bar to bar in the wee hours, hoping for one last "freebie" before "last call." His lack of personal self-control parallels a woe-ful lack of political principle.

Horcher, known in the Capitol as someone always anxious to make a deal, has no feeling on any issue so strong that he won't consider changing his mind. Telling "Horcher stories" in the "can you top this" vein has become a popular lobbyists's pastime. In addition, Horcher staffers seem to specialize in backbiting and internal feuds — the kind of Republicans who give political hacks a bad name. Boss Brown, who knows the personality types that will roll over for him, naturally zeroed in on Horcher.

IF THE GOP successfully disciplines Horcher, driving him out of the Ways and Means spot, it could begin to restore the effectiveness of legislative Republicans. And of course Horcher might tire of being ridiculed from both sides of the political aisle and search out a face-saving way back into the GOP fold. In the meantime, he is showing himself to be one of the Assembly's least savory members.

And speaking of unsavory, there is the evolution of *California Journal*, the Sacramento-based publication that bills itself as "the" source for news and "insight" into California politics. Begun 20 years ago as a mildly Democrat-leaning news magazine, *Cal Journal* has fallen off the cliff, becoming highly partisan and venomously anti-conservative. Last year's election issues introduced any Republican to the right of Tom Campbell as "ultra" or "far right" or "extreme" and a seething liberal bias saturated every column inch. Now there is talk of starting a competitor, or at least of a *Journal* boycott by Republicans. That would be fine with your *Spectator*, but why not turn *California Political Review* into a monthly? Think about it. In the meantime, *Cal J.*'s spot on the political spectrum is now somewhere out there beyond Cuba and North Korea.

—A.P.C.