

**Testimony Before NYC Campaign Finance Board**  
**December 2, 2009**

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My name is John Feerick. I am a professor at Fordham Law School and founder and director of its Center for Social Justice. I appear here as a private citizen in response to your invitation to testify.

By way of background, I have participated on a pro bono basis in government reform efforts for the past 48 years. For the last almost forty of those years I have chaired committees and commissions which have focused on campaign finance reform at the state and federal levels. These include the American Bar Association's Special Election Reform Committee, the New York City Bar Association's Commission on Campaign Finance Reform, which I co-chaired along with Cyrus Vance and Robert Kaufman, and the New York State Commission on Government Integrity, which I was privileged to chair and to serve alongside a number of prominent citizens of the State. A few of those citizens are no longer with us and I will long treasure my association with them, most notably, Cyrus Vance, Judge Bernard Meyer and Bishop Emerson Moore.

The Commission on Government integrity was a Moreland Act Commission established by Governor Mario Cuomo, at the height of government corruption in the 1980s. It was granted subpoena power to investigate, among other areas, campaign finance laws and practices in New York State. The Commission conducted investigations around the state, held many public hearings, and laid out in painstaking detail the inner workings of campaign finance in New York State.

In its wrap up summary, the Commission called this area an embarrassment and urged the Governor and Legislature to adopt the major reforms that were required. These reforms have not been made.

While the world has changed enormously since issuance of the Commission's final report in September 1990, the campaign finance laws of NYS remain just the way they were. The internet was not with us at that time. But, neither was it within contemplation that within two decades we would have an African American serving in the White House. Nor was it within contemplation that so little change would occur in the area of campaign finance reform over the next two decades. The reforms recommended by the Commission two decades ago are as relevant and vital today as they were in 1990. If adopted, they would take New York State to a leadership level in the nation.

The one outstanding model that does exist in New York State is the Campaign Finance Act of New York City, adopted under the leadership of Mayor Edward Koch, and admirably administered by this Board. Not only are you a model for New York State but for the rest of the country itself. I salute you on what you have done and the attention you give to assuring the continued excellence of this law in New York City. I would be remised if I did not use this opportunity to again express my admiration for Father O'Hare and Nicole Gordon, whose leadership set this board on its historic path.

When the Commission on Government Integrity concluded its three year effort, it commented then on the promise of this Act, applauding the limits placed on campaign contributions, the adoption of your disclosure requirements, and the commitment made by this Board to enforcement. Our Commission identified loopholes in the Act at the time which it said were in need of closing to avert the undermining of the law.

Most significant among these were loopholes that enabled corporations through multiple subsidiaries and affiliates to continue to make almost unlimited contributions. You closed that hole. The Commission also expressed alarm at the ability of those doing business with New York City to make contributions and recommended a ban.

I know that some important steps have been taken by you to address this difficult problem; and the Commission identified as a problem loans made to candidates, a subject you have addressed.

The linkage between this Board and the New York State Commission on Government Integrity was highlighted this week in a New York Times editorial entitled "It's All About the Money"

My active work in the field of campaign finance reform has now faded and therefore I do not have any strongly held views to call to your attention with respect to the Act you administer other than the area of independent expenditures. Our Commission discovered in its work that this area, exempted from disclosure under New York State law, can circumvent and undermine otherwise important provisions of the law and impair the enforcement effort. I call to your attention the Commission's case study of the Poughkeepsie 1985 Town Board election. Among other things, the Commission's investigation showed, in the absence of disclosure, the difficulty of determining whether independent expenditures are truly independent of the candidate or his agents or authorized political committees. Timely disclosure of such expenditures, which exists under federal law and the laws of many states, should be part of the Act you administer. I tender to you for your review, the Volume of the reports of the Commission on Government Integrity and call to your attention pages 240-266 with regard to the Poughkeepsie case study. Don't be dissuaded by the Volume's title, Government Ethics Reform for the 1990's, because except for you it is my impression that little has changed in New York State in the past two decades. You will find on these pages a compelling case for the disclosure of independent expenditures.

Thank you for the opportunity to address you. I am happy to respond to your questions.