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Record Spending by Bloomberg Raises Questions About City's Acclaimed Law

By MICHAEL COOPER

Michael R. Bloomberg spent at least $50 million of his own fortune running to become the mayor of New York, setting a record that raises new questions about how well the city's nationally recognized campaign finance law can limit the influence of money in politics when one candidate chooses to ignore it.

The law, of course, is voluntary: the courts have long held that preventing people from spending their own money to run for office would abridge their right to free speech. In choosing to spend his own money for the race, Mr. Bloomberg, a billionaire, was able to vastly outspend his rival, Mark Green, who agreed to abide by the campaign finance law's strictures in return for receiving public matching funds.

But Mr. Bloomberg broke all records for spending in a mayoral race, outspending Mr. Green by tens of millions of dollars. The difference allowed him to run 6,500 television commercials to Mr. Green's 2,500, even buying some of the most expensive time on television, during the *World Series*.

His campaign was able to plaster the city with posters, send out a flurry of glossy mailings on hard paper stock attacking Mr. Green, make thousands of prerecorded phone calls to voters, buy full-page ads in scores of small local and foreign-language newspapers and hire campaign workers to don blue "Mike for Mayor" aprons and hand out fliers on street corners all over town.

Now advocates of campaign finance *reform, political scientists, consultants* and politicians are wondering what lessons they should draw about the city's campaign finance law, which is often spoken of as a model as the nation debates how it should curb the influence of money on politics.

Larry Sabato, the director of the Center for Governmental Studies at the University of Virginia, warned that super-rich candidates who decided not to participate in the campaign finance programs could prove to be the "doom and destruction" of them because they will frighten other candidates from participating in such systems.

"This is America's second gilded age, and he who had the gold is ruling," he said. "People seem to like the independence they bring with them: they can't be bought, and therefore they can buy the election."

Several campaign finance advocates praised the law, saying that, by and large, it worked: candidates for *two of three citywide offices* agreed to participate, as did all five borough president candidates and 47 of the 51 candidates for City Council. The law seeks to limit the influence of special-interest money and to create a more level playing field for candidates by offering them public matching funds so long as they limit the amount of money they spend and the amount they accept from donors, and file detailed public reports showing who their donors were and how they spent their money.

Advocates of reform seek lessons in an effort that cost more than $50 million.

But the best-known exception was a big exception.

Since Mr. Bloomberg was not participating, the spending limits for Mr. Green were lifted. His public matching funds were increased to $5 for every $1 he raised from contributors from $4 in public money for every $1 raised, a gain of about $750,000. But he was still constrained by a $4,500 limit on the amount he could accept from each contributor.

"The New York campaign finance law has been, by and large, one of the best laws in the country," said Fred Wertheimer, the president of Democracy 21, a public policy organization that advocates campaign finance reform. "Mr. Bloomberg came in and swamped it."

Nicole A. Gordon, the executive director of the city's campaign finance board, said that the board would hold public hearings, as it always does after an election, to assess how the system worked this year.

"Every campaign, we look back at the program and evaluate how it worked," she said. "We invite the candidates and others to comment in writing and in testimony, and you can only look at these things in retrospect and see what changes, if any, are indicated by the record."

Gene Russianoff, a lawyerwith the New York Public Interest Research Group, said that the system was largely working well but had been tested in this case by a set of "extraordinary circumstances." He said the city should consider giving more public matching funds in circumstances like those found in this election, in which a participant was opposed by a wealthy opponent who was not participating.

Rachel Leon, the executive director of Common Cause/N.Y., also praised the system, and said more attention should be paid to television's influence on elections, and the need many campaigns feel to buy expensive advertising. "We have to do something about reclaiming the airwaves if were going to keep democracy flourishing," she said.

The Rev. Joseph A. O'Hare, the chairman of the Campaign Finance Board, cautioned that it would be unwise to change the laws based on the experience of one election that was made unique by a rift in the Democratic Party and news events that overshadowed the race.

Ken Goldstein, the director of the Wisconsin Advertising Project at University of Wisconsin at Madison, noted that Mr. Green's lead in the polls began to slip toward the end of the race, just as his campaign began running enough commercials to begin closing the advertising gap. "It shows that message matters," he said, noting that the ads Mr. Bloomberg ran featuring Mayor Rudolph W. Giuliani apparently helped.

Mr. Bloomberg's aides would not say how much they spent on the campaign. "We will make a filing at some point, and that will be that," said Edward Skyler, a campaign spokesman, referring to the documents the campaign is required to file with the Board of Elections.

The campaign's last filing showed that Mr. Bloomberg spent $41 million through Oct. 22. If he continued to spend money at the same rate as he did in October, he would have easily hit the $50 million mark.

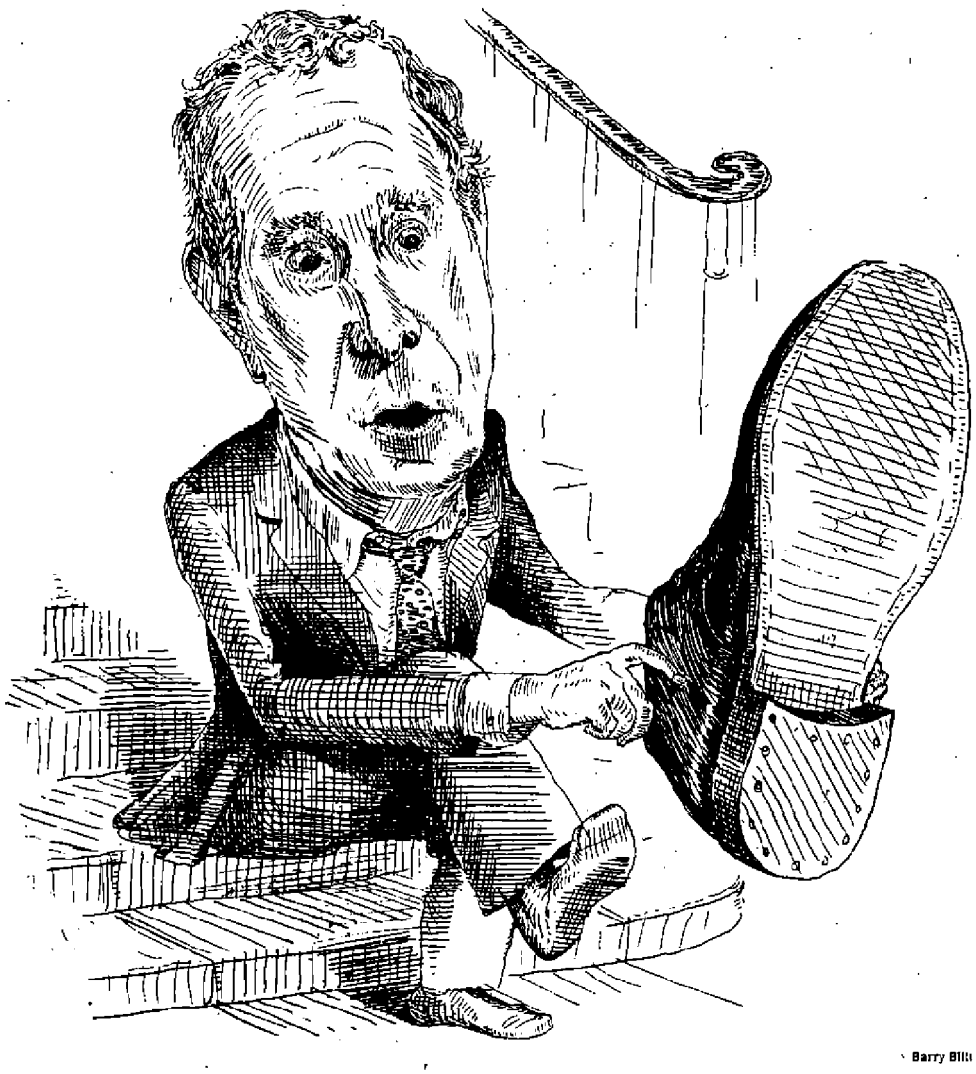
Joseph DePlasco, a spokesman for Mr. Green, said that the Green campaign spent around $15 million on the race — which would have set a record had it not been for Mr. Bloomberg. "We spent more money than you should spend in a mayoral election, but we couldn't compete," he said. "This isn't like comparing apples and oranges; it's like apples and watermelons."

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