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## If you can't say something nice ...

By KEVIN J. McNAMARA

Is it harder to remove a congressional incumbent from office today than in the past? Probably not. The re-election rate for the U.S. House of Representatives has dipped below 90% in only six of the 22 elections since World War II. Still, there is no reason to increase an incumbent's chances, and that is what some "reforms" would do by placing limits on "negative" campaign advertising.

Legislation drafted by Sen. John Danforth, R-Mo., for instance, would require candidates to appear in their own ads, and Sen. David L. Boren, D-Okla., would tie this requirement to a candidate's acceptance of public financing.

These efforts sound well-meaning. After all, who advocates a "negative" anything? There is reason to believe, however, that this drive to limit political speech, if successful, will favor incumbents. Like limits on land development, this type of restriction on political campaigns would tend to benefit those who already have theirs.

It is not adequately appreciated that "negative" campaigns — defined as any campaign in which one candidate criticizes another — typically benefit the underdog. Candidates who are riding high in the polls are usually not willing to criticize their opponents, and for several good reasons. First, it costs a lot of money to air television commercials saying not-so-nice things about your opponent. This expenditure, moreover, does little to improve the name-recognition or reputation of the candidate who pays for this TV time.

Second, making accusations can be risky. It tends to stir up controversy, some of which may splash back onto the accuser, and it creates at least some sympathy for the targeted candidate.

Third, negative advertising focuses attention on the accused, which may actually help the criticized candidate if he or she began the campaign as an unknown.

For these reasons, many candidates are reluctant to engage in extensive criticism of their opponents. Typically, they do so only if they are behind in the polls — which is where a challenger usually begins, and frequently ends, a campaign.

One campaign that has been targeted as unduly "negative" is George Bush's effort in 1988. There is room for disagreement on this point. After all, the best-known television commercial of a political campaign — and perhaps of all time — belonged to a Democrat, Lyndon Johnson. The 1964 commercial, though broadcast only once, indicated that Barry Goldwater, if elected, would vaporize little girls with nuclear weapons. The Willy Horton ads were mild, and more truthful, by comparison. Yet, the Republican campaign is proof that it is the underdog who benefits from a negative campaign; Bush was 17 points behind Michael Dukakis in the polls after the Democratic convention.

In congressional races, incumbents have clear advantages. They tend to be better known, they usually have come to the aid of many grateful constituents, and they have readier access to the money that fuels modern campaigns. Incumbents have something else that challengers fre-

quently do not have — an established record of performance. This is the strongest advantage for a hard-working congressman who knows how his constituents want him to vote. A record, however, can also embarrass an incumbent who has not represented his constituents well.

Challengers need to criticize their opponents' records in order to make the argument that the incumbent is the second type of congressman, and not the first. In making this argument, they are forced to wage a "negative" campaign. Challengers who fail to do this — those who fail to be adequately "negative" — will lose. There should be no illusions on this point; voters will not remove from office an incumbent who apparently has done nothing wrong. Why should they? The burden falls on the shoulders of the challenger to show that the incumbent has not done a good job.

It's not surprising that some of the most vocal critics of "negative" campaign ads are incumbents. They are more likely to be the targets of this advertising, and they have the most to lose — that is just the point. Because of this, however, proposals to limit "negative" ads are more likely than other "reforms" to get a sympathetic hearing on Capitol Hill.

The current membership in Congress may or may not need to seek employment elsewhere. What they do not need, however, is the additional protection that limits on "negative" advertising would provide them.

McNamara, a former journalist and congressional aide, is an assistant director of the Foreign Policy Research Institute, Philadelphia.