

candidates would increase as the candidates' ability to communicate through paid advertisements was severely limited.

Most campaign spending goes toward getting an unfiltered message to voters. This requires expensive television, mail and newspaper advertisements. Simply speaking from the courthouse steps, as in days gone by, would be cheaper; but it is impossible to reach most voters that way.

The "reform" effort based on spending limits is obviously unconstitutional, yet the nation's largest newspapers proceed full steam ahead in their promotion of it. Perhaps they do not fully appreciate that newspapers could be but a loophole away from having their election-related editorials regarded as "independent expenditures" under Federal election law. Or perhaps their true campaign finance goal is to tilt the political playing field in their own favor.

[From the USA Today, Oct. 24, 1994]

#### DON'T LIMIT SPENDING

(By Mitch McConnell)

In 1992, congressional campaigns spent about \$3.63 per eligible voter—comparable to a McDonald's "extra value meal." The truth is campaign spending is paltry compared to expenditures for commercial advertising. Yet advertising is the only practical—and most cost-efficient—means of communicating to large electorates. That is why the Supreme Court has said that in political campaigns, spending is speech, and therefore involuntary spending limits are unconstitutional.

Had the Senate not mercifully killed it, this year's version of USA TODAY's beloved "reform" scheme would have self-destructed in the courts. It was a blatantly unconstitutional attack on citizens' freedom to participate in elections. And, its spending/speech limits were not "voluntary."

For example, if the NAACP had the audacity to oppose a Senate candidacy by David Duke, this "reform" would direct tax dollars to Duke to "counteract" the NAACP! Candidates who didn't "voluntarily" limit spending would have their campaign funds taxed, lose broadcast and mail discounts, be forced to run self-incriminating ad disclaimers, be choked with extra red tape and trigger matching funds for their opponents if they exceeded the speech/spending limits. That's why the American Civil Liberties Union opposed the bill.

The National Taxpayers Union opposed what amounted to an entitlement program for politicians, providing communication vouchers ("food stamps for politicians") to House candidates and a host of benefits to Senate candidates. Political scientists opposed the spending/speech limits because they advantage incumbents over challengers, celebrities over unknowns—the political haves over the have-nots.

Republicans opposed the scheme for all these reasons and more. USA TODAY misdiagnoses the problem and prescribes a constitutionally toxic cure. Perhaps USA TODAY would consider a dose of its own medicine: tax dollars to candidates to "counteract" hostile newspaper editorials and an aggregate word limit for articles. This would help "level the playing field," alleviate the political "headline chase" and lessen the annoying din of media coverage.

The premier political reform is the First Amendment. If those freedoms were protected only for the press, newspapers would be omnipotent. Perhaps that is why USA TODAY so casually dismisses the First Amendment concerns of others.

Mr. McCONNELL. Mr. President, in the New York Times piece I referred to

the fact that the media factor is codified in law in which they are specifically exempted from the definition of campaign expenditure. The reason that they need to be exempted is because the assumption is that media activities would be a political expenditure. Right here in the Federal election campaign laws compiled by the Federal Election Commission on page 6, it is pointed out that the term "expenditure" does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, and so on.

The point this makes is that you could assume that is an expenditure in a campaign. So there is a need to specifically exempt it. The Speaker is absolutely correct. To the extent that the speech of an individual campaign is artificially restrained by some Government-imposed speech limit, the speech of others will be enhanced. Most particularly the liberal media of this country who love to limit anybody else's speech so their speech will be louder and more penetrating.

An objective observer unconcerned or unfamiliar with the Constitution might call that media exemption a loophole. But the point fundamentally, Mr. President, is that we are not, as the Speaker indicated, spending too much on politics in this country. We ought to be spending more. Any effort to restrain the speech of campaigns, to shut up the campaigns, will enhance the speech of others. To rearrange speech in this democracy is not a desirable goal.

So we begin again the seemingly endless debate that has certainly dominated the Senate during my period here about the desirability of clamping down on American campaigns and shutting up candidates so they will not speak too much and providing some kind of subsidy—a bribe, if you will—to get them to shut up.

The Supreme Court has said that spending is speech and cannot be limited. But it did say that you could offer a public subsidy to candidates if you wanted to sort of pay them to shut up. That is the Presidential system, and the reason even candidates like Ronald Reagan, who stated that he would take taxpayer funding and said, "I will take it. I cannot afford not to. The subsidy is so generous."

The various schemes we discussed here in the Congress do not have as generous a subsidy. It has been proposed that we have the broadcasters pay for our campaigns, or that we have the Post Office customers pay for our campaigns through broadcast discounts and postal subsidies, as if this somehow was not real money. Well, it is real money. And make no mistake about it, the goal of all of these schemes is to clamp down on political speech, which, of course, will in turn limit the participation of Americans in the political system. There is much more to be said, and I expect we will have an opportunity next year to say it.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Minnesota.

#### RELEASE OF PRISONERS FROM VIETNAM

Mr. GRAMS. Mr. President, I was very pleased to learn of the release today of two American prisoners in Vietnam. They are Mr. Nguyen Tan Tri and Mr. Tran Quang Liem. Both Mr. Tri and Mr. Liem will arrive in the United States today.

The American citizens were detained 2 years ago, along with Steven Young, a constituent of mine and a well-known promoter of democracy in Vietnam. The three Americans were in Vietnam organizing a conference on democracy with Vietnamese activists.

Unfortunately, the right to free speech is not yet recognized in Vietnam, and the three Americans were detained without charge. Steve Young was released within a few days, but Tri and Liem languished in poor health in a Vietnamese prison for nearly 2 years before they were charged, tried, and convicted of treason in mid-August. Sentences of 7 years for Tri and 4 years for Liem were then issued.

As a member of the Foreign Relations Subcommittee on Eastern Asia and Pacific Affairs, I made this matter a top priority. On September 19, I passed Senate Resolution 174, which was cosponsored by my colleagues Mr. DOLE, Mr. HELMS, and Mr. THOMAS. The resolution called for U.S. Government intervention at the highest levels to secure freedom for these Americans. At the time it did not appear that Secretary-level contact had been made in this matter, something that I believed was essential after the normalization with Vietnam. Suitable contacts were subsequently made, allowing us to communicate how important the release of these two Americans was to our Government and to the relationship between our two countries.

On October 12, I met with family members of Mr. Tri and Mr. Liem, who had traveled to Washington from Texas and California to urge the Government to give this matter the same priority that it gave to the release of Harry Wu. The families were concerned about the health of the American prisoners, as well as the poor prison conditions to which they were subjected. They were informed by the State Department officials that release had become a top priority for the administration.

Mr. President, shortly after this meeting, it appeared that the Vietnamese were becoming more interested in resolving this matter. The rumors out of Vietnam were rampant. Several times we heard that there would be a retrial. We heard that there would be a release about the same time of President Le's visit to the United States to attend the U.N. anniversary celebration. We then heard the retrial would

occur the weekend of October 28, followed by conviction and expulsion from the country. Finally, a commitment was made that the release would occur this past weekend in Vietnam.

While all of this goes to show that freedom of speech and due process are still scarce in Vietnam, I am pleased that normalization has apparently given us more tools to pursue issues of dispute with the Vietnamese Government. The two Americans have now been released, but many political prisoners, whose only crime has been to address issues of religious and political freedom, remain locked away in Vietnamese prisons.

I am encouraged as well that the Vietnamese have been more forthcoming with the release of information about MIA's and POW's after normalization. We must continue our efforts with Vietnam to pursue a full accounting, as my resolution also has requested.

Again, I applaud the personal intervention of Secretary Warren Christopher and Secretary Lord on this important matter, and I also look forward to working with them to pursue our mutual goals now that we have normalized our relationships with Vietnam.

To Mr. Tri and to Mr. Liem I say, Welcome home.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

#### HOLD THE LINE—NO COMPROMISE

Mr. GORTON. Mr. President, recently I received a letter from a constituent named Sue Magruder, who lives in Snohomish, WA. This is what she wrote:

DEAR SENATOR GORTON: Hold the line. If the President decides to veto and the Government shuts down, so be it. We don't need all this Government, and compromise is out of the question.

Please pass this sentiment on to the rest of your colleagues. We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mrs. Magruder and her husband are small business people in the town of Snohomish, WA. They feel—and I think they feel justly—that they are overburdened with regulation and with taxes, with attempting to support themselves, with attempting to make both their own family and their community a better place in which to live. And they, together with millions of other Americans like them, want us to continue on the course that we set out at the beginning of this year—the course that will bring the budget into balance, a course that will remove at least some

of the duplicative and unnecessary regulations from their backs, a course which will lessen the burden of taxation, which governments at all levels impose on them.

They, unlike many Members of Congress, believe that the money that they earn is their own, and that they can be asked to give some of that to support common purposes. They disagree, however, that somehow or another everything they earn belongs to the Government, which, in its generosity, will allow them to keep some of it. That is a fundamental disagreement that they have with many Members of this body and many others who live and work in this Capital of the United States. They know that every penny the Government gets comes out of the pocket of some hard-working American citizen or some other person who lives and works at some point or another in this country.

Sue Magruder wrote that there is no more to give. In that line, she was concentrating on herself and her family and her community. But at least an equally undesirable—no, immoral element in the way in which this Government has been run during the course of the last 20, 30, or 40 years is that we spend money by the hundreds of billions of dollars that we are not taking directly from our citizens in the form of taxes, but are borrowing, at interest, and sending the bill not to the citizens who live and work in the United States now, but to their children and our children and grandchildren. That, Mr. President, is a greater imposition, a greater wrong done to them than can possibly be done by any control over the increase in spending policies, by the cancellation of any marginal Government spending program.

We simply do not have the right to spend the money on consumption today and ask our children and their children and their children to pay the bill. That is the central issue; that is the central question which separates us from a White House that believes in the status quo and believes that there really is nothing wrong with the continuation of multibillion-dollar deficits year after year, as far as the eye can see. And it is on that proposition, Mr. President, that I do not believe that constructive compromise is possible. Once the White House, once the administration realizes the depth of our feeling on this issue, once it comes to its senses and is willing to join us in the goal of balancing the budget in 7 long years, on the basis of realistic projections, then, Mr. President, I think many things are said to be compromised. Many elements of the spending program can go up while others go down. I do not believe that there is any absolute bottom line after we have reached that conclusion. Under those circumstances, compromise will be a constructive activity. But to compromise away the proposition that we must stop spending more than we take in would be essentially wrong, would be

a repudiation of the commitments that those in the majority made to our voters last year. Mr. President, I am convinced it cannot and will not be done.

So, if I may, I will end these comments by repeating one part of Sue Magruder's letter:

We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mr. President, that is correct and that is the line that we are going to continue to hold.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT OF CONFEREES— H.R. 2546

The PRESIDING OFFICER. Under the order of November 2, 1995, the Chair is authorized to appoint conferees on the bill, H.R. 2546.

The Presiding Officer appointed Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUE conferees on the part of the Senate.

#### THE DEATH OF ISRAEL PRIME MINISTER YITZHAK RABIN

Mr. ROBB. Mr. President, it is with a sad heart that I offer a few final words today on behalf of Yitzhak Rabin—statesman, military war hero, peacemaker, and friend.

His burial in Jerusalem on Monday casts a pall over Israel and the Middle East. The resilient people of Israel will overcome this tragedy, but his assassination reminds us of the extremist poisons that continue to threaten Yitzhak Rabin's dream—peace between Israel and the Arab world.

I first met Yitzhak Rabin when he served as Ambassador to the United States beginning in 1968. It was one of many leadership posts he held in a long and distinguished career. From brigade commander in the 1948 war of independence to Army Chief of Staff during the historic 6-day success in the 1967 war to Ambassador and then Prime Minister on two different occasions, Yitzhak Rabin embodied the fighting, and now peacemaking, Jewish spirit.

I had the good fortune of visiting with him many times over a period of three decades. Following the raid on Entebbe, he honored my mother-in-law, my wife, and me with a state dinner in Jerusalem in 1973. During visits to Israel since then, and on his trips to Washington, I continued to learn from Yitzhak Rabin's political wisdom and insights, as well as appreciate the difficulty of living in a world surrounded by declared adversaries. His was a