

speech by independent groups that advocates the election or defeat of an identifiable candidate.

But the political class will not stop there. Consider mere issue advocacy—say, a television commercial endorsing abortion rights, mentioning no candidate and not mentioning voting, but broadcast in the context of a campaign in which two candidates differ about abortion rights. Such communications can influence the thinking of voters. Can't have that, other than on a short leash held by the government's speech police. So restriction of hard money begets restriction of soft, which begets restriction of express advocacy, which begets regulation of issue advocacy—effectively, of all civic discourse.

The political class is not sliding reluctantly down a slippery slope, it is eagerly skiing down it, extending its regulation of political speech in order to make its life less stressful and more secure. Thus is the First Amendment nibbled away, like an artichoke devoured leaf by leaf.

This is an example of what has been called "the Latin Americanization" of American law—the proliferation of increasingly rococo laws in attempts to enforce fundamentally flawed laws. Reformers produce such laws from the bleak, paternalistic premise that unfettered participation in politics by means of financial support of political speech is a "problem" that must be "solved."

One reason the media are complacent about such restrictions on (others') political speech is that restrictions enhance the power of the media as the filters of political speech, and as unregulated participants in a shrunken national conversation. Has the newspaper in which this column is appearing ever editorialized to the effect that restrictions on political money—restrictions on the ability to buy broadcast time and print space and other things the Supreme Court calls "the indispensable conditions for meaningful communication"—do not restrict speech? If this newspaper ever does, ask the editors if they would accept revising the First Amendment to read:

"Congress shall make no law abridging the freedom of the press, but Congress can restrict the amount a newspaper may spend on editorial writers, reporters and newsprint."

As Sen. Mitch McConnell, the Kentucky Republican, and others filibuster to block enlargement of the federal speech-rationing machinery, theirs is arguably the most important filibuster in American history. Its importance will be—attested by the obloquies they will receive from the herd of independent minds eager to empower the political class to extend controls over speech about itself.

Mr. HATCH. Let me just quote a couple of other paragraphs because I think this article really sums it up. I do not know how anybody could disagree with this article. I am skipping over quite a bit of it which I think is worthy of consideration by anybody, but let me just read a couple more paragraphs:

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What a comment, terrific comment. And it sums it up pretty well:

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What an article. He sums it up better than anybody I know. Frankly, I commend this article to anybody who cares about free speech rights, that this bill, as modified, would eviscerate.

I don't quite agree with George Will, that this may be the most important constitutional filibuster in history, but it is certainly one of the most important. I know of others that have been, I think, equal in importance, not the least of which is the debate we had on the resignation of the President a few years ago.

#### MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 26, 1997, the federal debt stood at \$5,387,382,191,644.62. (Five trillion, three hundred eighty-seven billion, three hundred eighty-two million, one hundred ninety-one thousand, six hundred forty-four dollars and sixty-two cents)

One year ago, September 26, 1996, the federal debt stood at \$5,198,325,000,000 (Five trillion, one hundred ninety-eight billion, three hundred twenty-five million)

Twenty-five years ago, September 26, 1972, the federal debt stood at \$437,507,000,000 (Four hundred thirty-seven billion, five hundred seven million) which reflects a debt increase of nearly \$5 trillion—\$4,949,875,191,644.62 (Four trillion, nine hundred forty-nine billion, eight hundred seventy-five mil-

lion, one hundred ninety-one thousand, six hundred forty-four dollars and sixty-two cents) during the past 25 years.

#### WHY A PRIVATE SCHOOL VOUCHER PLAN FOR D.C. SCHOOLS IS A BAD IDEA

Mr. CHAFEE. Mr. President, tomorrow morning the Senate will vote on the creation of the first federally funded private school voucher program in the Nation.

It is no accident that this new voucher program is being debated on the D.C. appropriations bill. None of us has a constituency in the District of Columbia. We can do anything to the District, and we are unaccountable to its voters for our actions. And in recent years, Congress has done quite a bit to the District of Columbia.

Two years ago, in recognition of poor city management and extreme budgetary problems, Congress created a financial control board to help get the city back on its fiscal feet. Not quite a year ago, the control board announced the formation of an emergency management team for the city's schools. The elected school board was relieved of its authority. The superintendent was urged to resign, and a new team was established, which is headed by retired Gen. Julius Becton.

General Becton signed on for a 3-year tour of duty in D.C. schools, yet before even a full year has passed, Congress is poised to pull the rug out from under him by creating a private school voucher plan.

Supporters of private school vouchers prefer to call them school choice. But parents don't choose the schools their children will attend. Private schools select the children they will accept. This is not a luxury our public schools enjoy. Public schools are committed to providing an education to all children: To children who come to school at any time of the year, to children with disabilities, to children whose primary language is not English, to children with disciplinary problems, and to children with low IQ's.

Private schools have the ability to select the smartest, the least difficult students with the fewest challenges to overcome. Supporters of the voucher plan point out that there are a number of inner-city, parochial schools that take whatever child comes to the door. There is no doubt that parochial schools have an important role to play and are doing a good job, but that does not mean that they should receive Federal funding. It does not mean that they have taken on all of the obligations of our public schools.

I believe that it is wrong to provide Federal dollars to private or parochial schools to enable them to skim the best students from the public schools. Vouchers also would skim the students whose parents are involved in their child's education, leaving the public schools with the greatest challenges.

Supporters of the voucher plan say District of Columbia should provide choices to parents. They say District of Columbia should have charter schools. They call for partnerships between city schools and the Smithsonian Institution. The truth is that District of Columbia has all of these things. The District has public school choice. There is a charter school program at a school not six blocks from the Capitol. Down the street there is a middle school which has entered into a partnership with the Smithsonian. D.C. public schools are the only public schools in the area that provide an all day kindergarten program, and every high school in the District is a magnet school.

A lot of attention has been paid to the fact that the schools didn't open on time this year, and Congress is not without responsibility for the delay. But very little mention has been made of the rigorous standards that have been put into place in every school, here. Starting this school year, teachers, parents, and students have a clear idea of what the children should know at each grade level. Last week, students all across the District were tested in reading, math, and language arts to see what level they are at. At the end of the school year, they will be tested again, to assess their progress. The performance of teachers and principal also will be based on these assessments. The pressure is on not to let a single child slip through the cracks, and I think that is an enormous step in the right direction.

Teachers and principals are turning up the heat on parents, as well. Parents of students in D.C. public schools are signing compacts, agreeing to be full participants in their child's education. They are visiting classrooms, to see first-hand what and how their children are learning. They are becoming responsible for making sure their children do their homework, and parents are being asked to check the work and sign it. They are being asked to read to their children regularly. I ask unanimous consent that an article from the Washington Post, dated September 28, 1997, about back to school night at a local school be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CHAFEE. Mr. President, these are improvements that will help all of the students in the District of Columbia schools, not just 3 percent of the students. Let's support what works for all of the children, not just a handful of them. That's the point of public education.

I plan to vote against the voucher plan and urge my colleagues to do the same. Let's send a clear message to General Becton and the teachers, parents, and students in D.C. schools: We support your efforts to make your local schools better for everyone.

#### EXHIBIT 1

[From the Washington Post, Sept. 28, 1997]

#### BACK TO WORK FOR SCHOOLS

(By Courtland Milloy)

"Good evening," W. Irene Woodard, the Watkins Elementary School principal, said melodically. The parents seated before her nodded politely.

"I said, 'Good evening,'" Woodard repeated, not so sweet as before. "When I say, 'Good evening,' I expect you to sing."

It was Back to School Night, and apparently I wasn't the only parent feeling somewhat demoralized by the delayed opening of D.C. public schools. No school for the first three weeks of September, and then, when it did start last week, some schools still had not received all of the necessary books and supplies.

"Don't look so dreary," said Channita Fraser, the Watkins PTA president. "When you come to meetings, smile." She began to sing in Spanish, "The more we get together, the happier we'll be."

People like Woodard and Fraser made it hard for me to just sit and stew in my juices. The way they saw it, there was no time for sulking or complaining. Our children needed help, and they needed it fast.

"Because of the delay in the opening of school, we're going to need parental cooperation like never before," said Ellen Costello, who heads PTA fund-raising for Watkins.

To make sure it gets the resources it needs, an abundance of candy and holiday wrapping paper must be sold. Parents with the means could make donations directly to their children's classrooms, she said.

"Last year, we raised \$22,000," Costello told the parents. "The money was used to fix up the school library. But more is needed to purchase copy paper and make copy machine repairs. We're also trying to get water coolers for each classroom. Remember, we live in the District of Columbia, and we don't have much money."

That notion—that we live in the District, ergo, we don't have much money—was going to take me more than one Back to School Night to get used to. The tax bite out of my paycheck said otherwise. D.C. public schools get more than \$500 million a year to educate about 78,000 students. You'd think we'd have all the amenities of an elite private school.

Instead, I was told, my third-grader would be expected to take on the equivalent of a part-time job as a candy bar salesman just so his school could get money to buy supplies. But there I go being negative again.

"We had 142 students who sold something last year," Costello reported. "That's only a 33 percent participation rate, and we need to raise it."

I was particularly impressed with my child's teacher, Kimberly Sakai. She's from Hawaii. This is her first year teaching in D.C. public schools, and she has brought to the job all of the enthusiasm you'd expect of a person who doesn't know any better.

"Our class will be starting a new social studies program that focuses on D.C.," Sakai told parents. "Strange how D.C. schools don't have a program that focuses exclusively on Washington. Hawaii is very big on learning about D.C. How can we bypass D.C.? We're going to get to know our community and our government and go on lots of field trips."

Then she asked us to fork over \$3 each for a subscription to a weekly children's current events magazine.

More important than raising money, however, is getting parents to support their children's teachers. To that end, we all signed a "parent contract." Instead of giving parents money to escape the public school system, as a school voucher would, a parent contract

pledges parents to work to improve the schools that their children already attend.

An exchange that occurred between a teacher and a parent at the meeting last week revealed the need for greater parental commitment.

Teacher: "Each child will have a home-work folder with his or her assignments written down in it, and I expect you to check it and sign it before your child returns."

Parent, sounding distressed: "You aren't going to assign homework every night, are you?"

Teacher: "I'll try not to give them homework on Fridays."

Parent, with a sigh of relief: "Thank you."

That parent, judging from the way she was dressed, probably had just come from work. She might have had another full-time job as a housekeeper waiting for her when she got home. Understandably, more homework for her child meant more work for her.

And yet, I would have thought that all D.C. schoolteachers—just to make up for the three-week delay—would be piling on the homework. And I wouldn't expect them to let up on Fridays either, especially for third- and fifth-graders, whose progress is being measured against national standards for the first time this year.

I could only vow that my child would have homework every night, whether his teachers assigned it or not. Somehow, the expectations for our children must be raised.

"For all of the resources and services that we have, our children are not achieving at the level that they are capable of," Woodard told the parents. "We all must work harder on that. We especially need parents to enhance and extend what is going on in the classroom."

"Be sure that your children are reading a great deal of books, and be sure that they are understanding what they read."

Sounds like homework to me.

#### MESSAGES FROM THE HOUSE

At 4:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 154 of title 2, United States Code, as amended by section 1 of Public Law 102-246, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board: Mr. Wayne Berman of the District of Columbia to fill the existing vacancy thereon.

At 6:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3043. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, eleven