

efforts by the U.S. Environmental Protection Agency, the National Forest Service and several presidents. He served in the Wyoming House of Representatives from 1955–1958. In 1975 Finis published a guidebook to the Wind Rivers, Wind River Trails. In 1977 he received an honorary doctorate from the University of Wyoming. The Congress of the United States named Finis' favorite mountain after him, Mitchell Peak at 12,482 feet, is one of a very few land forms in the country that was named after a living American.

Finis Mitchell passed away November 13, 1995, the day before his 94th birthday.

Now Therefore, I Jim Geringer, Governor of the State of Wyoming, do hereby proclaim February 15, 1997, to be "Finis Mitchell Day" in Wyoming. Known by many as "Lord of the Wind Rivers," Finis Mitchell hiked or backpacked over 15,000 miles and climbed 220 peaks since 1909. He shared his knowledge and experiences with anyone and everyone. He spent a lifetime exploring and learning about the Wind River Range and passing the information on to others.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 12th day of February, 1997.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator from Alabama is correct.

#### OPPOSITION TO THE HOLLINGS AMENDMENT

Mr. SHELBY. Mr. President, I want to commend the Senator from South Carolina, Senator HOLLINGS, for his many years of effort to reform our campaign system. His commitment to this endeavor is principled and long-standing.

I have supported the Senator's efforts in the past, cosponsoring and voting for his legislation that would amend the first amendment of the Constitution to allow Congress and the States to limit the amount of money spent on political campaigns.

Mr. President, with all due respect to his efforts and my past efforts, however, I rise today to speak in opposition to the Senator's proposed constitutional amendment.

I have supported the Senator from South Carolina's effort in the past because I believed then, as I do now, that we need to improve our current campaign system. But, in my zeal for reform, I ignored what was really at stake.

Over the past weeks, however, after much thought and consideration—after many discussions with constituents and reviewing the writings of many constitutional scholars, all of who support campaign finance reform—I have come to the conclusion that amending the first amendment would be far worse than the current situation.

Indeed, if we passed a constitutional amendment to amend the first amendment to solve our current campaign finance problems, the cure would be worse than the disease.

Mr. President, the proposed constitutional amendment simply takes away

too much—the cost is too high and the risks too great.

The first amendment is properly viewed as one of the most sacrosanct bundle of rights protected under the U.S. Constitution and this proposed resolution would strike at the heart of the first amendment—core political speech.

Mr. President, to support such a repeal, is to threaten the very breath of every other right protected under the Constitution—and then nothing is sacred, nothing is sure, nothing is protected.

Without free speech, liberty has no meaning.

And this amendment would seek to do what the Supreme Court has said cannot be done under the first amendment of our Constitution.

In 1974, in the seminal case of *Buckley versus Valeo*, the Supreme Court as the Presiding Officer knows, struck down the Federal Election Campaign Act's expenditure limits on candidates, individuals, and groups on first amendment grounds—finding that the Government's interest in, among other things, reducing the appearance of corruption was insufficient to justify restricting core political speech and expression.

Mr. President, the question facing the Supreme Court was, at bottom: "whether a person can be prohibited from spending money to communicate an idea, belief, or call to action"? The Court's answer was "no."

Since *Buckley*, the Court has consistently found that the first amendment protects political speech and expression rights from intrusive government restrictions such as campaign spending limits.

In *FEC versus National Conservative Political Action Committee* the Court again struck down spending limits. This time, reaffirming that restrictions on independent expenditures by political committees on publicly funded presidential general election campaigns violate the core of the first amendment's protections.

More recently, in *Colorado Republican Federal Campaign Committee versus FEC*, the Court found that political party expenditures made without coordination of a candidate were entitled to first amendment protection as independent expenditures.

The Court rejected the argument that independent expenditures threaten corruption or give the appearance of corruption.

Mr. President, this amendment is about more than just overturning one Supreme Court case, it is about overruling a whole line of first amendment case law.

Over the years, the Court has made it clear that the *Buckley* decision was not some fluke. In fact, *Buckley* has been reaffirmed many times over. The answer should not be to undo the first amendment because it is viewed as an impediment to reform.

There are better, perhaps more realistic and more effective ways of ad-

ressing the problems in our campaign finance system.

Mr. President, I believe that changes can be made to improve our current system and I intend to support efforts to reform our current campaign finance system.

But first, we need to start by enforcing current law, especially in regard to foreign contributions. No foreign contributions should be allowed to influence our political process.

It is important to remember that adopting this amendment won't do anything to address the abuses that have recently come to light regarding the White House, DNC fundraisers and foreign influence. Existing laws were broken in accepting foreign contributions.

However, we all know that our current laws are not sufficient. We need to target abusive practices which both parties agree should be eliminated.

And, Mr. President, I believe that one of the most far reaching and important changes we can make in the system we have today is to demand full disclosure of all campaign contributions and expenditures. The public has a right to know where all funds in the political system come from and where they go.

I also remain fully opposed to any form of public financing of political campaigns and intend to fight efforts to shift the cost and effort of running for public office from political candidates to the taxpayer of America.

I find it offensive that some would argue that the only way we can purify the political process and eliminate the appearance of corruption is to launder campaign funding through the U.S. Treasury.

American taxpayers should not be forced to pay for political campaigns. We have public financing of Presidential campaigns now, and you can see how effective that was in reducing corruption or the appearance of corruption in the last election.

Mr. President, reform cannot and should not come at the expense of the public, and yet the reform proposals now being put forth would first rob American citizens of their first amendment rights under the Constitution and then require them to pay for the cost of political campaigns.

What a deal. Reform could not be easier—for the political establishment.

This amendment has serious ramifications beyond the immediate restrictions placed on an individual's rights to free speech and expression. This amendment also threatens the power of the American people over their Government.

By restricting the right to speak freely and to participate in the political process, we restrict our rights to political debate and reduce our ability to control and check our Government. In fact, we give up even the pretense of self-government.

I would rather be criticized for changing a position than forever limiting the rights of Americans to speak,

to argue, and to participate in the world's oldest constitutional democracy.

Again, I sincerely commend my friend and colleague, Senator HOLLINGS, for his effort and commitment to campaign finance reform, but I wish he would reconsider, as I have, his commitment to change the first amendment. I think it would be a mistake now. I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. WYDEN. Mr. President, I yield myself 15 minutes of the time taken by the minority leader, Mr. DASCHLE.

#### COMMUNITY JUSTICE

Mr. WYDEN. Mr. President, my home State of Oregon has long been known for being innovative in a variety of important public policy areas. The Oregon Health Plan, for example, is a pioneering effort. We were the first State to protect our beaches, to go forward with recycling, to look at innovative ways to protect our land, air and water, and we are clearly out in front in terms of welfare reform, a key issue to our citizens at this time.

Today, I take the floor to talk about how Oregon would like to lead the country once more, this time in the critical area of juvenile justice. It is very appropriate that this matter be pursued at this time because, according to the National Center on Juvenile Justice, 47 out of 50 States have legislation in their State legislatures that would literally wipe out the State juvenile court system. It is not hard to be surprised about why these kinds of things are happening, because we know that our citizens are angry about the juvenile justice system in our country.

For example, there are many who come to my townhall meetings and say, "Ron, 20 years ago we left our car doors unlocked, we left our windows open, and we were safe. But today, it's not that way any longer. I'm an older person, and I'm concerned about going out after 4 o'clock in the afternoon. I'm frightened. I'm frightened by what the thugs in my neighborhood might do to me."

These citizens are not going to sit around and have debates about diversion programs, which is one approach for juvenile justice, or probation programs. They just want to make sure that they are protected, that they and their families are secure in their homes, and that their right to be free, their civil right, if you will, to be free from crime in their neighborhood is protected. It is not hard to see why State legislatures around this country are proposing bills to get rid of the juvenile justice system altogether.

So I come to the floor today to talk about an effort that is underway in Oregon to literally turn the juvenile justice system on its head and make it vibrant again. What we are seeking to do—and it is an effort that is being pio-

neered in central Oregon and Deschutes County, specifically—is to turn the juvenile justice system on its head and move from a model that was based on prevention and treatment to one that is based on accountability. We call this model community justice.

It is community justice because we feel that when a crime is committed, our community loses something. A person is harmed economically, physically, or emotionally, but also the community is harmed. Our community loses a sense of security. It loses funds that are needed for police work, and funds that are involved in incarceration and in probation. All our community suffers.

We believe it is first the responsibility of the system to avoid crimes being committed in the first place, but it also is critically important that if a crime is committed, the offender must be held accountable for making the community whole—the offender must earn their way back into the community. Prosecutors and police, and others, in Deschutes County, OR, have begun a new system built around accountability so that if, for example, you have a first-time offender, a non-violent first-time offender, who has robbed the home of a senior citizen, what you are going to see is that this young offender is going to be required to pay back the community. My sense is that this notion of accountability, accountability for juvenile offenders so that there are consequences every time a juvenile offender commits a crime, is the direction that we ought to be going.

In Deschutes County, we look at this as part of what we have come to call the Oregon option. The Oregon option has been an approach that we pioneered with the Federal Government which stipulates that when local government is freed from some of the bureaucratic redtape, in return, we will make sure there are actual results; in other words, that we can prove that in return for relief from some of the bureaucratic constraints, we can meet the requirements of a particular community service program.

What we are saying in Oregon is that when there are dollars that are now earmarked for, say, prison beds for young offenders, we will commit, under the community justice kind of approach, to making sure those young offenders are held accountable and repay the community. And if, in fact, we can't do it, then the community is going to make sure, with community resources, that the goals of the juvenile justice system, and holding youthful offenders accountable, is met through buying back the prison beds.

My view is that this model of community justice is the kind of approach that the Congress should look at this year when we consider the juvenile justice statute, which is up again for reauthorization. We ought to say, as part of that law, that any juvenile justice system should require young offenders to

complete accountability contracts to ensure that they make amends for their offense. We ought to make sure that, as part of the reauthorization of the juvenile justice system, local programs receive high marks from victims—and here the Chair has done yeoman work, in my view—that victims become the central customer of the criminal justice system.

I believe that using these kinds of principles, principles of accountability, principles of community involvement, principles of ensuring that victims become the customer of the system, we can build a new system.

Not long ago, I went to Deschutes County to learn about their community justice program. What I saw was a coalition of police officers, district attorneys, those who work in the juvenile justice system, Democrats, Republicans, all at a table saying, "We believe that this new approach for community justice is the kind of approach that the Federal Government should support as part of the Juvenile Justice and Delinquency Prevention Act reauthorization."

Mr. President, I would say that if we can hold youthful offenders accountable, if we can ensure that there are consequences each time an offense is committed, if the Congress and local communities redesign these programs so as to work with families, we can have a new set of principles that would define juvenile justice for the 21st century—a set of principles that puts the community's needs first and makes the victim the principal customer.

I submit, Mr. President, that as the Congress goes forward with hearings on the juvenile justice system and the consideration of the juvenile justice statute, eyes should focus on what is being done with community justice in Deschutes County, OR, because I believe those kinds of principles, the principles that represent our community values, is what we should build the juvenile justice system around for the 21st century.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent I may speak for not to exceed 15 minutes, and that the time for morning business be extended accordingly.

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

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

#### BIRTHDAY GREETINGS TO SENATOR MOYNIHAN

Mr. BYRD. Mr. President, this is a most felicitous time. The ides of