

results of this vote before then, then I will agree to a unanimous-consent request.

# PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. Mr. President, let me go ahead then. This will be a little disjointed, but I think I can accommodate all Senators.

I now move to proceed to Calendar No. 300, S. 1692, the partial-birth abortion bill, and a vote occurring immediately following 80 minutes of debate, with 30 minutes under the control of Senator LEVIN, and 10 minutes each for the following Senators: FEINGOLD, BOXER, MCCAIN, SCHUMER, and SANTORUM, all occurring without any intervening action or debate. I also ask unanimous consent that Senator HATCH have 5 minutes after the vote to speak on behalf of his colleague, Senator LEAHY.

I further ask consent that it be in order for me to ask for the yeas and nays.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. There are two parts to the majority leader's request. The first is that he move to proceed to Calendar No. 300, S. 1692, which is the partial-birth abortion bill. The second is the unanimous-consent agreement involving the request by a number of Senators to be heard. I have no objection to Senators being heard. I question why we need to move to proceed to Calendar No. 300, when we simply could do so by a unanimous-consent request, thereby not taking off the table and off of consideration the campaign finance reform bill. I will, therefore, ask unanimous consent that we simply allow the partial-birth abortion bill to be taken up, thereby precluding the need to vote on the motion to proceed and thereby protecting the current position of the campaign finance reform bill.

I personally would love to have the full debate that we were promised on campaign finance reform. The amendments are pending. There ought to be a vote on the Reid amendment. I would like to have a vote on my amendment. Even though we did not get cloture, we ought to have that debate.

There are other Senators who have yet to be heard on this issue. We have not had the 5 days committed. We have not had the opportunity to vote on these issues.

I ask unanimous consent that we simply take up partial-birth abortion so we can return to this issue once that issue has been resolved.

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. By doing this, the campaign finance issue is put back on the calendar. We can have the debate that is needed on the motion to proceed to

the partial-birth abortion bill, and Senators can be heard to express their concerns about the campaign finance issue, as well as the time Senator HATCH asked for after the vote. So I ask unanimous consent that it be in order for me to ask for the yeas and nays.

Mr. WELLSTONE. Object.

Mr. KERRY. Object.

Mr. GRAHAM. Object.

Mr. MCCAIN. Reserving the right to object.

Mr. KERRY. I object.

The PRESIDING OFFICER. Objection is heard to the request. The leader has the floor.

Mr. LOTT. Mr. President, is the motion to proceed pending?

The PRESIDING OFFICER. The majority leader's motion is pending.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion to proceed is debatable.

Mr. MCCAIN. Mr. President—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I am very troubled by the majority leader's decision. There is no reason why we have to move to proceed to the partial-birth abortion bill. It is a bill that I will probably end up supporting. So this decision about whether or not we support or oppose partial-birth abortion, we will have a good debate about that and amendments will be offered. This is a question of whether or not we are going to keep our word, whether or not we are going to have the opportunity to finish the debate on campaign finance reform, whether or not we are going to have the opportunity to offer amendments. That is what this is about.

So nobody ought to be misled. Do we finish our business? Do we follow through with commitments? Do we have a good debate or not? The majority leader said no. No, we won't have a debate on campaign finance reform. No, we won't keep the commitments made with regard to how long this bill will be debated. That is wrong. A number of us—unanimously on this side and some on that side—want to make sure the RECORD clearly indicates our anger, our disappointment, and our determination to come back to this issue.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mrs. BOXER. I say to my Democratic leader, does he not believe this is part of a pattern of taking issues that are important and rejecting them out of

hand and not giving a chance for these issues to be fully heard? Does he believe this is part of it?

Mr. DASCHLE. The Senator from California raises a good point. The attitude appears to be: I am going to take my ball and go home anytime it doesn't go my way. I will just take my ball and go home. Well, I think that is wrong. We ought not to go home. This is too important an issue. We ought to be here, have the debate and the votes, and get this job done right. The American people expect better than this. They are not getting it with this decision; they are not getting it with the motion to proceed; they are not getting it with our denial to have a good vote and debate about some of these pending amendments.

Mr. LEVIN. Will the Senator yield for a question?

Mr. DASCHLE. Yes.

Mr. LEVIN. I want to clarify what the Democratic leader has done. He has offered unanimous consent to go to partial-birth abortion because if we go to it that way, after it is disposed of and resolved, we would automatically then come back to campaign finance reform and resolve that issue; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. If we would proceed to the partial-birth abortion bill by unanimous consent, the pending issue would continue to be campaign finance reform. By moving to proceed to the partial-birth abortion bill, we then relegate the campaign finance reform bill back to the calendar. That is what we want to avoid. That is unnecessary.

I think the American people are trying to sort this out and figure why we are doing this. The reason we are doing this is not because they want to take up partial-birth abortion alone; it is because they don't want to continue the debate on campaign finance reform. That is what this action actually telegraphs to the American people.

Mr. LEVIN. If I may further ask the Democratic leader, even though many of us oppose the bill relative to partial-birth abortion, we have nonetheless agreed that we would go to it by unanimous consent because, after it was then disposed of, however it was disposed of, we could then come back to this critical issue of campaign finance reform; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. We are not passing judgment on the issue of partial-birth abortion; there will be people on either side of it. But what we are united about, regardless of how one feels on partial-birth abortion—at least on this side of the aisle—is that every single Democrat believes we ought to stay on this bill. Every single Democrat wants to assure that we don't violate the understanding that the Senate had about how long we would be on this legislation, and whether or not we would be able to proceed with amendments and have a good debate. So you are absolutely right. There is no question, by going to unanimous consent,

we preclude the need to move off of this bill and put the bill back on the calendar. We don't want that to happen.

Mr. LEVIN. My final question is this: Is that not the reason why this upcoming vote—when it comes—on the motion to proceed then becomes the defining vote as to whether or not we want to take up campaign finance reform? Because if we move to proceed to partial-birth abortion, if that motion is adopted, then campaign finance reform goes back on the calendar. So this upcoming vote—whenever it occurs—on the question of moving to proceed to partial-birth abortion then becomes the defining vote ahead of us on the question of campaign finance reform.

Mr. DASCHLE. The Senator from Michigan is exactly right. The vote on the motion to proceed will be a vote to take away our opportunity to continue to debate campaign finance reform. If you vote for the motion to proceed, you are voting against campaign reform; you are voting against maintaining our rights to stay on that bill and resolve it this afternoon, tomorrow, or the next day.

Mr. LEVIN. Or after partial-birth abortion.

Mr. DASCHLE. Right. This is more than procedure; this vote is whether or not you want to stay on campaign finance reform and finish it. This is whether or not you are for campaign finance reform. That is what this vote is all about.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first of all, I may be in some disagreement with the distinguished Democratic leader about an upcoming motion to proceed because some feel very strongly about the issue of partial-birth abortion and whether that vote might be interpreted as a vote in favor or against it.

Let me assure the distinguished Democratic leader—and I will elaborate on this in a second—we have not been treated fairly in this process by either side. So, therefore, Senator FEINGOLD and I feel no obligation except our obligation to campaign finance reform, and that is to do whatever is necessary, at whatever time, to make sure this issue is voted on, as were the terms of the original unanimous consent agreement that was agreed to by the majority leader.

I think it is fair to say that neither I nor the Senator from Wisconsin began this debate with the expectation that we were close to achieving 60 votes for campaign finance reform, although we have to be encouraged by the fact that three new Republican votes were cast in favor of campaign finance reform in this last vote. We did, however, believe that we had a chance to build a supermajority in support of some reform. We hoped that by dropping those provisions from the bill that

drew the loudest opposition last year, and by allowing Senators to improve the legislation through an open amendment process, we might begin to approach consensus.

It appears we were mistaken. The opponents of comprehensive reform oppose even the most elemental reform. Those opponents abide on both sides of the aisle—if not in equal numbers, then in sufficient numbers—to render any attempt to clean up the system a very difficult challenge, indeed.

I suspect the opponents were concerned that were we ever allowed a truly clean vote on a soft money ban, we might come close to 60 votes. I believe that explains the extraordinary efforts from both Democrats and Republicans to prevent that clean vote from occurring.

I say to my friends on the other side of the aisle that I have argued with my Republican colleagues in the last two Congresses that reform supporters deserve a decent chance, through an open amendment process, to break a filibuster. I can hardly complain to them now that the other side has apparently decided it could not risk such a process, fearing that we might achieve what Democrats have long argued we should have—reform.

The Senator from New Jersey, Senator TORRICELLI, claims that the right wing of my party forced me to change our legislation. That will be news to them. I have noticed no reduction in the intensity of their opposition to a soft money ban now that it no longer is accompanied by restrictions on issue advocacy. All I have noticed is that the Senator from New Jersey has now become as passionately opposed to reform as are the critics of reform in my party.

Although I cannot criticize Republican Senators for reneging on a commitment to an open amendment process, I must observe that we were promised 5 full days of debate. That promise has not been honored. Moreover, the leadership decided to deny us even the opportunity to appeal to our colleagues before this vote, a rare and unusual occasion around here.

We were not allowed to continue our debate between the vote last night and the votes we have just taken. Whether this was done to treat us unfairly or to respond to the tactics of the minority matters little to me. In the end, we are denied a fair chance to pass our reforms, as we have been denied in the past. And although I am not all that surprised by the tactics employed by both sides, I am, of course, a little discouraged.

However, Mr. President, neither Senator FEINGOLD nor I are so discouraged that we intend to abandon our efforts to test Senate support for a ban on single source contributions that total in the hundreds of thousands, even million of dollars. We will persevere. And we believe we are no longer bound by any commitment to refrain from revisiting this issue in the remainder of this

session of Congress. I know there is not a lot of time left before adjournment, but if the opportunity exists to force an up or down vote on taking the hundred-thousand-dollar check out of politics, we will do so, Mr. President.

Some Senators may wonder why would we persist in these efforts when it is clear that the enemies of reform are numerous, resourceful, and bipartisan. Are we just tilting at windmills? I don't believe so Mr. President. I believe that some day, the American people are going to become so incensed by the amount of money that is now washing around our political system that they will hold Senators accountable for their votes on this issue. Then, I suspect, we will achieve some consensus on reform. Until then, it is our intention to do all we can to make sure the public has a clear record of support or opposition to reform upon which to judge us. Yesterday's cynical vote for a ban on soft money indicates to me just how fearful of a straight, up or down vote the opponents are.

Mr. President, I want to respond again to the criticism that my stated belief that our campaign finance system is corrupting is untrue and demeaning to Senators. Let me read a few lines from the 1996 Republican Party platform.

Congress had been an institution steeped in corruption and contemptuous of reform.

Scandals in government are not limited to possible criminal violations. The public trust is violated when taxpayers' money is treated as a slush fund for special interest groups who oppose urgently needed reforms.

It is time to restore honor and integrity to government.

I repeat again. I am quoting from the Republican Party platform of 1996.

Mr. President, I'm not saying anything more than what is, after all, the official position of the Republican Party. Or is it my Republican colleagues' view that only Democratic-controlled congresses are "Steeped in corruption and contemptuous of reform"?

As I said last week, Mr. President, something doesn't have to be illegal to be corrupting. Webster's defines corruption as an "impairment of our integrity." I am not accusing any Member of violating Federal bribery Statutes. But we are all tainted by a system that the public believes—rightly—results in greater representation to monied interests than to average citizens. No, Mr. President, there is no law to prevent the exploitation of a soft money loophole to get around Federal campaign contribution limits. There is no law, but there ought to be. That's why we're here.

Does anyone really believe that our current system has not impaired Congress' integrity or the President's for that matter? When special interests give huge amounts of cash to us, and then receive tax breaks and appropriations at twice or five times or ten

times the value of their soft money donations. What is it these interests expect for their generosity? Good government? No, they expect a financial return to their stockholders, and they get it, often at the expense of average Americans. Would they keep giving us millions of dollars if they weren't getting that return? Of course not.

Cannot we all agree to this very simple, very obvious truth: that campaign contributions from a single source that run to the hundreds of thousands or millions of dollars are not healthy to a democracy? Is that not evident to every single one of us? A child could see it, Mr. President.

The Senator from Kentucky said the other day that there is no evidence, no polling data, no indication at all that the people's estrangement from Congress would be repaired by campaign finance reform. He is correct, there is no such evidence.

But I have a hunch, Mr. President, that should the public see that we no longer lavish attention on major donors, should they see that their concerns are afforded just as much attention as the concerns of special interests, should they see some evidence that their elected representatives place a higher value on the national interest than we do on our own re-elections, should they no longer see tax bills, appropriations bills, deregulation bills that are front-loaded with breaks for the people who write hundred-thousand-dollar checks to us while tax relief or urgent assistance or real competition, or anything that could immediately benefit the average American is delayed until later years, if ever, should they see that, Mr. President, I have a hunch, just a hunch, that the people we serve might begin to think a little better of us.

Mr. President, no matter what parliamentary tactics are used to prevent reform, no matter how fierce the opposition, no matter how personal, no matter how cynical this debate remains, the Senator from Wisconsin and I will persevere. We will not give up. We will not give up in the Senate. And we will take our case to the people, and eventually, eventually, we will prevail.

I ask my colleagues, why must we appear to be forced into doing the right thing? Why can't we take the initiative, and show the people that it matters to us what they think of us?

Mr. President, despite our protestations to the contrary, the American people believe we are corrupted by these huge donations. And their contempt for us—even were it not deserved—is itself a stain upon our honor. Don't allow this corrupt—and I use that term advisedly—this corrupt system to endure one day longer than it must. We have it in our power to end it. We must take the chance. Our reputations and the reputations of the institution in which we are privileged to serve depend on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we have just completed the 20th cloture vote on this subject since 1987. Since my party took over the majority in the Senate, the 52-48 vote was the highest watermark actually during that period, and going all the way back over the 20 years I have been involved in this issue.

So I thank the 48 Senators—regretfully, all of them were Republican—who resisted the temptation to support a measure that would have quieted the voices of American citizens and destroyed the effectiveness of our national political parties.

Then, on the second vote, which was narrowed to only affect the two great political parties, there were 47 votes against that proposal, which is more than we had gotten on a much broader measure back in the first Congress after my party took over the Senate.

So I think it is safe to say there is no momentum whatsoever for this kind of measure which seeks to put the Government in charge of what people may say, when they may say it, and attempts to take the two great American political parties out of the process.

I thank the Senator from Arizona for retracting his statements on his web site which were highly offensive to the Senator from Utah and the Senator from Washington State. We took a look at the web site. Those have been deleted and we thank the Senator from Arizona for doing that.

Turning to the sequence of events over the last week, we began the debate on Wednesday, October 13. Admittedly, it was later in the day than the majority leader had intended. That was the day of the vote on the Comprehensive Test Ban Treaty, but those who were on the floor were ready to go and suggested we begin Wednesday night at 7:30 p.m. and get started on the bill. There seemed to be not a whole lot of desire on either side to begin at that time of the night.

On Thursday, Republicans offered Senator MCCAIN and Democrats an overall agreement providing for a vote on the Daschle-Shays-Meehan amendment, and providing that all other amendments must be offered by 5:30 on Monday. Consequently, this agreement would have outlined an orderly fashion for debate and final disposition of the campaign finance reform bill. That agreement was objected to by Senator MCCAIN and our Democratic colleagues.

On Friday, Republicans offered Senator MCCAIN and the Democrats an agreement that would provide for a time limit for debate on the Daschle-Shays-Meehan amendment and a vote in relation to that amendment. That agreement was also objected to by our Democratic colleagues.

Also on Friday, several efforts were made on behalf of the Republicans to proceed with amendments to the pending campaign finance reform bill. The minority leader and the assistant mi-

nority leader then offered first and second-degree amendments, thereby filling up the amendment tree. The first-degree amendment offered was the Shays-Meehan bill and the second degree was the McCain-Feingold bill. Cloture was then filed on each amendment in the order stated. Those cloture votes, of course, have just occurred.

Again, on Friday, numerous unanimous consent agreements were offered, largely by this Senator, in an effort to lay aside the pending Democratic amendments in order to proceed with the amending process. Those consent agreements were objected to by the Democrats and thus the Senate was put in a holding pattern awaiting today's cloture votes.

Yesterday, the Senate debated throughout the day the pending two amendments, and the Senator from Arizona made a motion to table the Reid second-degree amendment and the motion to table vote occurred at 5:45 yesterday and was defeated by a vote of 92-1.

The consent was offered to debate between 9:30 and 12:30 on Tuesday—today—calling for the cloture votes at 2 p.m. on Tuesday. That was objected to. Therefore, the Senate had no alternative than to convene at 1:15 today and use the cloture rule to have the cloture votes occur at 2:15.

For the benefit of those who may not have followed this debate quite as closely as the Senator from Kentucky, I wanted to lay out the sequence of events since last Wednesday when we went to the bill and the numerous efforts were made to have an open amending process so we could have a chance to improve a bill that obviously is fatally flawed.

As is the case in all measures of any controversy in the Senate, I think it is important to remember every controversial measure has to achieve a 60-vote threshold. That is not unusual. That is the norm. It should not be surprising that this highly controversial measure, which many people on my side believe is not bipartisan and not properly crafted, would be subjected to the same 60 votes as other controversial measures.

The majority leader and the Republicans lived up to their end of the agreement. We are disappointed the Democrats refuse to abide by it. I am equally disappointed to hear the Senator from Arizona and the Senator from Wisconsin have announced they now refuse to honor that agreement.

Mr. KERRY. Will the Senator yield?

Mr. MCCONNELL. No. I am about to yield the floor and you can say whatever is desired.

I yield the floor.

Mr. REID. Mr. President, I have enjoyed working with the Senator from Kentucky on this issue. He is certainly an expert at what is going on in the Senate. But I do say respectfully, he has over the years decided that the best defense is a good offense. Certainly, that is what he has done. One of

the biggest targets he has talked about during the last few days is the Democrats having stopped the Republicans from offering amendments to this bill. It is simply not true, as indicated by the fact the Senator from Minnesota offered an amendment yesterday. There was still room to offer three or four amendments.

It was chosen as a matter of tactics not to offer amendments and then talk about the fact they were not able to offer amendments. In fact, the majority could have offered all the amendments they wanted. They say, if cloture was invoked, the amendments would fail, well, that is the way it always works around here.

We simply wanted a vote on the two issues before this body: The House passed Shays-Meehan bill; and the so-called "McCain-Feingold lite"—that is, to ban soft money.

That is what the debate has been about, an effort to avoid an up-or-down vote on those two very important issues that the American public deserve to have heard.

There was no holding pattern; the holding pattern was generated by the majority themselves, as indicated by the actions taken by the majority.

This is just the culmination of a number of things that we have around here. When the going gets tough, we go off the issue. The going was just getting tough on this issue. My friend from Kentucky can spin things; he is very good at that. Of course, everyone knows the Senator from Wisconsin and Senator MCCAIN have picked up eight Republicans we never had before. When the first votes took place on this issue, Senator BYRD was majority leader, we tried to invoke cloture seven times. The Democrats voted to invoke cloture on campaign finance reform, but we didn't have the support of Republicans, generally speaking—certainly not eight. We now have that.

I say to my friend from Kentucky, he can spin it however he sees proper, but the numbers don't lie. We are picking up Republican Senators every time we have a vote on this issue. We have eight now. That is a victory for campaign finance reform.

This debate should go forward, not be stopped now. As our Democratic leader further announced earlier today, there are issues we need to be talking about. We should be talking about the Patients' Bill of Rights—a real Patients' Bill of Rights, not the "Patient Bill of Wrongs" passed out of this body. We should pass a Patients' Bill of Rights as the House of Representatives did.

Minimum wage. Minimum wage is not for teenagers flipping hamburgers at McDonald's. People earn their living with minimum wage. Mr. President, 65 percent of the people drawing minimum wage are women; for 40 percent of those women, that is the only money they get for their families. Minimum wage is an issue we should be out speaking on today, now.

Juvenile justice: We have been waiting for 5 months for that conference to

be completed. It is not close to being done.

Medicare: We talked about Medicare. We go home and we know the problems with Medicare. We did some things with the balanced budget amendment that we need to correct. We should be working on that right now.

Any time we have something important that is a little difficult, we walk away from it, just as we walked away from one of the most important treaty's to come before the Senate, the Nuclear Test-Ban Treaty. We had 24 Republicans that signed a letter saying they thought the treaty should not be acted on at this time, however, when the vote came, they all walked away. The fact of the matter is if they didn't like it in its present form, shouldn't we have had a debate on the Senate floor and maybe make some changes to it—just not vote it down. We were prevented from doing that.

So I believe we should go forward on this most important issue. This is the fourth time during this debate I have had the duty of managing, on the minority side, this bill, this most important campaign finance reform. This is the fourth time I have said this, and if I have the opportunity I will say it four more times.

The State of Nevada has less than 2 million people. In the campaign between HARRY REID and John Ensign almost a year ago, we don't know how much money was spent, but we know between the State party and Reid and Ensign campaigns we spent over \$20 million. That does not count the independent expenditures. We do not know how much they were. John Ensign and I estimate it was probably about \$3 million in ads run for and against us. If you use no other example in America than the Reid-Ensign race of last year, that is a reason to take a real, strong, close look at campaign finance reform.

Maybe after the two measures see the light of day and amendments are offered and we have a full debate, maybe they would be voted down. But should not we at least have that opportunity? I think after what happened in Nevada, if in no other place in America, we deserve a full airing of campaign finance reform. How in the world can you justify spending, in the State of Nevada, the money that was spent in that race? John Ensign and HARRY REID have said to each other, and said publicly: We never had a chance to campaign against each other for ourselves. We were buried by all this outside soft money.

Campaign finance reform, Patients' Bill of Rights, minimum wage, juvenile justice, Medicare—there are a lot of other things we should be debating. But right now—today, this week—in the Senate, we should be spending more time on campaign finance reform.

I say, as I have said on a number of occasions, I greatly appreciate the efforts of my friend from Wisconsin. Here is a person who put his career on the line for a matter of principle. He was

the original sponsor of McCain-Feingold. In the election that occurred last year, he almost lost the election because he was buried by soft money. As a matter of principle, RUSS FEINGOLD refused to allow anyone to use soft money in the State of Wisconsin for his benefit. He offended people by saying: I know you are trying to help me, but I will not allow you to bring soft money in the State of Wisconsin as a matter of principle. He is still here. I have great admiration for him. I think what he has done for the people of the State of Wisconsin and this country is commendable.

If for no other reason, I believe he deserves a full debate in this. Of course he is joined with the Senator from Arizona.

We need to go forward on this issue. Personally, as has been indicated, I have supported the next measure the majority leader wants to bring up. But if I have an opportunity to vote on whether or not we are going to proceed to partial-birth abortion, I will vote no, even though I am a supporter of that legislation.

Several Senators addressed the Chair.

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

Mr. FEINGOLD. Mr. President, I thank the assistant minority leader for his very kind remarks and his very strong remarks on the need to stay on this bill. I also thank the leader, Senator DASCHLE, for his strong remarks in support of reform in the presence of so many Democratic colleagues on the floor at that time right after the vote was taken. Of course my gratitude goes to the Senator from Arizona for continuing to fight.

We are making progress. The story has not yet been told on this floor of what just happened on this vote. Certainly I do not share the interesting account of the Senator from Kentucky, who seems elated that three Republicans who have stuck with him all the way did not vote with him this time. That is what just happened. That is what nobody is pointing out.

Day after day after day in this effort I am asked: What other Republicans are you going to get to support you, RUSS? I am never sure because, obviously, each Senator makes his or her own decision. They often do not make their decisions until the last minute because these issues are often tough calls. But we finally had a vote where we found out we have a lot more support than some people thought. This is why games have been played in the last couple of days. This is why we had the Senator from Kentucky voting not to table a soft money ban last night. I don't think he has changed his mind. But he urged every one of his Republican colleagues last night to, in effect, vote to ban soft money after they just stood out here for 2 or 3 days and argued against a ban.

Why? Why would they do that? Why did we not meet this morning? Why

didn't the Senate do anything this morning? Here we are, near the end of one of the most difficult floor periods in a Congress, with appropriations bills and many other matters before us, with the leadership telling us over and over again we need to get all this work done, but we did not meet this morning. I will tell you why. Because the Senator from Kentucky knows his support is slipping. He may have even known we would pick up the support—and I say this to members of the press and others who always ask me this: Who is going to support you? This time we had Senators from Delaware and Arkansas and Kansas vote with us, including Senators who have never voted with us before.

I recognize there are still some tough issues to resolve for some of the Senators who voted with us. But this is an exciting development. Last year the big deal was we had not gotten a majority. Then we got a majority. The natural question is, How do you get to 60 votes? My answer is, one at a time. But today we took three steps in that direction. I think that tells you what is going on. They want to move off this bill because we are moving in the right direction. We are not there yet but, boy, we are getting closer.

What will bring us to the end of this process, a fair end of this process? First of all, the understanding we had is that we would have 5 real days of debate and amendment. You cannot count starting at 7:30 at night on a Wednesday when Senators had left the Capitol as a day. So we are entitled, under this understanding, to come back in here the rest of today and tomorrow and debate this issue. We had three full days on this bill—Thursday, Friday, and Monday. On two of those days we had no real votes. Then today, the fourth day, we didn't come in until 1:15 pm. That is not the five days of debate that we were promised.

I know there are other Senators on the Republican side who want to join us, who want to add to the 55. But they want something every Senator has a right to want. They want a chance to offer amendments. They have some ideas they would like to add to this soft money ban that I think could be acceptable, and they could finally help us break down this absurd roadblock to banning this form of corruption that is affecting the Senate.

Make no mistake, three new Senators have voted with us. They do not represent an ideological group from the left or the right. They are just different Senators who, I believe, have finally had it with this soft money system. This is why the Senator from Arizona and I used the strategy of simplifying this bill, of saying let's at least have an up-or-down vote on soft money. That is what we just had. I find what these Senators did very encouraging. I thank them because it takes guts. It is tough to stand up to your leadership on this. They did it. I am grateful for this vote. It is very significant.

So we should not leave the issue now. This is the time to let those Senators, and other Senators who have indicated an interest in banning soft money, come to the floor, offer their amendments, and see if we can fashion a compromise that could cause the Senate to be proud and to join the House in trying to actually do something about this problem.

I thank all the Senators who will assist us in preventing this matter from coming off the floor. It belongs on the floor. It is the most important issue before this country, and we need to continue to work on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent my comments not count under the two-speech rule.

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

Mr. KERRY. Mr. President, first of all, I thank Senator McCain and Senator Feingold for their efforts, though I must say I take exception to the comment of Senator McCain which he made earlier. He is my very close friend. I have worked with him very closely on a lot of issues. But when he suggests there is a bipartisan opposition to reform, I think he is not paying tribute to the fact that no Democrat voted against cloture. No Democrat voted against proceeding to the full measure of germane amendments that would precede the bill. So even though the Senator from New Jersey, Mr. Torricelli, may feel very strongly about not just dealing with soft money, he was prepared to accept the verdict of the Senate in a normal process of amendment. This is not bipartisan in opposition. There is only one group of people who voted against proceeding to campaign finance reform, only one group, and I regret it is entirely on the other side of the aisle, the Republicans, because, obviously, we are not trying to make this partisan.

We were very grateful for those courageous Republicans who decided the time has come to vote for campaign finance reform. Obviously, we want them. We desperately need more Republicans who are willing to embrace campaign finance reform.

But the fact remains that on the critical votes of whether or not the Senate was prepared to eliminate the extraneous amendments, have cloture, and proceed to the process of debating this bill, not one Democrat said no to that. It was only Republicans who have stopped the Senate in its tracks.

Where do we find ourselves? What did the Senator from Kentucky say? He recited a few days of histrionics, a few days of sort of maneuvering. We had a whole morning, this morning, as the Senator from Wisconsin was saying, where we could have debated this. Why didn't we debate this morning? The Senate did not even convene until 1 hour prior to having the votes, and that was because under the consent

order previously entered into, with the two cloture votes, those votes were going to take place 1 hour after the Senate convened.

So what could be more convenient? Convene the Senate as late as possible so that you have no time to debate and then proceed to have two votes. Why? Because you cannot turn up the heat on the issue; because the television cameras will not be on; because the galleries are not open; because the American people will not be sharing in a real debate about the impact—the corrosive impact—of money on the American political system.

And our 47 and 48 colleagues on the other side of the aisle who stand there and close down the process ought to take a sampling of the people who are in the galleries. I know we are not allowed to do that, but I bet if you asked every single one of them, as they leave this Chamber, "Do you think there is too much money in American politics? Do you think the money gains access to the system? Do you think the money distorts the process? Do you think the money somehow does favor for certain issues over the general interests?" Every single one of those people, or at least 85, 90 percent would tell you, yes, there is too much money in American politics, and it separates the average citizen from the people they elected to represent them. Overwhelmingly, Americans believe that. And, overwhelmingly, Americans understand there is a connection between what happens in Washington and what does not happen in Washington and all of the contributions.

This is the fight that some of us came to have: The fight over whether or not we are going to have a fair political system.

I understand a lot of our friends on the other side of the aisle do not want to change the system. Politics has a certain amount of self-interest in it; and the self-interest of getting re-elected is a powerful one. A lot of our colleagues over on the other side of the aisle have a lot more money available to them than Democrats.

I was outspent in every election I ran in until the last election when a Republican agreed with me to do something different. We had a fair playing field. He was a sitting Governor. I was a sitting Senator. So you know what we did. We both banned soft money—no soft money in our campaigns; we banned independent expenditures—no independent expenditures; and we actually reached an agreement that we would both limit ourselves to how much money we would spend in our race.

Then we did something else different. We had nine 1-hour televised debates so the people in our State could share in a good, healthy exchange about the issues that matter to them.

So you can do it differently. You can do it differently. But if a lot of incumbents sit here and say: Boy, I like that money; it's so much easier for me to go

down to the Hyatt Hotel or the Hilton Hotel or the Sheraton and have an event; and there are a whole lot of people who can afford the flight, the air ticket to Washington, and then can, after the air ticket, afford to bring a big check to me, come and meet me for a little while, and I can collect a whole lot of money—that way, I can fund a campaign—that is pretty easy. Most challengers in this country cannot do that.

The end effect of that is literally to strip away the vibrancy of our own democracy because what happens is the money is very well represented. But the points of view that do not have the money are not as well represented. And no one here can deny that. No one here can deny that.

We have heard a lot of talk in the last few days about corruption. We have heard about the way money corrupts politics, about how it corrupts the system. I express my admiration to the chairman of the Commerce Committee, my friend who is on the floor of the Senate. I think he has a lot of guts. He has a lot of courage to come to the floor of the Senate and tell a lot of people the truth. And a lot of people do not like to hear it.

So it got very personal last Friday—very personal—as we got led off into a tangential debate where one Senator was challenging Senator MCCAIN, was challenging him to name names, lay out for us a list of those in the Senate who have been corrupted.

I say to my colleague who was asking that question: Where does that line of questioning take us? Where does that line of questioning take us? No Member of the Senate that I know of runs around impugning the character or the integrity of another colleague. That is not what the Senator from Arizona was doing.

What the Senator from Arizona was doing was having the courage to point out that we are all prisoners—something he knows something about. But in this case, we are also the jail keepers because we have the key. We have the ability to release every single one of us from this prison—where we have to go out and raise these extraordinary amounts of money, where we allow ourselves to be proselytized by groups of people who spend \$100 million a month in this city, either to get us to do something or to stop us from doing something. Think about it.

Then go out and ask how many of the average Americans are contributing to that \$100 million. Ask the folks working two or three jobs, ask the folks who pay their taxes and struggle to send their kids to a good school, and who know their kids need technology and child care and health care and a whole lot of other things if they feel well represented by that \$100 million.

How many of them are lined up outside the Commerce Committee or the Banking Committee or the Ag Committee, or any other committee, when we have a markup around here?

How many of them can afford to send a young messenger to wait in line, from the early hours of the morning, so they are assured of having a seat where the action is taking place?

I think we ought to get away from the side arguments and the side diversions and understand what the Senator from Arizona, the Senator from Wisconsin, the Senator from Minnesota, and a whole lot of other Senators, a majority of the Senate, think about that, a majority.

This is not some wild-eyed, crazy fringe, tiny group of Senators who are somehow trying to stop the Senate from doing business. This is a majority of the Senate who believes the time has come to have campaign finance reform. Oh, sure, we all know the rules say it takes 60 votes. That is a supermajority. We all understand that. But on the great fights of the Senate, people were willing to stay and fight. It took 6 weeks, I think, of filibuster for the Civil Rights Act to pass. We can go back in history through a lot of other great debates of the Senate. It took a long time, with serious work, serious meetings, serious efforts to try to reach agreement.

Let me give Senators a critical fact concerning the perception among the American people today. I don't think anybody can disagree with this. Some people want to avoid it, but I don't think an honest, intellectual assessment would allow them to disagree with it. Every poll shows it; every conversation anybody might have, even with the top corporate chieftains of this country. I have talked to some of the top CEOs of some of the biggest Fortune 500 companies in the country about how they feel about fundraising—from a Democrat or from a Republican. Those are the people who are increasingly turning off the current system. They are scared. They don't voluntarily get out of it.

There are a few who have. The committee of businessmen that has come together with a new plan has had the courage to say: We are not going to give to Republicans, and we are not going to give to Democrats, either. I have heard so many of these CEOs say: I know it is bad; I know it is corrupting. I don't like it; I don't want to be part of it. But if I unilaterally stop doing it, my competitor will be at the table, and I won't be at the table.

That is what happens. So they don't do it. The fact is, the majority of Americans believe the amount of money spent on campaigns gains a special access to the political system for those who are most capable of contributing, whatever side they are on, whatever side of the issue.

Let's assume, for the sake of argument, no Senator is affected by the money that is given. Take the word "corruption" off the table, as it applies to any specific act of any legislator. Ask yourself, by fairer judgment, if the group that wants to achieve goal A can go out and raise tens of millions of dol-

lars and have the ability to then load that money into campaigns for people who will vote for what goal A is, and the people in goal B are all pretty poor or don't have access to money or aren't organized and don't have the ability to contribute the same way, but their goal may be equally worthy or, in fact, more worthy, is there a fairness in the system? Is there a form of corruption of the political process, not of the people but of the political process, that denies the kind of fair playing field I think is at the heart of the kind of democracy this country wants to provide its citizenry and for which it really stands?

I think the perception of that unweighted playing field, the perception of that unfairness ought to concern every Member of the Senate.

We can sit back and point to our own personal integrity. We can say we don't make decisions on public policy based on campaign contributions. The truth is, we are extraordinarily exposed to the general awareness and perception and belief and cynicism that is now attached to the system which says that the money speaks and that it makes a huge difference.

I think such a significant portion of Americans are affected by this that, in point of fact, the standard set up by the Supreme Court with respect to the perception of corruption is met.

When the Senator from Kentucky—I will talk about this a little later—talks about the first amendment, there is a sufficient test under first amendment standards that would allow the Court to make a decision in favor of some restraints. They have already done that. They did it in 1972, in 1974. We certainly have the right to do it now.

I ask my colleagues, every year 20,000 Americans are poisoned with the E. coli bacteria when they eat contaminated food. They have found tuberculosis in beef, and two-thirds of chickens contain the potentially deadly campylobacter bacteria. That is not a finding of politicians. That is what scientists tell us. But in spite of the rapid spread of food-borne illnesses, we haven't responded. We haven't done anything. Walk into a room of 50 ordinary Americans and tell them we haven't done anything to promote public health needs on this issue, that every single bill that has come before us on food-borne illnesses has been killed, and then tell them the food industry has made \$41 million in campaign contributions to congressional candidates over the last 10 years. Almost every person who hears that will say: I bet you there is some kind of connection there.

Seventeen thousand people were killed by drunk drivers last year. Mothers Against Drunk Driving, the National Safety Council, and hundreds of other organizations formed a coalition to pass stricter standards on drunk driving, in order to keep drunk drivers off the road and get tougher on them when we catch them. Almost

everyone agrees this would save lives. But the regulations didn't pass. Surprise.

Ask the average person on the street if they think our inaction on something as obvious as that has any connection to the over \$100,000 spent by Alcohol Wholesalers, by the National Restaurant Association, Wine and Spirits Wholesalers, other alcoholic beverage organizations, that gave to both sides, Democrats and Republicans alike. Ask them if they think there is a connection.

Last year, we tried to do something to respond to the fact that every day 3,000 kids become smokers. We know, because the doctors and scientists tell us, that half of those children will wind up dying early and costing us enormous sums of money in our medical care system until they ultimately die from their addiction. Ask the average American if they believe all our legislative efforts on tobacco fell apart, or at least in any part was it connected to the fact that Philip Morris and all the other big tobacco companies spent millions of dollars over every year for several years in contributions to both parties to hundreds of candidates for the House and the Senate. Was that a spending in the general public interest? Was that a spending in the interest of the Nation?

Certainly—and I agree with my colleague from Kentucky—if it wasn't spent to elect a candidate, if it was spent to sell the virtue of tobacco or of something that had nothing to do with an election, certainly that fits under the first amendment. I understand that. That is a separate issue that can be dealt with separately.

I think we have to be even more frank than that in sort of acknowledging the kind of connection people perceive. The truth is, I think all of us know, to varying degrees, we are trapped in a reality where big money gets its calls returned. Big money gets its meetings. Big money gets the face time it asks for and looks for. We can see it in all of the fundraisers that take place in this city and in other parts of the country. Every single one of us is sensitive to that reality. I understand that.

There are very few Senators who don't work hard to try to undo that, the notion of the walls of the prison, if you will. I don't think Senators like it particularly. Some are content to live with it, even though they may not like it. The reality is, nonetheless, it changes the way the institution operates.

We only have to listen to someone such as Senator BYRD, the former leader, who has seen it on every side and has seen it change over the years that he has been in the Senate. He will tell us how the Senate has changed in the way it operates because of the amount of money in our system today.

I say to my colleagues, rather than put current Members on the spot, listen to what some of our colleagues who

have retired from Congress, who are liberated from having to raise the money, who are out of the system, have said about the current game in which they were once trapped.

Representative Jim Bacchus, a Democrat from Florida:

I have, on many occasions, sat down and listened to people solely because I knew they have contributed to my campaign.

There is an honest statement by a former Representative. I don't expect all my colleagues to stand up and say that, but that is what he said.

When asked whether Members of Congress are compromising the institution of Congress when they solicit contributions from the special interests they regulate, former House minority leader Bob Michel, a Republican from Illinois, said simply:

There is no question. I don't know how you even change that. It is a sad way of life here.

That is a former leader in the House of Representatives, and a Republican.

I don't have the quote, but I remember my friend, Paul Laxalt, one of the closest friends of Ronald Reagan, who, when he left the Senate, said unequivocally:

The amount of money being raised in the U.S. Congress was corrupting the process, and it was having a profound impact on the quality of the U.S. Congress.

Listen to what former Representative Peter Kostmayer said:

You get invited to a dinner somewhere, and someone gives you money, and then you get a call a month later and he wants to see you. Are you going to say no? You are just not going to say no.

Why do the special interests give money? I think everybody would agree that former Senator and majority leader George Mitchell was a man of enormous integrity. He led the Senate. He has been leading the peace talks in Northern Ireland, a person of huge integrity, a former U.S. district judge, a former Senate leader. George Mitchell summed it up saying:

I think it gives them the opportunity to gain access and present their views in a way that might otherwise not be the case.

That is fundamentally the flaw. The Senator from Kentucky and others can take umbrage at the notion of the use of the word "corruption," but you don't have to be specifically corrupt in some way that breaks the law to be sharing in a general corruption, an "impairment of the integrity," as Webster defines it, of the institution, and the integrity of this institution is impaired by the current system.

I mentioned a moment ago some of the best minds in the business community—CEOs and others—who have shared with me, and I know with other colleagues, that they find the current system nauseating, sickening. They are tired of being "shaken down". That is their term, not ours. I know there are letters that have been sent by Members of the Congress to those groups that don't give. People have been threatened not to give to the other party. People have been threatened. These

stories have all appeared in the Washington Post, New York Times, Los Angeles Times, Boston Globe—stories all across the country. People believe if they don't play the game on the fundraising circuit, they will lose out in the subcommittees, the committees, and on the floor.

We saw, this summer, that some prominent business executives joined a coalition for campaign finance reform, called the Committee for Economic Development. They promptly received a letter from the Senator from Kentucky, chairman of the National Republican Senatorial Campaign Committee telling them in no uncertain terms:

If you disagree with the radical campaign finance agenda of the CED, I would think that public withdrawal from this organization would be a reasonable response.

So what is the message there? The business leaders told me what they thought the message was. They said: We find it ironic that you are—

This is what they sent to Senator MCCONNELL. This is their response to the people who are trying to keep us from voting for campaign finance reform. The business leaders wrote:

We find it ironic that you are such a fervent defender of First Amendment freedoms, but seem intent to stifle our efforts to express publicly our concerns about a campaign finance system that many of us believe is out of control.

I don't raise these issues to suggest in any way that any individual Member of this body is corrupt. I am not saying that, nor is the Senator from Arizona. But the system is leading us all down a road that diminishes the trust of the American people in this institution and that diminishes our connection to the American people and therefore their faith in the system of Government and in the capacity of this Government to do what our Founding Fathers wanted it to do.

This is less and less a real democracy, and more and more a "dollarocracy," a democracy mostly decided and impacted by the amounts of money that can be raised and spent, and not by the quality of the ideas that are put forward and debated in the great manner of Lincoln and Douglas and others who took ideas to the American people.

Are we scared of ideas? Do we have to pitch every idea in a 30-second advertisement, or a 60-second advertisement, and flood the airwaves with seductive, distorted, completely contrived messages, rather than laying out to the American people a series of facts and relying on them to choose?

I have been here now for 15 years, and every year I have been here we have tried to achieve campaign finance reform. In fact, I was the author, together with Senator Boren, Senator Mitchell, and others, of an original effort that had a component of public financing. We actually passed that on the floor of the Senate when the Democrats were in the majority. President Bush vetoed it. Subsequently, we got



as many as maybe 46—I think it was—votes for a bill that might have had some component of public financing.

But, each year, as the Republican majority has grown, the number of people willing to embrace a broader set of reforms has also diminished, leaving us now with a stripped-down version of McCain-Feingold—stripped-down to the point that many people on our side of the aisle fear that it may have the unintended consequences of the 1974 reforms; that if you do one component of reform, but you don't have a fair playing field, you simply unleash torrents of money into other sectors that may wind up having a negative impact on the ability of people to be elected.

I think we have to act. I say to my colleague from Kentucky, the notion that the members of the media are going to sit there—those who have covered the Senate for years—and believe that 4 days of truncated, half-hearted debate somehow represents a legitimate effort on campaign finance reform is beyond anything credible. I don't think a member of the media could believe that when we sit here and say, well, we went to this last Thursday, and on Friday half of the Senate left to go home, and on Monday half of them hadn't come back, and on Tuesday morning there was absolutely no debate at all, and then we had two votes, and pretend somehow that the Senate has done anything serious about campaign finance reform. What a farce. What a joke.

My colleagues on the other side of the aisle need to understand that this is an issue that isn't going to go away. We must begin to be serious about having a fair playing field—and I do mean a fair playing field, not trying to jockey it for Democrats or for Republicans but deciding as a matter of common sense how we can approach an election.

We are supposed to be the premier democracy on the face of this planet. We are supposed to be setting the example for people in other parts of the world. And more and more people look at our system, and say: That is what it is all about? They spend \$20 million in States such as Nevada chewing each other apart trying to prove what an evil American the other guy or woman is. How extraordinary.

I think everybody on our side of the aisle was prepared to go into long and serious meetings. We are prepared to caucus. We are prepared to have efforts to try to decide how we can come up with a fair playing field. We ought to have a real debate because we need to understand that the costs of campaigning are eliminating the capacity for fully representative government for most Americans. Some people do not believe that. I know my colleagues on the other side of the aisle argue with fervor that the first amendment is represented by money, and the more money you can raise, the fairer it is. You can go out and campaign.

In 1996, House and Senate candidates spent more than \$756 million. That is a

76-percent increase since 1990. And it is a sixfold, 600-percent increase since 1976.

The average cost of a race in 1976 was \$600,000 for a winning Senate race. The average cost went to \$3.3 million.

Many of us in 1996 were forced to spend more than that. My race in 1996 was the most expensive race of that year in the country—a paltry sum compared to the Senator from California. I think she and her colleague had to raise upwards of \$20 million, and I think perhaps \$30 million was spent against Senator FEINSTEIN. I am not sure of Senator BOXER—but somewhere in that vicinity. My race in Massachusetts was cheap compared to that. We had only \$12.5 million, maybe \$13 million for 6 million people.

In constant dollars, we have seen an increase of over 100 percent in the money spent for Senator races from 1980 to 1994.

I know Senators don't do this. Not every Senator is raising money every single week. But many are because of the vast sums they have to raise. But on average, each Senator has to raise \$12,000 a week for 6 years to pay for his or her reelection campaign. That is just the tip of the iceberg now because we have had this incredible explosion in soft money.

Soft money represents everybody taking advantage of the loopholes. It wasn't the intention of campaign finance reform or Congress to allow soft money. I must admit some Democrats managed to develop that loophole rather more effectively at the outset than some Republicans. It doesn't make it right.

In 1988, Democrats and Republicans raised a combined \$45 million in soft money; in 1992, that number doubled to \$90 million; and in 1995 to 1996, that number tripled to \$262 million.

Do you know where it comes from? It comes from U.S. Senators who are passing legislation making telephone calls, or having meetings with high-powered corporate types, or very rich people who write checks for \$50,000, \$100,000, \$200,000, and \$300,000. Indeed, I believe the last year, in 1996, there were nine people in America who wrote checks for \$500,000.

That is where it comes from. And don't let anybody kid you. It goes into campaigns. It wasn't meant to originally. But now it goes almost directly into campaigns.

So you, frankly, have corporations and a lot of big money directed into the campaign process which was never the intention of the U.S. Congress back in 1974 when they passed campaign finance reform.

Do you know why ordinary citizens believe they are being shut out? Do you know why the average American doesn't believe the system is on the up and up? Do you know why the average American thinks big money gets influence over their money? I will tell you why. Because fewer than one-third of 1 percent of eligible voters donated more than \$250 in the electoral cycle of 1996.

I want to repeat that. Why do people think the system is out of whack? Because fewer than one-third of 1 percent of all the eligible voters in America gave more than \$250 in the electoral cycle.

Think what would happen in this country if we invited people, as we used to do in the Tax Code, to take a tax deduction for a \$50 or \$100 donation. And those tax deductions, when people were encouraged to take them, in fact, added up to about \$500 million a cycle, which would have paid for almost all the races back then. You could do it with small donations, if they wanted to—if they wanted to. But they like to go out and get the bigger dollars. One-third of 1 percent of Americans contribute over \$250.

Ask most Americans what they think they are capable of giving to campaigns or are able to contribute, and you will get a sense of the great divorce in this country, a huge gulf, a Grand Canyon of campaign finance gap that is separating the average American from the political process.

Then we have another problem in the system—the issue ads. These are those ubiquitous TV and radio ads bought by all kinds of special interests to persuade the American people to vote for or against a candidate. Usually, these ads are negative. They are usually inaccurate. But they are one of the driving forces of the American political process today. They violate the spirit of campaign finance laws in the country. Of course, they do.

Listen to what the executive director of the National Rifle Association Institute for Legislative Action said. He said:

It is foolish to believe there is a difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day.

Mr. President, the American people want us to fix this system.

An NBC-Wall Street Journal poll shows that 70 percent of the public believes campaign finance reform is needed.

So what the Republican Party is doing today is saying, well, we don't care what 70 percent of the American people are willing to do. They are unwilling to pass campaign finance reform that is fair, unwilling even to deal with it in a serious way.

Last spring, a New York Times poll found that an astonishing 91 percent of the public favor a fundamental transformation of the system.

I believe we ought to be able to deliver on that kind of reform.

Some of our colleagues believe that reforming the current finance system in a comprehensive manner would violate the Constitution. The constitutionality of a ban on soft money could raise questions. I think the issue of a total ban on soft money, depending on how it is structured, could conceivably be worked out in a thoughtful and artful way. But the point is it is fundamentally a sham issue as it is being



presented by the other side. And the first amendment is being used as a shield to prevent the proper scrutiny of this issue and to prevent us from changing it.

The truth is there are ways that you can reform the system within the confines of the first amendment.

On the critical soft money issues, leading constitutional scholars and former ACLU leaders agree that banning soft money contributions will not violate the Constitution if properly constructed. And we forget that the Supreme Court in *Buckley* versus *Valeo* held that limits on individual campaign contributions do not violate the first amendment. It simply cannot be said the first amendment provides an absolute prohibition of any and all restrictions on speech.

When State interests are more important than unfettered free speech, that speech is appropriately allowed to be narrowly limited.

Speech is already limited. We know in cases of false advertising and obscenity. And I think it is clear that under the limits of *Buckley* we can deal with the risk of corruption or the appearance of corruption and the warranted limits on individual campaign contributions.

The ban proposed in McCain-Feingold simply requires all contributions to national political parties be subject to the existing Federal restrictions on contributions to those parties that are used to influence Federal elections, and it would bar State and local parties from raising soft money for activities that might affect a Federal election. Groups remain completely free to spend as much money as they want on speech.

This is a red herring, a straw man. It is well used, I might add, by the Senator from Kentucky, but it is wrong. I am convinced the courts would ultimately hold it so, were we to do our work properly.

We've also heard that if we ban soft money, we will unconstitutionally infringe upon the rights of special interest groups to engage in free speech. I would respectfully suggest that there is some real confusion here. The ban proposed in McCain-Feingold would simply require that all contributions to national political parties be subject to existing federal restrictions on contributions those parties use to influence federal elections, and it would bar state and local parties from using soft money for activities that might affect a federal election. Groups would remain free to spend as much as they wanted on speech—they simply could not funnel that money through the political parties.

Another favorite argument offered by those opposed to reform is that we already have bribery laws to prevent corruption and the appearance of corruption. This argument ignores the fact that the Supreme Court in *Buckley* explicitly considered and rejected the same claim. The Court said that it was

up to Congress to decide whether bribery and disclosure laws were enough to address the federal problem with real and perceived corruption. A majority of the Members of the House and Senate do not believe the bribery laws are sufficient to limit corruption or the appearance of corruption.

Opponents of campaign finance reform are vehement that any effort to control or limit sham issue ads would violate the first amendment. They argue that as long as you don't use the words "vote for" or "vote against", you can say just about anything you want in an advertisement. But that is simply not what the Supreme Court said in *Buckley*. It said that one way to identify campaign speech that can be regulated is by looking at whether it uses words of express advocacy. But the Court never said that Congress was precluded from adopting another test so long as it was clear, precise and narrow. It is exactly that kind of test that is included in Shays-Meehan and that I hope can be put back into the reform bill we are debating here today.

I believe reasonable people can come together and work through these first amendment questions. Certainly that ought to be a challenge the United States Senate is capable of meeting. And I believe that if we can do that we can move on to a question no longer of whether to reform the campaign system, but how.

I believe that the amendment offered by our minority leader would help us embrace reform. Though not a cure, embracing the Shays-Meehan model passed in the House treats the most serious symptoms that threaten the health of our whole democratic system.

Let me say again, this amendment is by no means sweeping reform. It does not limit spending by candidates. It does not replace private campaign contributions with clean money. But, it does address two of the most serious problems with our current, broken campaign finance system. It bans soft money and it clamps down on phony issue ads. We must attack both of these problems simultaneously if our campaign finance system has any hope for recovery.

And I would remind the Senate that even those of us who agree that there is a serious problem have different ideas on how to fix it, or what aspect in particular most desperately needs a cure.

I have long been an advocate of one particular kind of reform. I joined Senator WELLSTONE once again this year in offering a clean money bill that would take special interest money out of the political system. But I am a realist. The Senate is not yet ready to embrace something as broad as clean money, in spite of its merits. That is not going to happen yet, but I continue to hope and believe that it will someday.

In the meantime, we must focus on finding a remedy for the worst of the problems from which our campaign fi-

nance system suffers. I believe Shays-Meehan can do that.

And, Mr. president, I believe we can move this debate forward and pass this legislation if we can avoid the hot-button issues on both sides, the poison pill amendments we've encountered again and again which have stopped us in our tracks.

One amendment which particularly worries me is the so-called paycheck protection amendment. Some of my colleagues on the other side are advocating that unions obtain written authorization from all union members before using any portion of union dues for political activity. The amendment would not require corporations to obtain the same written authorization from shareholders before using corporate treasury funds used for political activity. Proponents of this amendment complain that union dues are used to run issue advocacy campaigns that are really thinly disguised electioneering. However, rather than closing the issue advocacy loophole, which would comprehensively solve the problem, my colleagues on the other side would inhibit unions only while leaving corporations as well as conservative advocacy groups untouched.

If paycheck protection were passed, it would limit almost all political activities by unions, not just use advocacy. It would gut the funds the unions use for internal communications activities, particularly get out the vote activities. Rather than adopting this inherently unfair amendment, which would target only unions, a better solution is to close the issue advocacy and soft money loopholes. I hope my colleagues on both sides of the aisle will join me in opposing a paycheck protection amendment if one comes up.

Mr. President, I hope we can avoid those poison pills, I hope we can actually pass something this week, and that we can support the campaign finance reform bill that was passed in the House, so that we have the tools to remedy both sham issue ads and soft money.

There is an awful lot riding on this debate. Because we have been down this road before, many think the result is a foregoing conclusion. In a front page article last Tuesday, the *Washington Post* stated,

"... opponents of reform will rest easy in the knowledge that nothing will be accomplished." I hope the *Post* is wrong. I believe we can make the system better. We are not going to take all of the steps that would be necessary for a cure, but we can take care of the parts of the system that are hurting all of us the most. And that is a course of action on which all our citizens—and this Senate—ought to be able to agree.

I urge the Senate not to turn away from a real process where we sit together, work through the objections, have honest debate and discussion, and allow the Senate to work its will on the floor of the Senate rather than

walking away again from one of the most urgent needs as expressed by our fellow citizens in this country.

I yield the floor.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts. He is eloquent on this subject.

I am grateful we have been able to extend the debate on campaign finance reform at least a little bit because of this motion that has been made. On the other hand, it was our understanding we were going to be on campaign finance reform for 5 days. Sadly, we didn't have the expectation met that we would be 5 days on this particular matter.

I know the Senator from Michigan is here. I ask unanimous consent upon completing my remarks the Senator from Michigan be recognized.

The PRESIDING OFFICER. The Presiding Officer in his capacity as the Senator from Washington objects.

Mrs. BOXER. Mr. President, it is hard for me to understand why my friend objects, but that is his right to do so.

I wanted the Senator from Michigan to be heard because he is feeling very strongly this particular vote we are going to have is as important as the other two votes we took on the procedural matter of cloture. If Senators believe we should have campaign finance reform, they should vote against the motion to proceed to an abortion issue that truly should not be coming before this Senate. I will have more to say on why I believe that to be the case. The Senator from Michigan, Mr. LEVIN, I am sure, will get the time on his own accord at the appropriate moment.

As Members know, the Democratic side of the aisle was not going to object to going to the abortion issue—although many do not believe it is the right time to do so—we would not object to that and we would have been willing to go to that. It would have meant as soon as the debate was finished on that abortion issue, we would have gone back to campaign finance reform. Because of the parliamentary maneuver of the majority leader, Senator LOTT, we will not be able to go back automatically to campaign finance reform if we vote to proceed to the abortion question.

I make a case for voting against that. I think the best case to make is the issue we have been trying to debate for the last few days, the issue of campaign finance reform.

I stood on this floor last week and admitted, with all eyes upon me, I was a user of the campaign finance system, I was good at it, I was better at it than my opponents. I know how to use the system. I have been in Congress since 1983. I learned very well by making mistakes early in my career that Members need the resources in order to answer the charges that are thrown against them.

I say the system is broken for three reasons. One, the average person doesn't believe in this system. They

have tuned out. They don't vote because they believe, rightly or wrongly, that it is the people with the money who are the people with the access who essentially control this agenda. They feel very left out of the system.

Second, there is an appearance of corruption. Everyone who partakes in this system plays the game that to many Americans appears to be corrupt. We all play it well. The system has the potential to corrupt, and the system, at a minimum, has the appearance of corruption.

Third, this system takes too much of our time away from our work, away from our jobs.

I see the Senator from New York. I am proud of the kind of campaign he ran. I know it was as hard for him as it was for me to raise the kind of money we raised. We are good at it. We know how to do it. It is not necessarily to our benefit to change the system, but we know how bad it is.

My friend from Minnesota, Senator WELLSTONE, and I were talking about dialing for dollars, when we are up and we are hoping no one is on the other end, hoping it is an answering machine so we can leave our message because it is so demeaning to have to call total strangers we have never heard of—had 100,000 donors to my campaign; I didn't know the majority of those donors—to have to ask them for money. This is not why a Senator is elected.

The system is broken and needs to be fixed. People are not voting because they don't believe in the system.

What does the majority leader do after a couple of days of debate? He wants to take campaign finance reform out of here. He wants to take it off the Senate floor. I think I see a pattern emerging in the Senate Chamber which I don't think is particularly good for the American people.

Campaign finance reform, wheel it out the door tomorrow.

The test ban treaty, we had a majority vote for that. Wheel it off the floor.

Minimum wage, block it from ever coming. Lock the doors. We don't want to hear about minimum wage, even though we are in an economic recovery and the bottom economic class is not benefiting from it. The least we can do is raise the minimum wage a few cents an hour. We can't even get that through the door.

He doesn't want sensible gun control. We passed it over his objection. The majority party doesn't want it here. It was wheeled out the door, into a conference committee, never to be heard from again. How many more of our children have to die before we bring that back and vote in those sensible gun control measures?

The majority doesn't want real health reform. We passed a sham bill. The House passed a good one. How about going to conference, strengthening health reform so people can see the doctor they need to see, when they need to, that they can get the tests they need when they need the tests and

they can live a good quality of life. No, that is shut out, wheeled out of here, never to be heard from again.

School construction, nowhere in the majority's bills; 100,000 cops on the beat, nowhere in the majority's bills; school construction to begin to fix up the school classrooms, nowhere here, out the door.

This is becoming a killer Congress—kill everything the people want, including campaign finance reform.

I ask unanimous consent to have two editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Oct. 19, 1999]

#### CAMPAIGN FINANCE REFORM—TIME FOR A VOTE ON ENDING SPECIAL INTERESTS' REIGN

Unpopular because of his relentless crusade to block campaign finance reform, Sen. Mitch McConnell, R-Ky., is resorting to stonewalling the messenger.

Rising on the Senate floor recently, McConnell indignantly challenged Sen. John McCain, R-Ariz., co-sponsor of the campaign finance reform bill, to specify which senators have been corrupted by special-interest contributions. McConnell's theatrics were seconded by Sen. Robert Bennett, R-Utah, objecting to McCain's suggestion that lawmakers could be bought or rented.

Coolly refusing to take the bait by naming names, McCain recalled last year when Senate Republicans were assured by their leadership that they needn't fear electoral repercussions from voting against an anti-tobacco bill, because the industry's political action committees would generously support their re-election campaigns.

McCain could have recounted many other examples where big contributors have wielded inordinate influence over the Senate. The open secret on Capitol Hill is that, the bigger the contributions, the greater the access.

Former Sen. Don Riegle, D-Mich., conceded as much when he was accused, along with four other senators, including McCain, of receiving \$1.4 million to run interference for Charles Keating while he ran a California savings-and-loan institution into the ground. Although McCain was a bit player in this sleazy process, he was scarred by it nonetheless. That may help explain why he's so committed to sanitizing the system.

The bill that he authored with Sen. Russ Feingold, D-Wis., would ban soft money, which is unlimited contributions that political parties collect and spend to promote their candidates. The reform measure may not completely cleanse the system. But it would put a crimp in the current process, which amounts to little more than legalized bribery.

For all his fulminations about protecting the sanctity of free speech, McConnell knows that special-interest money rules. In fact, he's altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

These and other well-heeled interests make out very well because they have invested plenty in lawmakers who repay their favors. That is precisely what McCain means when he says Congress has been corrupted by special-interest money. And that's why Republican and Democratic lawmakers alike support his bill to help clean up this mess.

The question is whether McConnell and Senate Majority Leader Trent Lott, R-Miss., will permit a floor vote on the reform measure. Or will they resort once more to procedural gambits and strangle it?

[From the Bakersfield Californian, Oct. 19, 1999]

#### CAMPAIGN REFORM VITAL

Senators should be allowed to vote up or down on a proposal to overhaul a federal campaign finance law. Then, if the bill by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis., does pass, the courts can sort out a potential constitutional issue.

Instead, opponents of a proposed ban on so-called soft money are vowing a filibuster—a non-stop talk-a-thon that prevents debate on an issue. It is a parliamentary “don’t-let-’em-get-a-word-in-edgewise” maneuver. The filibuster can be broken only if opponents muster a two-thirds vote in favor of open and free debate—more than the majority vote needed to pass the subject legislation itself. Soft money is a contribution made in federal elections to political parties for activities that are not supposed to support a specific candidate. The idea was to stimulate public awareness of elections and issues with such tasks as voter registration drives and get-out-the-vote efforts.

However, critics of the practice wisely note that experience shows a huge influx of money from well-heeled interests—corporations, unions, special interest groups. The effect is to overwhelm potential access to the campaign process by individuals.

Worse, with some clever use of the funds, they can be directed to help build awareness among voters of issues being emphasized by specific candidates. The real-world effect of the practice is to void the very theory of soft-money; emphasize issues and process, not specific candidates.

In doing so, it creates an end-run around other rules which set dollar limits on contributions that can be made directly to candidates. Those limits are designed specifically to level the access playing field by making all sources of influence roughly equal.

It is worth noting that the House of Representatives—which does not allow filibusters and whose members have the grind of seeking election every 2 years—were shamed into passing a version of the bill. But senators, who have the comparative luxury of six-year terms, are balking at even allowing a vote on the issue.

Opponents of the McCain-Feingold soft-money limits piously say the law would inhibit the ability to buy advertising, and hence limit politicians’ freedom of speech. This from a minority of senators who are muzzling free speech on the bill???

The issue of whether campaign finance laws are unconstitutional needs serious consideration. It is getting it where it should: in the Supreme Court.

Let the Congress propose, the courts dispose. Vote on and pass McCain-Feingold.

Mrs. BOXER. Mr. President, I find these articles interesting because they are editorials from two Republican newspapers in my State, the San Diego Union Tribune and the Bakersfield Californian. Normally I would not be reading their editorials into the RECORD because I usually do not agree with them, but I agree with them on this. Because I do not want to mention the name of any Senator, I will leave it out. The article from the San Diego Union Tribune says:

For all the fulminations about protecting the sanctity of free speech [this particular

Senator] knows that special-interest money rules. In fact, he’s altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

This is pretty extraordinary for the San Diego Union Tribune. Of course Senator FEINGOLD has been on this floor daily, reading us this list of contributions and showing how it lines up with the legislation that is taken up on this floor. I assure you, the people who need an increase in the minimum wage are not making contributions to any of us, OK? I assure you they are not. They cannot. They can barely put food on the table. No wonder they cannot even get their bill heard.

Then the Bakersfield Californian says:

Opponents of the McCain-Feingold soft-money limit piously say the law would limit the ability to buy advertising, and hence limit politicians’ freedom of speech.

And they say:

This from a minority of senators who are muzzling free speech on the bill?

That is interesting, by taking off the floor this bill for which a majority voted, they are muzzling us. That is why this vote tomorrow is so important.

I want to make a couple of points about the bill waiting in the wings to come back on this floor for the third time. It is called the partial-birth abortion bill. There is no such thing as a partial-birth abortion. Ask any doctor. This is a made-up term. It is either a birth or it is an abortion. But it is fiery language. It makes people think that a woman is waking up at the end of her pregnancy and saying: I have changed my mind. Nothing could be further from the truth.

What this bill is about is banning a procedure doctors say they need to save the life and health of the mother. The Senators want to come in here and play doctor and say what procedure can and cannot be used on my daughter and on everybody’s daughter in the country. They are going to do it again, even though they do not have the votes to pass it over the President’s veto, and even though across this country that ban has been ruled unconstitutional in 20 different states.

So we are going to throw out campaign finance reform to go to a bill that does not even belong here. This subject belongs at the medical schools and in the hospitals and clinics across the country. They are the folks who have to decide how to deal with a medical emergency in the late term of a pregnancy.

There is not one Senator in this Senate who favors abortion in the late term—not one. We have all voted for various bills to say no. What we do say is this: If it is an emergency to save the life of the woman, to spare her health, to keep her fertility so she can have other children, then it is up to a physician to decide.

We are going back to that bill. I will be debating it along with my colleagues. There will be various alternatives. But let’s be clear, let’s not pull any punches here; it is all about politics. They think it is an issue that gets them some votes out there.

I hope people will listen to the debate because I don’t think people elected us to come here and be doctors. They go to the hospital to see a doctor, not a Senator, and they come to the Senate to hear Senators, not doctors. It is ridiculous. If 100 physicians walked in with their coats on and tried to evict us from our chairs, they would be arrested. But we come and we pass legislation telling doctors they are going to go to jail if they do something to save a woman’s life or her health. Something is wrong. This does not belong here.

But we are going to go to this bill for the third time. The President will veto it for the third time. We will uphold his veto for the third time. We will talk about it for the third time, and we will protect the life and the health of the women in this country for the third time.

In the meantime, we are throwing off the Senate floor issues that can get through this Senate and can get a signature from this President: the minimum wage, 100,000 teachers, school construction, campaign finance reform. We can do it. We have a majority who believe in it. We can clean up the system.

I wish to say a special word about the Senator from Michigan. He has shown tremendous leadership on this issue over the years. He has seen this as a moment where we can stand our ground and keep this bill on the floor of the Senate. I look forward to his remarks as well as to those of the Senator from New York. I am proud to have voted for every campaign finance reform measure that ever came down when I was in the House. Even when I was on the board of supervisors in Marin County many years ago this subject came up. So it has been many, many years. Maybe now, with this vote tomorrow, maybe now we can get 51 people to say: Keep campaign finance on the floor.

My very last point: I ask unanimous consent to have printed in the RECORD one more letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 1999.

Hon. TRENT LOTT,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LOTT: Saturday, October 23, will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, New York. As you are undoubtedly aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada’s Remembrance Day, November 11. All of the victims in these attacks were shot in their homes by a hidden

sniper who used a long-range rifle. Dr. Slepian was killed. Three other physicians were seriously wounded in these attacks.

Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.

Senator Lott, on behalf of our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S-1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional, and impassioned debate has been aroused. We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

We sincerely hope that you will take the threats of this October-November period as seriously as we do, and that you will use your considerable influence to ensure that the Senate does not inadvertently play into the hands of extremists who might well be inspired to violence during this time. We urge you to halt the movement of S. 1692. Please work with us to ensure that the senseless acts of violence against US citizens are not repeated in 1999.

VICKI SAPORTA,

*Executive Director,  
National Abortion  
Federation.*

EILEEN MCGRATH, JD,  
CAE,

*Executive Director,  
American Medical  
Women's Association.*

WAYNE SHIELDS,  
*President and CEO,  
Association of Reproductive Health  
Professionals.*

GLORIA FELDT,  
*President, Planned  
Parenthood Federation of America.*

PATRICIA ANDERSON,  
*Executive Director,  
Medical Students for  
Choice.*

JODI MAGEE,  
*Executive Director,  
Physicians for Reproductive Choice  
and Health.*

Mrs. BOXER. Mr. President, this is a letter signed by the National Abortion Federation, Planned Parenthood Federation, American Medical Women's Association, Medical Students for Choice, and the Executive Director of Physicians for Reproductive Choice and Wayne Shields, President and CEO, Association of Reproductive Health Professionals.

This is a serious letter. This letter points out this is the very worst time to go to this abortion bill. This letter points out that "Saturday \* \* \* will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered at his home \* \* \* while he stood in his living room; \* \* \* five sniper attacks on U.S. and Canadian physicians \* \* \* since 1994."

I have to say this group is very concerned; this is not the time to bring up this bill. What is the rush to bring up this bill this week? Unfortunately—they sent this letter to Senator LOTT—from what I understand, they did not get an answer. They are saying:

Senator LOTT, on behalf of our physician members, and in the interests of the public safety of the citizens of the U.S. and Canada we urge you to reconsider the scheduling of a floor debate on S. 1692.

That is the bill we are going to go to.

As you are aware, each time this legislation has been considered, extremely explicit emotional and impassioned debate has been aroused.

They write, and I think this is very serious, I say to my friends:

We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

This is a simple request. Wait a week or two before bringing this bill to the floor. So I think it would be good if we didn't go to this bill right now. I am very willing to debate it any time, any day of the year, for hours. I will stand on my feet. I will talk about the women who had this procedure who might have lost their lives or their health had they not had it. It is not a problem for me. We are going to be able to sustain a veto with this President. But at least we should put it off for a week if we are being asked to do that.

For so many reasons, I hope we will not proceed to this abortion bill. If we do, we will be on the floor, we will talk about it, but I hope we will not go to it. I hope we will continue our work on campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from California for her inspiring words, as well as the Senator from Michigan for his leadership on this issue. I will not speak for a long time, but I felt compelled to rise because we really are at a crucial time in a debate on campaign finance reform.

We have debated this bill for a few days. Most of it has been on Friday and Monday, when most of the Members have not been here. The debate is just beginning to reach its fulsome place. We need to continue this debate.

Campaign finance reform has been an issue that has been debated for over a decade. Scant progress was made. We made more progress on the floor today, when 55 Senators voted for the McCain-Feingold bill, than we have made in a long time. And those who wish to nip that progress in the bud are not for campaign finance reform.

If anyone ever needed a distinction—there is a lot of rhetoric going on and a lot of little cloudmaking machines to hide what is going on—look at the vote. If you were for campaign finance reform, you voted for that proposal; and if you were against, you voted

against it—even modest campaign finance reform.

Many of us bit our tongue when we voted for it because it is a small step, a very small step—the simple abolition of soft money. It is not even what the House did. I would expect, on a lofty issue such as this, the Senate to lead but instead the Senate trails far behind even the House of Representatives and certainly the American people.

And now, when we want to continue the debate, there is a move to shut off that debate. I would certainly ask my 10 colleagues on the other side of the aisle who voted for this modest proposal not to shut off debate, if you are serious about campaign finance reform. We have not even begun the amendatory process.

I have an amendment, along with the Senator from Illinois, that is very simple: When issue committees put ads on television, they should have to disclose where the money comes from—no prohibition, no limitation, simply disclosure. Isn't it unbelievable we would support a campaign finance bill and not have disclosure of where people are spending that money? The public certainly has a right to know about that.

My good friend from Kentucky has been arguing the first amendment for a very long time. I don't know why we don't see the same passion on other first amendment issues as we see on this one, but so be it.

But the amendment the Senator from Illinois and I will be proposing is a first amendment type of amendment: disclosure, sunlight, sunshine. If a big corporation, any other big interest—it could be an environmental group or a labor group or some group that I generally support—puts money out there, large amounts of money, to make their viewpoint known, the public ought to know, particularly in these days when advertising can be so deceptive. We have groups called citizens for fair this and fair that, when they are really interest group shields. Come clean.

Allow that amendment to be debated. I think if the amendment were debated, it would pass. It has had some bipartisan support. Even the Senator from Nebraska has indicated a likelihood of support. But if we cut off debate, simply after the two cloture motions, we will have no chance to debate that amendment and other amendments. I think this amendment would strike a balance that would satisfy most people.

So we sit in this Chamber. Today we began at 1:15. It is not that we are out of time; it is simply that those on the other side of the aisle do not want to debate this issue. They want to put a dagger in the heart of campaign finance reform and by not debating don't even want to leave fingerprints. With the cloture votes today, I say to my colleagues on that side of the aisle, your fingerprints are all over that dagger that killed campaign finance reform.

There is not even a pretense, so at the very least let us debate it. Let us

spend some hours reminiscent of the great days of the Republic and the Senate debating this issue, which is a very serious issue about how we govern our country. Let the debate be full. Let there be dialog. Let there be amendments.

I worry about the future of this Republic. We have a great structure. The Founding Fathers were truly geniuses. The more I am around, the more I respect their genius. We have a great economic system, which the world emulates, that promotes entrepreneurialism, that allows anybody, no matter how poor they start out, to rise to the top. But we have a poison eating at us, and that is the mistrust that the public has of the Government. That mistrust is more caused by the way we finance campaigns than any other single issue. It creates the partisanship people decry.

When I went home to New York, I got lots of that this weekend because of the Comprehensive Test Ban Treaty. It promotes the feeling that an individual citizen cannot have any influence on the Government. It promotes a view that it is not one-person/one-vote, but one-dollar/one-vote. Those views we do not even have to comment on their veracity. I think there is a lot of truth to them. But it certainly creates a mistrust, a distance between Government and the people.

In an era where things move quickly, in an era of global competition, in an era where we all have to work together as one, this is poison. We have a chance to take a modest step. It is not everything I would want—not even close—but it is a modest step. We made real progress today. We got more votes than we thought we would. Two Senators on the other side of the aisle who had not voted for campaign finance reform before have voted for it now. Maybe if we debate this for another few days, we will not win any more votes, but maybe we will. Maybe someone will offer an amendment that strikes some kind of unity, some kind of feeling of bringing us together.

The issue is too important to brush aside. The issue cries out for full debate. To move off now, just as things begin to get going, is wrong and tragic, if that does not overstate it, because I think the issue is so important for the Republic.

So I make a plea to the Senator from Kentucky and the Senator from Mississippi: Don't cut off debate. Don't use your legislative prerogative and might to shut this debate down. Let it continue. Let the debate continue. Let amendments, such as mine, be offered. Let amendments, such as others have proposed, be offered. Let the chips fall where they may. But to shut off debate in this untimely manner is a travesty of this body and for the American people.

Mr. President, I yield back my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, what I would like to do now—not to bring any final disposition to this matter—there have been people coming on and off the floor. The Senator from Washington is here. If he would be recognized next, then Senator LEVIN after that, and then Senator REED after that.

Mr. REED. Could I—

Mr. REID. Senator REED before Senator LEVIN.

Mr. WELLSTONE. Senator WELLSTONE before everyone.

Mr. REID. Senator LEVIN, and then Senator WELLSTONE. And then following Senator WELLSTONE, on our side, Senator BOB GRAHAM from Florida. If any Republicans come in the interim who want to speak, we will stick them in so there is a balance.

Mr. GORTON. Mr. President, I will object to the request at least in the form in which it was presented. It seems to me there ought to be a right for anyone on this side of the aisle to speak first, after the conclusion of any speech on that side of the aisle. If the request is only for the order of speaking of Members of that side of the aisle, with the clear understanding that if a Member on this side of the aisle wishes to succeed one of them, that he or she may do so, then I will not object.

Mr. REID. I say to the Senator from Washington, that was part of the consent. I already said that. If somebody wants to come in from the Republican side, they would step right in following the Democrat.

Mr. GORTON. With that understanding, I will not object.

Mr. REID. I say to the Chair, the reason for this is we have people who have been waiting for hours, not knowing when they are supposed to come. I appreciate the consent of the Senator from Washington.

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

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for all of the hours that have been spent on the debate on the particular bill that has been before the Senate, this year's form of McCain-Feingold, I believe it was summarized best, with the most striking degree of contrast to the paradox imaginable, last Friday by the distinguished Senator from Wisconsin, Mr. FEINGOLD. He came to the floor of the Senate and specifically singled out the Microsoft Corporation, based, of course, in the State I represent, in an attempt to make a direct link between campaign contributions and/or contributions to political parties and the appearance of political corruption. In order not to misstate in any respect, I will quote briefly from the remarks of the Senator from Wisconsin:

Apparently Microsoft and their allies are not seeking to directly affect the litigation

that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article [an article in the newspapers on that day] is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption.

The Senator from Wisconsin then went on to relate how he recently read that Microsoft Chairman Bill Gates is the world's wealthiest individual. This led the Senator from Wisconsin to say:

I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old \$2,000 of hard money, or a Microsoft PAC could give more than \$10,000, to just have it be unlimited I believe almost inherently . . . creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for the country.

It is 2 weeks ago that the General Accounting Office issued a report indicating the Department of Justice had spent, so far, \$13 million in a lawsuit that it has brought against the Microsoft Corporation. Included in that \$13 million is a considerable amount of money for public relations efforts on behalf of that lawsuit.

I think much of the speculation fueled by those public relations experts is that the Department of Justice, if it has the opportunity, may well ask the court literally to break up what has been the most successful single corporation, the single corporation most responsible for the dramatic change in the way our economy is run of any corporation in the United States. So we have an administration and a Government spending \$13 million to prosecute a case against this corporation, speculating that it may ask for the breakup of the corporation. But for the CEO of that corporation to spend more than \$2,000 in political contributions or for its political action committee to spend more than \$10,000, that is an appearance of corruption which must be controlled by the Federal Government.

The bill the Senator from Wisconsin was promoting at the time he made this speech would say that corporation and that individual could not give \$1, either to the Republican or the Democratic Party or to any of their subsidiary organizations, designed to be used for the education of voters or indirectly for the election of an administration more favorable to entrepreneurship in the United States. And this is denominated campaign election reform designed to deal with an appearance of corruption. Absolutely amazing—the Microsoft Corporation, not accused of doing anything wrong at all but simply because a Member of this body or the Department of Justice itself says there might be an appearance of corruption, should be deprived of any effective means of defending

itself in a political court of public opinion. The Government can spend \$13 million or twice or three times \$13 million engaged in the prosecution; the company cannot attempt to influence either the amount of money the taxpayers give to that Department of Justice or, more profoundly, the nature of the next administration that may or may not follow the same antitrust philosophy itself.

Now, I guess I can lay it out. I am the Senator from the State in which Microsoft is located. Close to 15,000 of my constituents are employed by that company. They have transformed not only my State and my constituency in a magnificently positive fashion but the entire United States of America and have had a tremendously positive impact not only on America's image in the world but on its economic success in the world.

You bet I defend them. You bet I hope in my next political campaign I will have its support. I already do, to a certain extent. That is totally public and above board. I would be totally remiss in my duties if I didn't do so. But to say, in a world with a Government that may be trying to destroy the company, that it is appropriate for this body to tell it that it effectively cannot participate in the political system or, for that matter, its employees can't effectively participate in preventing the Government from destroying their livelihoods in the corporation that they bring up is bizarre. Apparently, those who want to change the laws and ban political parties from raising so-called soft money say they do it to remove the appearance of corruption. But they will define what the appearance of corruption consists of so once anything that they dislike is described by them as an appearance of political corruption, all limitations are off. They can do whatever they want. They can restrict first amendment rights guaranteed by the Constitution of the United States in whatever way they would like to restrict them. The first amendment may permit, to an almost unlimited extent, pornography, but it doesn't guarantee the right of an individual or a group of individuals operating through a corporation to defend their livelihoods and their existence.

At the outset of this debate, the proponents were asked to come up with any incidents of actual corruption. In fact, they go out of their way to say there aren't any, or there aren't any that they know of, or there aren't any that they are willing to report. But they say: In our mind's eye, the present system creates an appearance of corruption; therefore, we can say to Microsoft, we can say to General Motors, we can say, for that matter—in theory, as they work through political parties—to liberal individuals or interest groups that you cannot contribute one dollar to the political party of your choice, to the political party you deem is most likely to allow you to conduct your business and your affairs in a profitable and constructive manner.

No attack on the first amendment rights of free speech could be more open or blatant than that. It says, simply, once we use those magic words "appearance of corruption"—and we will define that phrase and we will define every activity that can be described by that phrase in our minds—we can then tell you that you are out of business; you can no longer participate, except with very modest contributions directly to candidates of hard money. And this philosophy isn't limited to the rather bizarre nature of the bill before us, which says that of the 5,000 to 7,000 registered organizations that say they want to participate in the political system through the use of soft money and so-called issue advertising, it prevents only six of them from doing so—three Republican formal organizations and three Democratic formal organizations.

This bizarre bill says it is perfectly all right to contribute this money to any of the other several thousand such organizations, but it is only the historic political parties in the United States, around which we have organized for almost our entire history, the activities and support of which somehow or another create an appearance of corruption.

Now, of course, the original McCain-Feingold bill did go beyond that and did say that no matter how seriously your most passionate interests as an individual or a group are attacked by the Government, or by a rival political organization during the last 60 days before an election, you could never mention the name of the candidate for office. Well, I think, for all practical purposes, we all know that proposition is simply blatantly unconstitutional. It flies in the face of the first amendment to the Constitution of the United States.

But, this afternoon, at least for the more than 1 hour that I listened to speeches on this subject, the actual bill that is before us was almost not mentioned at all. All of the criticisms were aimed at the money chase through which candidates go, the demeaning nature of having to ask people directly for money to fund candidates' activities. But neither in McCain-Feingold 1 nor McCain-Feingold 2 is that subject dealt with at all. Not a word, not a line has anything to do with contributions to individual candidates.

"McCain-Feingold lite" has to do only with contributions to political parties for purposes other than the direct advocacy, election, or defeat of a particular candidate. How that is supposed to corrupt the process is, for all practical purposes, unstated. There is not the slightest allegation that Members somehow do things that they would not otherwise do because someone has given their political party an amount of money that can't be used directly for their own election.

"McCain-Feingold heavy" is hardly a selfless effort on the part of any Member of this body because what "McCain-

Feingold heavy" says is that your name, Mr. President, my name, and the names of all other Members can't even be mentioned in one of these ads for 60 days before an election. Boy, that is certainly comfort for the political class—take everyone out of the business for the last 2 months before an election of communicating their own ideas about candidates independently of a candidate himself or herself.

Now, we are also told that we didn't get enough time to debate this matter and that the debate wasn't broad enough. I was here when we came very close to a unanimous consent agreement for a week's worth of debate on this issue. The whole thrust of that set of negotiations was that we could start with whatever the Senators from Wisconsin and Arizona wished, but there would be lots of amendments—amendments from the Democratic side of the aisle, amendments from the Republican side of the aisle, and several votes on a wide range of ideas.

But what actually happened was, on the second day—I must say, over the objections of the Senator from Arizona, who sits right in front of me—the minority leader and the minority whip set up a situation under which nobody else's amendments except theirs could be brought up, until theirs were completely dealt with.

My friend and colleague, the junior Senator from Nebraska, Mr. HAGEL, came down here with a proposal in which I joined that said, OK, let's have a little bit more balance; let's increase the amounts of hard money contributions that we like—almost, though not quite, back to the level they were in 1974, in real dollars. And then at the same time, we will impose soft money limitations of the same amounts in which we have hard money limitations. There are even a few Members on the other side of the aisle who thought that was an idea worthy of discussion. But we weren't allowed to discuss it. We weren't allowed to put that one up. They used their perfect parliamentary right to squeeze it down to their own proposals. And now they complain because their own proposals could not get a sufficient number of votes to bring them to any kind of final decision.

Now, in an ideal world, I don't think we should limit either of these kinds of contributions. I think we should make them all public and make them public promptly. But if we are going to do so, I can't see the slightest rationale in the world for saying that the limitation in certain forms of speech to six organizations across the United States of America is zero, while limitations on everyone else with that kind of money do not exist at all, and limitations on direct contributions of candidates are so low as a result of 25 years of inflation that anyone who truly wants to participate has to do it in a different division.

One of the primary reasons more money goes every year into so-called soft money contributions is the fact

that hard money contributions directed to candidates are increasingly limited simply by the passage of time and by inflation. But then, of course, there would be other forms of soft money that aren't even remotely covered by even the broad version of McCain-Feingold. That is the political advocacy of every major media in the United States—of newspaper, radio station, and television station. What is the value of those contributions on editorial pages across the country? Does the average citizen who is brought up having an interest in government have the same influence over the political process as the editorial director of the New York Times? Of course not. Does that individual have the same influence as the head of Common Cause or the National Rifle Association or the AFL-CIO? Of course not. Both latter organizations are at least membership organizations which sometimes to a certain extent reflect the views of their members.

The newspaper editorial writer reflects only the views of the newspaper owner or the newspaper publisher or the decisionmaker within that newspaper. Of course, those newspapers want to limit other people's voices. From their perspective, the first amendment is the total protection, from their view, and it is. But to exactly the extent they can limit the voices of others, their voices will be heard more loudly. And little is heard about the fact their voice is louder than that of the average citizen. But the first amendment does not say everyone has an equal voice in the public marketplace. It does say everyone has an equal vote in an election. But with respect to the marketplace and political ideas, it simply says Congress shall pass no law abridging the freedom of speech. And every member of the Supreme Court of the United States of America in 1974, when the last case came before it, said that freedom of speech to be effective does allow and require the use of money to make it carry further than any of our individual voices do on a windy day out of doors—every single one of them.

So the idea that somehow or other all voices have to be heard equally is not only not found in the Constitution, it is not found in any free society. To allow the Government to try to determine what voice each person sends is exactly a power James Madison and the draftsmen of the first amendment said they would not allow the Government to do.

Let me return to the point at which I started, which does at least have a virtue of dealing with the bill that is before us and not the lamentations of many of the Members on this floor that have nothing to do with the bill that is before us.

They are saying, in effect, in one instance named by the Senator from Wisconsin, that a company now being prosecuted by the Federal Government may not participate effectively in the polit-

ical world out of which that prosecution grew, may not participate effectively in supporting candidates or a political party that will have a profoundly different view on antitrust laws. The Government can spend an unlimited amount of money. Editorials writers can write an unlimited number of editorials. But the very subject of that prosecution, the very subject of those editorials, cannot participate effectively in the political process that brought about the prosecution in the first place.

The very statement of that kind of limitation is an argument—in my view an overwhelming argument—against this proposal at the present time. The marketplace of ideas is disorderly. The marketplace of ideas is open. The marketplace of ideas is often dominated by those who have the most ideas, the greatest stake in whether or not they carry. No citizen is limited in his or her participation. But each citizen can spend as much of his or her time and effort and money as he or she deems necessary at least to see to it those ideas are heard effectively by the people of the United States in a free country.

I deeply hope Microsoft and the employees who work for it in my State and elsewhere will have decided by this time next year that they need a new administration with a very different direction of the United States in order to keep providing for this country the kind of leadership they have provided. I am not sure I have persuaded them of that yet, but if I do, and if others do, they should not be artificially limited with the statement that freedom of speech is for someone else but, for all practical purposes, not for you when your very existence is threatened.

That is what this is all about. And I don't think views on the floor of the Senate—or at least the votes—are going to be changed by another week's worth of debate.

I am unhappy only with an alternative idea, somewhat more reasonable and somewhat more balanced, that the very tactics of the people who are now protesting the end of this debate prevent this presentation.

We will try at least to put it in play for the next time around. But for now, it seems to me appropriate to move on to another subject.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REID. Will the Senator withhold for a second?

Mr. REED. I withhold.

Mr. GORTON. Mr. President, will the Senator from Nevada yield to me for a procedural request?

Mr. REID. Yes.

#### ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that a vote occur on adoption of the pending motion to proceed at 9:50 a.m. on Wednesday, October 20, with the 20 minutes prior to vote equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, under those circumstances, for the majority leader, I can now say that in light of this agreement, there will be no further votes today. The next vote will occur at 9:50 a.m. tomorrow.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, thank you.

First, let me thank the Senator from Michigan for graciously allowing me to precede him. I also understand he may have a parliamentary inquiry.

Mr. LEVIN. I thank my good friend from Rhode Island. I wonder if I could propound a parliamentary inquiry without the Senator from Rhode Island losing his right to the floor.

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

Mr. LEVIN. There has been a lot of confusion about whether or not the bill was amendable prior to the cloture vote, and whether it would have been amendable after the cloture vote had cloture been invoked.

Parliamentary inquiry: I ask whether the tree was filled basically prior to the first cloture vote.

The PRESIDING OFFICER. Prior to the cloture vote, an amendment to the Wellstone amendment was in order. If cloture had been invoked, the Wellstone amendment would fall, and an amendment to the bill then would have been in order.

Mr. LEVIN. If cloture had been invoked after the disposition of all pending germane amendments, would the bill have been open to amendment?

The PRESIDING OFFICER. Once an amendment had been agreed to upon which cloture had been invoked, then further amendments would have been appropriate.

Mr. LEVIN. If the amendment had not been agreed to but had been defeated, would the bill have been open to amendment?

The PRESIDING OFFICER. It would still be in order.

Mr. LEVIN. I thank the Chair.

Mr. REED. Mr. President, I rise with regret. Again, we are on the verge of abandoning substantive votes on campaign finance reform. This is an issue of vital importance to the American people. It is of vital importance to the majority of Members of this body.

We are here today because of the efforts of many, but particularly the efforts of Senator MCCAIN and Senator FEINGOLD, who have advanced this issue relentlessly over the course of the last several years. I regretfully and unfortunately fear we will step away once again from this debate, step away once again from consideration of this important topic. This is detrimental not only to this body, but also to the American people, who desperately want to see changes to our campaign finance system. I am disappointed because we have come very close collectively in this Congress to a principled reform of our campaign finance system.



The other body has passed legislation which is comprehensive. They have passed legislation which is now embodied in an amendment filed by Senator DASCHLE and Senator TORRICELLI. I believe this legislation goes a long way towards addressing many of the problems that confront our campaign finance system. It is not perfect. It is not absolutely complete. But it is a powerful corrective to the current problems we find in our campaign finance system.

The amendment which Senator DASCHLE and Senator TORRICELLI have advanced, known popularly as the Shays-Meehan amendment for the sponsors in the other body, does several important things. First and foremost, it bans soft money. Unlike the McCain-Feingold legislation, it bans all soft money—not just soft money directed at political parties.

Although we speak in these terms constantly, soft money, hard money, et cetera, I want to point out that soft money is unregulated contributions from corporations and individuals, typically very wealthy individuals, that are increasingly commonplace in elections throughout this country.

The Daschle legislation bans all such soft money contributions with respect to Federal elections. I believe that is the best way to proceed. Even though the McCain-Feingold bill is noteworthy and important, I fear simply banning money from political parties will drive these contributions to other formats, other forms, other forums.

Campaign dollars, like water, find their own level. When one channel is blocked, another channel will be pursued. Unless we have a comprehensive approach, unless we ban all soft money, rather than eliminating this problem we will merely redirect and reposition these soft dollars into other forms.

The second important point with respect to the Torricelli and Daschle legislation, is that it recognizes a relatively new phenomena in campaigns, sham issue ads, which are really campaign ads which are unregulated. They are dressed up to talk about an issue, but they are really about attacking candidates. Unless we have some disclosure, some regulation, these ads will become more prevalent and more pernicious in our campaign system.

The third point that the Daschle-Torricelli bill addresses is improving disclosure by the Federal Elections Commission and enforcement by the Federal Election Commission. It is not sufficient to have laws and rules on the books; they must be enforced. We all understand and believe that the more knowledge the American public has about campaign contributions and their sources and uses, the more comfortable they will feel with the political system.

Finally, this legislation which Senator DASCHLE and Senator TORRICELLI introduced establishes a commission to study further reform. All of these points are necessary. They don't com-

pletely solve all the issues that confront our campaign finance system, but they go a long way towards advancing the cause of fundamental campaign finance reform.

Personally, I believe one of the problems we face is the escalation of spending on elections throughout this country and that we should address this issue of unlimited spending. None of the legislation currently before the Senate goes that far, but I believe we have to review and visit that issue when we again commence our debate on campaign finance reform.

This issue of campaign finance reform is not an academic, hypothetical, theoretical concern. It comes directly from the concerns of the American people. It is manifested by their increasing cynicism about the political system. It is manifested by their increasing indifference to the forms of government, to elections, to voting. This cynicism and indifference weakens our civic connections, weakens the foundation of our government—which is at heart the belief by our people in its fairness, efficiency and its service to them. All of this can be traced in part to the growing cynicism towards the campaign finance system.

These public phenomena have been measured by various surveys. In August, the Counsel for Excellence in Government released a survey conducted by Peter Hart and Robert Teeter, a Democratic pollster and a Republican pollster. They found less than 40 percent of the American people believe in the immortal words of President Abraham Lincoln: Our government is by and for the people.

Rather, they believe it is a captive of special interests, and the lure the special interests use are campaign finance dollars.

In the past, people have been disillusioned with big government and unaccountable bureaucrats. Today, they are cynical and disillusioned about the flood of cash flowing through the campaign finance system.

Another survey in January of this year, the Center on Policy Attitudes, found continuing record high public dissatisfaction with government. This finding supports the notion that people believe that government, and particularly elections, are not about ideas and policies, but about money. Money is talking and the American public's voice is being drowned out.

We must counter this—but we don't counter this type of public perception by walking away and abandoning campaign finance reform; rather, we counter it properly, correctly, and appropriately by debating and voting on substantive campaign finance reform.

I have made it clear my preference is for legislation along the lines of Senator DASCHLE's and Senator TORRICELLI's amendment, essentially accepting the work of the other body in the Shays-Meehan legislation, moving it forward, letting the President sign it, and letting the American people

know that we are listening to them; we hear them, and we want to respond positively to their concerns and their growing uneasiness with our campaign finance system.

We are all trapped in a system that no one seems to like. The public does not like it and candidates are increasingly uneasy and concerned about the need to raise huge amounts of money, the constant effort needed to do that, and the perception of their efforts with respect to their obligations as public servants. Donors are increasingly troubled by the system. Indeed, many prominent business men and women throughout the country have banded together to support comprehensive campaign finance reform. It seems we are engaged in a race to the bottom—a race to see not what idea will prevail but how much money one can raise; to not just express a message but to drown out all other messages.

Another disturbing aspect of this process, campaigns now are being wrenched away from the candidate. One of the more disconcerting aspects of recent campaigns, a candidate can be out there making his or her case and suddenly be informed there is a TV ad from some unknown group from someplace in America arguing against them, advocating their defeat. All of this suggests we have to do something about our campaign system.

As I mentioned, the other body has stepped forward. They have given us legislation. We are very close, if we embrace this legislation, to passage of fundamental campaign finance reform. I hope we will take this step, but it appears increasingly clear we are abandoning our obligation to the American people. We are stepping away from votes on the substance of campaign finance reform, be it the McCain-Feingold legislation or the Daschle-Torricelli legislation. I believe that is a mistake. I believe the American people want us to act responsibly; they want us to act promptly; they want us to do what they sent us here to do, which is their business. And their business in the campaign finance area is putting in place reasonable restraints on spending.

A lot has been said about the marketplace of ideas, and that any fetters on campaign contributions would somehow affect the marketplace of ideas. There very well might be a marketplace for ideas in today's campaigns, but it is a market with very high barriers to entry, barriers that require extensive fundraising to overcome. It certainly is not perfect competition because the American people believe their voices cannot compete with the voices of large corporations or wealthy individuals who can, through direct contributions to candidates and indirect contributions of soft money, get their messages across on television or in the advertising media. What many people fear is that elections have become less about candidates and ideas and more about auctions. They find that instinctively repelling.

We have a chance to act. We should act. Regretfully, today we are forsaking that obligation. We are turning away from campaign finance reform. We are abandoning an obligation we should meet. I regret that. I hope we can proceed with this debate and move to votes on these measures, but I fear that will not be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, tomorrow we will be casting the critical vote which will decide whether or not those of us who are in the majority will insist that this body continue on the debate on campaign finance reform. This will be the vote that counts. This will determine whether the majority will back off because our bill is being filibustered. This is a real test vote tomorrow in the battle to close the soft money loophole.

We knew it was not going to be easy. We knew this was going to be filibustered. But it is not the first time that major legislation involving key democratic principles has been filibustered on the floor of this Senate. Those of us who favor closing the soft money loophole, reducing the influence of huge contributions in political campaigns, it seems to me, now have to be just as committed, just as determined, just as passionate in our beliefs as the opponents are in their beliefs.

The opponents have every right to filibuster our bill. The rules allow filibusters. We ought to change those rules, but until we do, most, if not all, of us participate, from time to time, in cloture votes, making the other side get to 60 before we proceed. But just as the minority has a right to filibuster a bill, those of us who are in the majority have the right to say we are not going to back off just because a bill is being filibustered. We are not going to give up our effort. Rather, we are going to say to the opponents of this bill who are in the minority and who are filibustering our bill: That is your right and you have a right to exercise it. Proceed with the filibuster. We are not going to withdraw our legislation.

During the civil rights days there were instances where there had to be multiple cloture votes. There was a bill relative to fair housing in 1968 which had four cloture votes over a period of 7 or 8 weeks before there were enough votes to end the debate. The people who passionately believed in civil rights proceeded with their cause. They did not give up because they did not get enough votes to close off debate and to end the filibuster the first time. They did not give up the second time. They did not give up the third time; 7 or 8 weeks later, on their fourth cloture vote, finally they were able to achieve success.

I was reading these debates from the civil rights days, 1968, last night. I read some of the speeches of a whole bunch of great Senators on both sides of the issue: Senators Mansfield, Hart, Ervin,

and other Senators, Javits. They were debating civil rights. It was a controversial bill. It involved whether or not citizens would have a right to housing free from discrimination based on race.

What struck me was the determination of the supporters of civil rights, the unwillingness to give in, give up, because they could not get enough votes the first time around to stop the filibuster. Senator Hart, after they lost the first cloture vote said:

Those of us who support the bill that has been pending now for, I think, 6 weeks, on the occasion of the vote last week . . . indicated our intention to submit a modification today or prior to the vote today. The modification would lessen somewhat the reach of the coverage and make some procedural changes.

I want to report that over the weekend a new and most encouraging factor has developed. It is a new force and gives a new dimension and promise for those of us who believe with a very deep conviction that this country needs to be assured that what a majority of the Senate has plainly indicated it desires to achieve can be achieved, an effective . . . open housing order.

Today, a majority of the Senate, in the words of Senator Hart, "plainly indicated" that it desires to achieve campaign finance reform. On one vote, there were 52 Senators; on another vote, there were 53 Senators. Today a clear majority of this Senate plainly indicated that it wants to achieve campaign finance reform.

Then it occurred, the third time they tried to attain an end to the filibuster. By this time, Senator Dirksen, who was the Republican leader, who had been a supporter of civil rights prior to this bill in the earlier days of the 1960s—Senator Dirksen, in 1968, after voting against ending debate the first and second time, decided that, with certain changes in the legislation, he was going to vote to terminate a filibuster in which he had participated. He said:

The matter of equality of opportunity in civil rights is an idea whose time has come. And all the fulminations, whether substantial or superficial, will not stay the march of that idea.

The time has come for us to end the unlimited amount of money which flows into campaigns. This is an idea whose time has come. A majority of us have so voted. A majority of us feel strongly about it, and the public, much more important than either of those comments, feels very strongly about it. They are sickened by the amount of negative advertising they are bombarded with. They are sickened when they read about \$50,000 and \$100,000 and \$1 million going into political parties in order, mainly, to fund these negative TV ads.

They are sickened when they read about a Democratic Party invitation or a Republican Party invitation that sells access to our key leaders for big contributions. They are disgusted when they see an invitation that reads: For \$50,000 a year, you get two annual events with the President, two annual

events with the Vice President, and you get to join party leadership as they travel abroad to examine current developing political and economic issues in other countries. They are disgusted when they see for \$250,000 you get breakfast with the majority leader and the Speaker and you get a luncheon with the Senate Republican committee chairman of your choice. So for \$250,000 you get a luncheon with the committee chairman of your choice. What do we expect the American public to think when they hear and read about that? And that is directly connected to the soft money loophole.

The scourge of soft money, of unlimited contributions, inherently breeds distrust for our democratic institutions. It is something that is inherent in the unlimited amount of the contribution.

Now, many of us believe very strongly that is true. But far more important than that is what the Supreme Court has said about this issue. In the Buckley case itself, a case which we all look to, and I will quote from, the Supreme Court said the following about the "appearance of corruption inherent in a system permitting unlimited financial contributions. . . ." Those are the words of the Court, and now I am going to read the entire quote:

And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court went on to say the following:

Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Then the Court wrote about the contributions which are given either for a quid pro quo or for the appearance of a quid pro quo. This is what they wrote:

To the extent that large contributions are given to secure political quid pro quos from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . .

That is, equal now to the quid pro quo—

the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . . Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

The Supreme Court wrote that before the soft money loophole became fully

exploited, before invitations, such as the kind I read from, went out telling people if they contribute \$250,000 or \$100,000, they will get meetings with the majority leader or they will get meetings with the President or they will get meetings with the committee chairman of their choice. This kind of sale of access, which we see in such a disgraceful display, I believe, on the part of both parties, was not even in existence at the time the Buckley Court wrote that opinion.

Both parties are engaged in this. This is not pointing the finger at either party. Both parties engaged in soliciting these huge—unlimited just about—amounts of money in exchange for access. And that is soft money. That is unregulated money. That is money above and beyond what is permitted to be directly contributed to a candidate.

In fact, the Supreme Court was very explicit about another provision of the law which provides that \$25,000 is the limit which can be given in all contributions during a year. The Supreme Court said this about the \$25,000. They describe the \$25,000 limit as a modest restraint which serves, in the words of the Court, "to prevent evasion of the \$1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or huge contributions to a candidate's political party."

So we have a \$25,000 per year limit in the law. That is the most you can give to a candidate or to a party, and the purpose, the Court said, was legitimate to prevent evasion of the \$1,000 contribution limit to any particular candidate. And yet we have parties soliciting \$250,000 and \$50,000 and \$100,000. That is the state of decay of our campaign financing.

So what we will decide in our vote tomorrow morning is whether or not the majority of this body—which has voted today to support the elimination of the soft money loophole—the majority of this body, which has voted today for campaign finance reform, will be willing to simply withdraw because the filibusterers have, so far, succeeded in stopping us from getting to 60 votes. That is what we will decide tomorrow.

This great Senate is a battleground where wills are tested, where people who believe strongly in one side of an issue will test their commitment against people who believe strongly in the other side of an issue. Everybody in this body has rights. The majority has rights. The minority has rights. The minority has a right to filibuster, a right which I will defend until we change those rules.

But the majority surely has the right not to give up in the face of a filibuster. The majority has a right—indeed, I believe an obligation on a matter of this principle—not to simply say: Well, we didn't succeed the first time

or the second time, so we're just going to throw in the towel.

If we feel keenly about this issue—as the majority, I believe and hope, does—then tomorrow, when that vote comes, we should vote not to move to other business. It has nothing to do with what the other business is.

The issue tomorrow morning isn't whether or not we favor or oppose late-term abortions. That is not the issue. That was clear when the Democratic leader offered a unanimous consent request to move to the late-term abortions bill, to move to the late-term abortions bill by unanimous consent, which would have allowed us to then return, immediately after the disposition of that issue, to the campaign finance reform. But the Republican leader, our majority leader, objected to that unanimous consent proposal and as a result made a motion. And if this motion succeeds, then campaign finance reform goes back to the calendar and is put on the shelf. The vote tomorrow is the acid test vote as to whether or not we in the majority, who favor the closing of the soft money loophole, who believe that loophole is the principal culprit in the erosion of our campaign finance laws, those of us who believe that soft money has blown the lid off the contribution limits of our campaign finance system, those of us who believe the appearance of impropriety, which is created when people are solicited for huge sums of money to political parties and those parties, of course, turn around and spend it relative to campaigns and candidates, which is their business, those of us who believe keenly that this system is broken and we have to close this loophole—tomorrow will be the acid test for us. Tomorrow we will be put to the test.

It is not an easy test for all of us. Tomorrow we will be asked whether or not we are willing to move to other business, to put back on the calendar, to put on the shelf, this fight for campaign finance reform.

It is my hope the vote tomorrow will be at least as strong as the vote we had today, that 52 or 53 of us will say: No, we want to stay on this bill or come back to this bill automatically; we want to address an issue which has created such a terrible feeling in the stomachs and the hearts of our people. That is the feeling that is created when this huge amount of money washes into these political campaigns and when it is used to buy the kind of access which is purchased from both political parties.

This will be the acid test vote. This is the key vote. I hope we can live up to the responsibility we have to fight as hard for something we believe in as the opponents oppose with all their hearts. I hope we can do what was done in the days of the civil rights bills, where one failure to stop a filibuster did not deter the supporters of civil rights, where two failures to stop a filibuster did not deter the supporters of

civil rights, where three failures did not stop the supporters of civil rights. They proceeded. They amended. They modified. They worked the issue because civil rights day had come. And just as the day for campaign finance reform has now come, I hope we can live up to our responsibility tomorrow and vote not to move to other business but, rather, to stay on this issue, to put the public focus on this issue, to say to those who would filibuster, that is your right, but we are not going to withdraw simply because you in the minority are filibustering this important cause.

I yield the floor.

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

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his comments. As I was listening to him talking about the history of the civil rights movement, it occurred to me that the civil rights movement was all about giving people of color, all Americans, the right to participate fully in the political life of our Nation. In many ways, I consider this issue to be every bit as important as that issue.

The civil rights movement was a movement that changed our country for the better, not just for people of color but for all of us. I think today many Americans believe they have been locked out and they can't fully participate in the political life of our Nation. I think the ethical issue of our time is the way in which big money has essentially hijacked politics, has corrupted politics in a systemic sense. Therefore, I think Senator LEVIN is absolutely right.

I will not speak very long. I have had a chance to speak many times during this debate. I believe, as a Senator, I should come here today and say this vote tomorrow morning is all about whether or not Senators who say they want this reform will maintain the commitment to it. It is quite one thing for those who are opposed to reform to filibuster this bill, but it is quite another thing for the rest of us to say: Well, you filibustered the bill; now we move on to other legislation.

If Senators want to continue to block this, then they will have to continue to block it. If, in fact, those of us who believe the most important single thing we can do right now is to at least get some of this big money out of politics in the case of soft money, the least accountable part of the giving and the taking, then I think we have to be willing to fight for it.

I hope the majority who voted for this legislation, who voted for what I think would be a historically significant reform, a step forward for our country in getting some of the big money out and bringing citizens back in, will be the same majority voting tomorrow. I think the vote tomorrow is really the critical vote. Either we essentially say to those who have filibustered and those who have blocked our

efforts, we will go away; it is over, or we will say, no, you don't move on to other legislation; we are going to continue to speak out and continue to debate and continue to work hard until we pass reform.

It is late in the day. The vote is tomorrow morning. But I am hoping that, through the media, citizens will understand what this vote is about tomorrow. I really believe people in the country want to see us make this change.

I have an amendment. I have a self-interest reason. I have an amendment I have introduced. I am not going to get a vote on this amendment if everybody goes away. Given how difficult it is to pass reform, given all the ways in which those vested interests who give the money, those who are the well connected, those who are the heavy hitters, those who are the well heeled seem to have too much influence here, and given the fact that those who have the power don't want the change, I think that is, in part, what we are up against.

The vast majority of the people in the country want the change. If we don't get this vote tomorrow and it is all over, I am absolutely convinced the energy is going to have to come from the grassroots level.

I have an amendment—and I will come back with it over and over again—that basically says, if we are not willing to pass the reform legislation here, then let the people in our States decide. We are a grassroots political culture. Sometimes it is the local level, sometimes it is the State level, which is willing to light a candle and show the way.

If Massachusetts and Vermont and Maine and Arizona have passed clean money/clean election legislation, which basically gets all of the interested private money out and says to candidates, if you run for office, and it is voluntary, but if you will agree to spending limits, you can draw from the funding in this clean money/clean election fund so it will be a clean election; it will be clean money; it won't be interested money; it will be disinterested money, the elections will belong to the people in the States and the Government will belong to the people in the States and this is what we really ought to do.

If they want to do that, then my amendment says they ought to be able to apply it to Federal office as well. They ought to be able to say that is the way we want to elect Senators or Representatives from Minnesota or Kansas or Michigan or whatever State we are talking about.

If tomorrow we don't get the vote, which essentially says we refuse to back down, we don't have 60 votes yet, you people will have to continue to filibuster this and we are going to keep having amendments, we are going to keep having votes, and we are going to keep having debate.

The majority leader said we had 5 days of debate. We haven't had 5 days

of debate. I am still puzzled why we didn't come into session until 1 today. I am not saying that in the spirit of whining. I am saying that in the spirit of some indignation and anger. We should have been in here this morning. We should have been debating the vote we were taking this afternoon on the McCain-Feingold bill. Senators should have had the opportunity to come and talk about why they were for it or why they were against it. It is not as if this is a small issue.

It is not as if this is a small issue. When we talk about how we finance our elections, when we talk about who gets to run for office, who wins office, what kind of issues we look at, and whether or not people believe in the political process, we are talking about whether or not we have a representative democracy. That is what we are talking about.

I argue that not only have we moved far away from the principle that each person should count as one and no more than one, but we are also getting to the point where we have Government of, by, and for a few people; Government of, by, and for those who can make the big contributions; Government of, by, and for just a tiny slice of the population. That is hardly a healthy, functioning, representative democracy. That is really what this debate is all about.

The problem is, we haven't had much of a debate. It is 6:20, and I am out here, and this is the end of the day, I gather. Tomorrow morning, we will have the vote. This debate has just begun. It should not be over.

Really, what I hope is that tomorrow we will vote against moving on to other legislation and there will be a lot of Senators out here. I will have this amendment that says let the people at the grassroots level determine this, and if people in our States want to get the big money out, and they want to have clean elections, and they want to have clean money, and they want to do it this way, then let them apply it to Senate and House races because, I am telling you, I think that is actually the way it is going to go. We won't get a chance to have an up-or-down vote on that amendment or many others that Senators have. We won't have people out here spelling out why they are for McCain-Feingold, or for other changes, what ways they want to improve it, what do they think we should do. We haven't had that full debate.

This issue deserves that debate. This is supposed to be the world's greatest deliberative body. But we haven't done the deliberation. What we have had is an effort to block this, and I think those who block this legislation are just hoping it will go away. The way it goes away is if those of us who have been for the reform just literally fold our tents and go away. Some of us around here are making the appeal that that should not happen.

I want to make one final point. And I am speaking as one Senator from

Minnesota. I think for me, ever since I came here in 1990, this has been the issue. There are many issues I care about, but this is such a core issue. I find it hard to believe that all of us will not focus on economic justice, on making sure we have equal opportunity for every child, and on making sure we have environmental protection on this land, making sure we do something about the conditions in the inner city, making sure people in rural America have a chance, making sure family farmers get a decent price, making sure there is a good education for every child, making sure we speak to the bread-and-butter economic issues that affect the vast majority of families, making sure we have the courage to take on the big insurance companies, big oil companies, pharmaceutical companies, and telecommunication companies.

I think the way in which we finance campaigns and the influence of big money diverts our efforts, frustrates our efforts, and determines that we won't be able to make this change. This is the core issue. This is all about—as Bill Moyers, a wonderful journalist, has said—the “soul of democracy.” That is what this debate is about.

If this debate is all about the soul of democracy, if whether or not we are going to pass some reform is all about the soul of democracy, if this is all about whether or not we are going to continue to have a real functioning representative democracy, that we are still going to have self-government, then I think we don't do this in 4 days; we don't go away.

Tomorrow morning, there is a critical vote. I am really hoping the majority who voted for the McCain-Feingold bill—a very modest effort, a stripped-down piece of legislation, with bare minimum reform, that is at least a step in the positive direction—those Senators who voted for that I hope will be the same Senators who will say: No, we are not going to let you take this off the agenda, this issue stays on the agenda of the Senate, and we want full-scale debate and an opportunity to introduce amendments, and we want everybody out here spelling out for the people in our States why we are for reform or why we think this current system is unacceptable.

The other point I will make is that, for those of you who are working around the country with public campaigns, for all of the locally elected leaders who have said, we are committed in our States to passing clean money/clean election legislation, I say go to it. What happened out here on the floor of the Senate serves notice that the way this change is going to take place is from the grassroots level.

What I want to do as a Senator is to support those efforts everywhere in the country. I want to meet with people doing the organizing. I want to continue to bring the amendment to the floor of the Senate which says, if

States want to go in that direction and apply the clean money/clean election initiatives to Federal races, they should be able to do so because I am convinced that you won't be stopped. It could be that the monied interests are going to be able to stop the forum here, but I don't think they are going to be able to stop it in Minnesota or in States all around our country.

We are going to have to do it at the grassroots level. We are going to have to bring more pressure from the grassroots level and have more of this legislation passed by the States. It will bubble up, and eventually—I certainly hope before I finish up my career in public service—we will finally pass sweeping legislation which not only will get a lot of the big money out of politics and a lot of people back into politics but will do something that is even more important, and that will be to renew democracy.

I look for the day when people in our country are engaged in public affairs, when we have a really good citizen politics. I look for the day when young people can't wait to run for public office and serve in public office. I just hope for the day, and dream for the day, when people have a really good feeling about public life, a really good feeling about politics, a really good feeling about political parties, a really good feeling about the debate on the issues. I long for that day. I hope for that day. I dream for that day.

One way or the another, I am hoping and dreaming that during my career in the Senate we will be able to pass this legislation. I hoped it would be now. Whether or not it will be now depends upon whether or not we will have a majority of Senators who will say tomorrow: We are not moving off this legislation, we are not going to let those who oppose reform take this question off the table; this will be the business of the Senate tomorrow, the next day, and the next day, and maybe the next day after that, until we pass reform.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, last night, surprisingly, our session adjourned early. This morning, even more surprisingly, we had no session at all. I am sad to say I am suspicious enough to think that the reason for the early adjournment yesterday and the absence of a session this morning was in order to reduce the opportunity for those such as myself who believe the issue we are debating is extremely fundamental, albeit also extremely sensitive to some, and therefore deserves a full discussion. By the shortening of the session yesterday and this morning's termination of the session, we lost several hours that would have otherwise been used to discuss this issue with our colleagues and with the American people. But there were some benefits of the fact that we were not in session last evening and we were not in

session this morning. And that is that some of us—I hope many of us—had an opportunity to see a repeat of a lecture that was given in 1995 by the eminent American historian, David McCullough. The lecture was given at the LBJ school at the University of Texas in Austin, TX. It was on a general topic of "Character Above All"—"Character Above All." The topic of David McCullough's lecture was Harry Truman, a man who served in this Chamber with great distinction, presided over this Chamber briefly as Vice President of the United States, and then for the better part of 8 years served as President of the United States.

In his lecture, Mr. McCullough outlined a number of the characteristics of Harry Truman that made him such a distinguished figure. Mr. McCullough said that he was a better American than he was a President; that he was the embodiment of the essential value of his country—a man who had been raised in rural circumstances in Missouri, was not particularly well educated but, in fact, by his own efforts became classically educated, and then rose to the highest position in the land at a time of extreme national urgency during those critical years immediately after World War II.

Mr. McCullough said one of the characteristics of Harry Truman that made him such an effective American, an effective President, and revered citizen of this land was the fact that he had a set of core values. He knew who he was; he knew what he stood for; he did not have to wake up in the morning and put his finger in the air to find out which direction the wind was blowing.

I suggest that this debate today is essentially about character—individual character, yes, but more importantly the character of our Nation, the character of our democracy at the end of the 20th century. This debate is also about fundamental values. In what do we believe? What do we consider to be worthy of asking our fellow citizens and ourselves to sacrifice for?

Mr. McCullough talked about the fact that some Presidents who do not rise to the highest ranks of history's estimation were Presidents who were reluctant to ask the American people to do great things; that the Presidents who have challenged us to our fullest potential as a people have been those Presidents whom we mark as being our most revered.

I believe those comments about character, about values, about who we are as Americans, are significant in this debate this evening because we are talking about an issue that goes to the heart of our society, to the heart of the relationship between our society of America and the formal institution of government, which is the embodiment of our society.

I regret to say that today the abuses, the pernicious effects of money in our political system, represent a cancer, a cancer that is eating away at the heart

of our values, the heart of our compact as Americans, the heart of our democracy. There are symptoms of this cancer. They include the increased feeling of disaffection between citizens and their government, a feeling that government is not a part of the "we" of which we all belong, but it is the "they" who are in confrontation with our own personal desire; and the low level of participation—not only the low level of participation in the act of voting, but also the low level of participation in people's willingness to serve in civic activities.

There was a long essay recently by a Harvard professor called "Bowling Alone," about the fact that some of the institutions such as civic clubs and even sports organizations that have previously been a source of our national coherence have been increasingly shredded—low participation in people's willingness to accept positions of appointed responsibility, whether it is to the local PTA or to a governmental position, low participation of people in basic citizens' responsibilities such as jury duty, the very difficulty of our voluntary military to get an adequate number of persons to fill the ranks of our Army, Navy, and Air Force.

I was struck over the weekend, which, frankly, was spent in part watching some football games, at how many ads were run by our services to try to entice people to join the military. Those ads are themselves an indication of the difficulty of securing the kind of citizen participation associated with our democracy—the difficulty of attracting people to run for public office. Unfortunately, many people today are running away from public office.

I have had some considerable personal experience trying to encourage people who I thought had talent and integrity and would bring the experience of their lives to enhance public decisionmaking. How difficult it is to get those people to be willing to expose themselves to the kind of requirements of which the necessity to raise enormous amounts of money in a way that many people believe is degrading and requires them to pander makes seeking public office unattractive and in the final analysis is an option which is rejected.

Another example of the symptoms of this disease of cancer eating away at the heart of our democracy is the fact that now leading business executives are declaring that they are going to opt out of this current fundraising system, that they no longer want to pick up the phone, as one of those executives said while interviewed on television, 1,000 times for people soliciting funds, and not just soliciting what might be considered a reasonable contribution but soliciting for thousands of dollars of contributions over and over and over. And so they have opted out of the system.

Our efforts today are a part of a larger effort to try to restore those values

of community, those values of common sharing of the excitement, the responsibilities, and the obligations of a democratic society.

I hope that our efforts this week will be the beginning of true reform—reform that puts our political system back in the hands of the people.

The current version of Senator McCain's and Senator Feingold's legislation focuses on soft money. That is the money which comes into a political party that is not subject to the normal regulations and is unlimited in amount; with only minor manipulation soft money now can be used for almost any political purpose. Other than soft money which we typically refer to as hard money, the money that is regulated, the money that is limited in amount, the money that is subject to full reporting, there is virtually no difference in what today's soft money can be used for and what hard money can be used for.

We will have other amendments to consider in other areas of needed reform in our campaign finance system. All of these are important and worthy of debate. I hope we will keep our focus on what I suggest is the single most important issue we face: How can we eliminate from our system the amount that is coming from the enormous faucet of soft money? How can we begin to restore the American public's trust and confidence in their government? The public should be confident their elected representatives are voting on the basis of honestly held convictions, not on the basis of who has contributed tens or even hundreds of thousands of dollars to a political party, which money then is used to advance that particular public official's political candidacy.

While we cannot legislate the trust of the American people, we can plant the seeds of confidence by enacting real campaign finance reform. We must change the path we are on to regain the public's trust. It is critical the American people have trust in their public institutions to assure the proper functioning of a democracy.

In 1774, Edmund Burke was a member of the British Parliament. He had cast a vote which was contrary to the will of his constituency in the community of Bristol. They berated him for not having voted the way they—those who had elected him to the Parliament—would have preferred. Edmund Burke accepted the responsibility as a representative of the people to also become an educator of the people. He said to the electors of Bristol on November 3 of 1774, your representative owes you not his industry only but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

The people of Bristol may have temporarily been disappointed that Edmund Burke did not do what they felt at the moment was their desire, but they were satisfied with the fact he was giving them more than just a weather vane of their opinion; rather, he was giving them the benefit of his informed judgment.

Today, unfortunately, many citizens believe their representatives follow neither their judgment nor popular opinion. Instead, they believe it is only the donors of huge amounts of soft money who hold the ear and the vote of their elected representatives.

We are not the first branch of government to recognize the connection between our actions and our appearances and the public's confidence and willingness to respect and legitimize our actions. For many years, the Judiciary has imposed upon itself strict rules governing the conduct of judges and lawyers. These rules do not exist because it is assumed judges will engage in unethical behavior; rather, it is to make certain they avoid even the appearance of impropriety. This self-regulation helps to maintain the public's confidence in the integrity of our judicial system. I suggest we in Congress have a similar obligation to maintain the public's confidence in the integrity of the legislative system.

Make no mistake, by any measure, the public's faith and confidence in the political process is eroding. Voter turnout is low, youth participation is low, institutional confidence is down. It is our obligation, as it is the obligation of the judicial branch, to take those steps that will restore the necessary public confidence.

It is no coincidence participation and trust in our governmental institutions are at a low point at the same time the pursuit of campaign money by parties and politicians is at an all-time high. The crass chase for soft money by candidates of both parties is demeaning to the contributor; it is demeaning to the political recipient. I hope we can convince Members of both parties to put an end to it. The ever-increasing focus on fundraising has fundamentally and negatively changed the nature and the purpose of a congressional campaign. Our attention has been diverted from activities which are most beneficial to voters while we chase money. This need to amass a huge campaign war chest has led to the privatization of our traditionally public campaign process.

Political campaigns should belong to the people, not to the few who can participate in the financing of those campaigns. Over the past two decades, we have watched as campaigns have been transformed. What used to be an effort to meet and to listen to voters has now become an exercise in raising money for carefully crafted, frequently negative television commercials. Candidates now move from the television studio to record sound bites to the telephone to solicit campaign contributions to pay to air those sound bites. This transformation has narrowed the range of issues debated to those few who can be broadcast in a 30-second commercial.

What is lost? Lost is the interaction with voters. Lost are real debates about important substantive issues. Most important, what could be lost is

our rich political heritage of a genuine dialog between candidates and voters. What had been a publicly owned campaign system has become a privately managed and staged event. The essential purpose of a political campaign is being subverted. Campaigns should provide the opportunity for two-way growth. Campaigns should prepare the candidate to represent and govern. Meeting the public, managing a campaign, a candidate learns important lessons crucial to government. A candidate learns important insights about the people he or she hopes to represent.

I have suggested to newspaper editorial boards when they interview persons who are seeking their endorsement for a campaign that there are a set of questions that ought to be asked of all candidates. One of those questions is, What have you learned since you announced your intention to seek public office? What have you learned since that date that will make you a better person should you be elected to office? Has the candidate, in fact, used the campaign as a learning, growing process?

Similarly, a political campaign and its interaction is important to the public. The observation of a candidate allows the voter to exercise a thoughtful judgment about who should be entrusted with the responsibility to govern. The shift from hard money to soft money has obliterated much of this relationship, the relationship of the candidate learning from the citizens, and the citizens' ability to assess the qualities of that candidate for public service.

The shift from hard money to soft money brings many adverse effects which will move our campaigns away from this two-way growth. Soft money has no standards. It is unlimited, unregulated, unreported. It turns candidates away from seeking contributions from traditional fundraising sources. The public loses accountability.

In relying on soft money, the candidate loses control of his or her campaign. There are not very many things that happen in a political campaign which are real. Most of the things that occur in a campaign are contrived or manipulated. One of the things that is real is how well a candidate runs their campaign. That requires acts of judgment as to the people with whom you will associate yourself in the campaign, how well you allocate resources to pursue your campaign, the kinds of priorities and issues upon which you base your campaign. Those are all indicators of how the person, if elected to office, is likely to carry out his or her public responsibilities in exactly the same area. But the heavy reliance on soft money and the ability of the candidate to turn his campaign essentially over to those who will present him or her in the most favorable television light causes the candidate to lose that control of the campaign and the public

to lose the ability to use that campaign as an indicator of the individual's potential for public service.

It is not just the candidate who loses control. The public also loses control. It loses the opportunity to see the candidate exercise his or her personal judgment and thereby loses an important opportunity to evaluate the candidate as a potential public servant.

Finally, it is clear the distinction between the uses of hard and soft money have become pure sophistry. Experience has shown us that parties can advocate for a particular candidate with soft money every bit as effectively as they can with hard money.

Just a few hours ago, I saw a television commercial that was a commercial which was paid for by one of the campaign committees of the Congress. The commercial was an attack against a candidate alleging that candidate had broken the trust of the people by spending Social Security surpluses for other than intended Social Security purposes. The ad did not say: Vote against candidate and current Member of Congress X. But, rather, it ran that individual's name in the ad and said: Call him and tell him to stop raiding Social Security.

That is the kind of ad that is being bought and paid for and disseminated over the airways with this gush of soft money. It is an ad which is intended not to enlighten the public but to distort and manipulate the public. It is the type of negative ad which has contributed so substantially to the loss of public confidence in the political system.

The McCain-Feingold bill will not correct all the problems in our current system, but it will give us a good start towards that solution. Banning soft money, in my opinion, is the first step. Opponents of campaign reform argue that more money is good for democracy because it increases political speech. They also argue that even modest attempts at reform violate the first amendment's protection of free speech.

Now, presumably these opponents, who would argue any attempts at reform violate our protection of freedom of speech, do not favor any limits on campaign donations—no limits by non-U.S. persons, businesses, or even governments. We have had a lot of investigations, a lot of bemoaning the fact that non-U.S. persons, businesses, and possibly even non-U.S. governments have made contributions to American political campaigns and potentially were doing it in order to secure favor for their particular interest within the United States. The fact is, that is a very serious and, in my opinion, extremely noxious policy that allows non-U.S. persons, businesses, and even governments to involve themselves in U.S. political campaigns. But it is not illegal under the current law. The basis of the fact it is not illegal is this enormous loophole called soft money.

Citizens of another country, business interests of another country, govern-

ments, foreign governments, can all contribute to American political campaigns through the gaping loophole of soft money. Yet the opponents of this legislation that is before us tonight would argue that to close even those loopholes would constitute an undue infringement on freedom of speech. How absurd.

The arguments against reform confuse the quantity of speech with the quality of speech. We have a great deal of evidence that pouring more soft money into our campaigns has actually harmed our electoral process. Party soft money expenditures for the 1996 Presidential and congressional elections totaled \$262 million. Let me repeat that. Soft money to American political parties in the 1996 Presidential and congressional elections totaled \$262 million. That figure was three times the \$86 million which was spent through soft money in the 1992 Presidential and congressional elections.

Despite this threefold increase in soft money between 1992 and 1996, were there evidences that it had a positive effect on American participation in government? Are there evidences, as is suggested by the concept that more money is better for the political process, that these expenditures were used to energize the spirit of democracy? Oh, no. Presidential election turnout in 1996 was the lowest in 72 years.

When you consider what a tripling of soft money that occurred between 1992 and 1996 did to voter turnout, you can shudder to think what will happen in next year's Presidential election when soft money expenditures are expected to double again, to over \$500 million. Voters seem to recognize that, while money may buy an increase in the volume of speech, it does so at the price of the quality, the thoughtfulness of speech. And the volume finally drowns out the quality, and the voter turns off and retreats from participation.

Removing unlimited, uncontrolled soft money from the process would not infringe on anyone's right to free speech. Contributions to candidates and parties would still be not only permitted but encouraged. They would simply have to be made according to the rules, rules already in place, rules that have been sanctioned by our judiciary as being consistent with first amendment freedom of speech privileges.

For years we have regulated hard money and union and corporate contributions. Indeed, some of these regulations have existed since the time of Theodore Roosevelt. These regulations are consistent with the first amendment. So is the proposed ban on soft money. I believe the actual quality of political speech will be enhanced with a prohibition on soft money. It provides ample avenues for contributing to political candidates, for candidates communicating with and learning from voters, and for raising the credibility of the tattered system by which we elect public officials. We can have all

of those benefits by using the system we thought we had, and that is the system that provides for controlled, limited, fully reported campaign contributions.

Reform will encourage more voters to participate because they will have renewed hope that their individual voices are being heard, that their individual voices will make a difference.

Our colleagues in the House of Representatives have acted. Many States have acted. The public is now rightfully waiting for us in this Chamber which has been described as the greatest deliberative body on Earth. Our people are waiting for us to act to put our campaign system back in order. The system is broken. We have the power, we have the obligation, to fix it. The McCain-Feingold bill is a significant step in that direction. I am proud to support it. I encourage my colleagues to do likewise.

Tomorrow will be the testing hour. We are asked to vote on what appears to be a procedural matter, to proceed to another piece of legislation, legislation that has considerable support, legislation that this Senate has considered on a number of occasions in recent years, legislation which this Senate will undoubtedly consider during this session of Congress.

Make no mistake about it, the effect of voting tomorrow morning to proceed to another piece of legislation is a vote to strike a stake in the heart of even the beginning of campaign finance reform in America because if we adopt this motion to leave this legislation and turn to another subject matter, I sadly suggest we will never return again to campaign finance reform. We will have done a disservice to the American people.

I hope that we will rise to the standard of character above all, that we will demonstrate we are worthy of our previous colleagues in this Senate, such as Senator and later President Harry S. Truman, that we know who we are, we know what our responsibilities are to the American people, and we are prepared to discharge those responsibilities. I thank the Chair.

Mr. CHAFEE. Mr. President, today the Senate took two very important votes with regard to the question of how to reform the manner in which elections for federal office are financed. These votes provided the Senate two very different paths in which to accomplish this goal.

As my colleagues are aware, a majority of Senators in this body clearly believe that the current system is in need of reform. Progress has been made in previous years in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

Nevertheless, I believe that the paramount goals of any true effort of reform must be to reduce the perception that special interest money exerts undue influence on elected officials, and to address the blatant electioneering disguised as issue advocacy.



These two components must be a part of any proposal forming the basis of Senate debate. The original McCain-Feingold legislation (S. 26) offered this base, and that is why I supported and cosponsored the bill.

In the past two years, the Senate has voted five different times to invoke cloture on the McCain-Feingold campaign finance reform proposal. I supported each of these motions because of my belief that the Senate needed to begin the process of debating the merits of the bill. I also voted for cloture on the paycheck protection proposal because I believed that it was an opportunity for the Senate to level the playing field on the pending debate.

Now, what is the playing field about which I speak? I believe that the Senate should keep its eye on the overall objective of limiting the explosion of unregulated spending which has diminished the role of the candidate and heightened the role of not only the political parties, but of outside groups who have a direct impact on federal elections without any accountability to the public.

Let me now take a moment to explain my reasons for supporting cloture on the Daschle amendment to S. 1593 and for opposing cloture on the Reid amendment to the Daschle amendment.

I voted for cloture on the Daschle substitute amendment to the scaled-down McCain-Feingold campaign finance reform bill because it would have provided the Senate with a better starting point than we have had in previous years. While it was not a perfect version of a campaign finance reform bill, it offered the Senate the opportunity to debate and to amend a comprehensive and level bill, similar to the version recently approved by the House of Representatives.

On the other hand, I voted against cloture on the Reid amendment because I believe this approach would restrict the political parties without acknowledging the skyrocketing impact of outside groups on the political process. The Reid amendment, which was almost identical to the scaled-down version of the McCain-Feingold bill (S. 1593), in my view, did not go far enough to address this important issue. I am troubled by the prospect that non-party activities would remain unregulated while the parties would be restrained. This could make a flawed system even more unbalanced.

I admire the work Senators MCCAIN and FEINGOLD have done in raising awareness of the problems of our campaign finance system. I fully intend to continue working with them, as well as the other supporters of campaign finance reform, to develop a comprehensive approach in this matter. The Senate had the opportunity to make this important change in the current fundraising system by invoking cloture on the Daschle amendment. I will continue to support campaign finance reform measures that follow this approach.

In addition, I intend not to support the Majority Leader's motion to proceed to S. 1692, the Partial Birth Abortion Ban bill at this time. My vote for cloture on the Daschle amendment was based on the belief that debate on this issue should move forward and the reform process should begin. The Daschle amendment provides the Senate with this opportunity for a meaningful debate on the bill.

Mr. DEWINE. Mr. President, I rise today to discuss an issue that is very important to our political system. I believe that our current campaign finance system needs serious reform. But, I cannot support the current version of the McCain-Feingold campaign finance reform bill. I believe the bill's total ban on so-called "soft money" is unconstitutional. It is a clear violation of the free speech clause of the First Amendment.

Soft money is used by political parties to advocate specific policies or issues, as well as other party-building activities, such as voter registration and get-out-the-vote efforts. The Supreme Court considers these issue advocacy activities to be free speech and has made it perfectly clear through previous rulings that any total prohibition of funds for issue advocacy would be a violation of the First Amendment.

That's why I have been working with several of my colleagues, including Senators HAGEL, ABRAHAM, GORTON, and THOMAS, to come up with a campaign finance reform proposal that makes much-needed changes in the system, while still preserving the free speech rights guaranteed under the First Amendment. I believe that by correcting the problems, we can achieve a fair and open system of campaign finance laws, which is a big step toward restoring the people's faith in our democratic government.

Our proposal would achieve a number of important goals.

First, it would improve our disclosure laws and increase accountability of political candidates and political parties. Our proposal would provide for more disclosure of contributions given to candidates and parties, institute immediate electronic disclosure by the Federal Election Commission (FEC), and require disclosure of the names of those who purchase political advertisements on radio and television.

Second, our proposal would impose overall limits on what individuals can provide to both candidates and parties. As I noted earlier, right now, a person can contribute any amount of "soft" money he or she wishes to a political party. Under our proposal, a person could give a maximum of \$60,000 to national political parties. The proposal also would allow that same person to make individual contributions to candidates of up to \$3,000—up from the current \$1000 limit. This would bring the total amount that an individual could give to parties, candidates, and other political committees to \$75,000. The limitation on contributions to po-

litical parties would not take effect until after the Supreme Court has a chance to review any constitutional challenges to these limits.

The goal here is to limit one person's or organization's ability to distort the political process through massive cash contributions to parties. In addition, we would like to see more of that limited contribution go toward the candidates, themselves, rather than the parties, because candidates currently face tougher disclosure requirements than the parties. In short, our plan would put a lid on overall contributions and increase accountability of these funds.

I know a number of my colleagues and I were looking forward to discussing our proposal and others and how it would bring reform to our political process. We should view today's vote as a demonstration for the need for our proposal—one that will not run counter to the First Amendment, and one that will ensure greater accountability and credibility of our political process.

Mr. KOHL. Mr. President, I rise to register my support for meaningful campaign finance reform. I will be voting today for cloture on the Daschle amendment which is the broader version of campaign finance reform passed by the House, including provisions to limit issue advocacy advertising during campaigns. Should we have a vote on the Reid amendment, I will also be voting for cloture on a ban on so-called soft money contributions to political parties. Although I was unavoidably absent from the Senate during yesterday's vote, I would have voted against the motion to table the Reid amendment banning soft money contributions.

Banning of soft money is the least we can do. This unlimited flow of money into party coffers creates the greatest opportunity for special interests to seek favor with politicians. The reality that businesses or organizations can be tapped for such vast sums has dramatically changed the atmosphere surrounding the work of our legislative and executive branches of government. Even responsible voices in business have said that they want out from this unseemly competition. The Committee for Economic Development, a group of 200 senior executives and college presidents, has put forward its own campaign finance proposal, mirroring many of the ideas we have discussed over the last few days, stating, "As business leaders, we are troubled by the mounting pressure for businesses to contribute to the campaigns their competitors support, as well as the dangers that real or perceived political corruption pose for business and the economy."

Whether the presence of unlimited political contributions is corrupting or whether it just creates the appearance of corruption, the damage is done. Americans are disaffected with politics and political campaigns and have voted

against the current system with their feet: U.S. voter turnout in elections is in serious decline. According to the Committee for the Study of the American Electorate, over the last 30 years we have witnessed a 26 percent decline in voter participation. Fifty-four percent of voting age adults reported voting in the last Presidential election in 1996, the lowest level since the Census Bureau began collecting these statistics in 1964. And these statistics may not even tell the whole story, with some citizens unwilling to admit they did not vote. The official statistics maintained by the Clerk of the House measured voter turnout in 1996 at 49.8 percent. For non-Presidential election years, the numbers are even more discouraging. During the 1998 elections, we witnessed the lowest voter turnout since 1942.

Our representative democracy is harmed by eroding participation. As elected officials we have a responsibility to try to address the sources of voter disaffection. According to the Census Bureau, 17 percent of non-voting registered individuals reported they did not vote because of apathy. That number was up from 11 percent in 1980. In response, we should be working to help reconnect the voters with their elected officials and to invest them in the political debates of the day. Campaign finance reform, in one form or another, is an important part of that process. However, there is more we can be doing to bring citizens back to the polls and to engage them in the issues facing our country. We must be clearly responsive to our constituents and not the special interests who often seem to have a stranglehold on the political process. Unfortunately, there are far too many bills which have the fingerprints of special interests all over them. We must take back the process from the special interests and craft bills beholden to no one but our constituents.

We should also be working to eliminate barriers to voting. Nearly 5 million registered voters said they did not make it to the polls in 1996 because they couldn't get time off from work or school to vote. In response, we need to explore ways to make it easier for Americans to cast their ballots, and we need to do so in a way that does not encourage voter fraud. One such approach which merits further consideration is longer voting hours at the polls.

In the past I have introduced legislation to study the possibility of extending voting hours across the weekend. If polls were open on Saturday and Sunday, people would have more than enough time to vote. Since the mid-19th century we have held election day on the first Tuesday in November, ironically because it was the most convenient day for voters. Tuesdays were traditionally "court day" and landowning voters were often coming to town that day anyway. We need to consider the national rhythms of today and determine what framework for voting makes

the most sense for the American people.

While weekend voting may pose some challenges, others have recommended that we require the states to keep the polling stations open from early in the morning until late in the evening on election day. This more limited proposal would be less costly and more manageable for states and would also provide more opportunities for people to vote.

We should consider proposals to create a national voter leave, perhaps just two hours on election day to enable workers to make it to the polls. I am also intrigued by proposals to allow the disabled to vote by telephone, and we should be investigating how we can make use of the internet to make registration and voting easier.

The internet is already ushering in a new era in elections, bringing new meaning to the issue of transparency in the financing of political campaigns. Until now, disclosure has been one of the cornerstones of campaign finance reform. The disinfectant of sunshine has always been heralded as a means of keeping politics clean. However, in this era of instant posting of campaign contributions, we are seeing an interesting side effect. The very tool to limit the role of special interests in politics is also highlighting that role and adding to the disaffection of voters. While it is important for us to continue to shine a spotlight on campaign contributions, we must recognize that disclosure is not enough. Ultimately, meaningful campaign finance reform and other efforts to increase voter motivation are the keys to bringing citizens back into the polling booth. Elections are essential to maintaining a robust democracy. Looking at the fragile democracies around the world reminds us that the right to elect our own leaders is a precious right—most valuable if it is exercised.

Mr. President, whether we pass campaign finance reform today or at some point in the future, I want to acknowledge the hard work of my colleague from Wisconsin, Senator RUSS FEINGOLD in moving this issue forward. Senator FEINGOLD and Senator MCCAIN have persisted in raising campaign finance reform in the face of opposition from a minority determined to block reform. I will continue to support their efforts and look forward to the day when all Americans recognize that they have a stake in our society and are motivated to exercise their civic duty to vote.

Mrs. FEINSTEIN. Mr. President, I rise to express my extreme disappointment in the Senate's failure to invoke cloture on the campaign finance reform legislation. This is the third consecutive year we have held this debate and I am disturbed that each attempt to move this bill has failed.

Our campaigns are awash in money. Over the weekend, both the Washington Post and the New York Times ran stories detailing the rise of soft

money contributions and the impact it is having on our electoral process.

We do not need newspapers to tell us what we already know. We have run the campaigns, we have raised the money, and we have felt the sting of negative attack ads.

I am now entering my fourth statewide campaign in California. In the 1990's, I have raised more than \$40 million. In the 1990 race for Governor, I had to raise about \$23 million. In the first race for the Senate, \$8 million; in the second race, \$14 million. This process has got to stop.

I want to speak for a few minutes about my last campaign. All of us in the Senate have all faced tough campaigns, but I think this election was a little different because of the record amounts of money that were spent.

In 1994, my opponent spent nearly \$30 million in his effort to defeat me. It wasn't simply the amount of money spent that made this race unpleasant, however. It was how the Money was spent.

This race was not a discussion of issues. Instead, money was spent on negative ads that misrepresented votes I had taken and mislead voters about my positions. This campaign was primarily about bringing a candidate down, not promoting a view or even another candidate.

I wish I could say that this was a unique circumstance in which a wealthy individual used unlimited resources to mount this type of campaign. Unfortunately, it has become all too common. Instead of wealthy candidates using their own money, political parties and outside organizations are raising millions of dollars in soft money contributions. They are bankrolling attack ads designed solely to defeat candidates.

Studies have clearly shown that as election day gets closer, ads become more candidates oriented and more negative. Instead of promoting a position or an issue, these ads attempt to influence an election by painting a distorted view of a candidate.

The impact that this type of campaigning is having on the electorate as whole is of much greater consequence than the effect on any single race. Voter disenchantment with the political process is at an unprecedented level. Negative campaigning may be designed to drive candidates from office, but it is actually driving voters away from the polls.

Over the past several days, much has been said about the rise in soft money spending and its influence over our elections. The numbers are clear and unquestionably disturbing. Soft money spending doubled between 1992 and 1996 and it is projected to double again this cycle.

I believe the most distressing effect of soft money, however, has been the impact on the voters. Since the early 1990s, when soft money began to explode, voter turnout has significantly

declined. Between the presidential election years of 1992 and 1996, the percentage of eligible voters participating in elections fell 6 points from 55 to 49 percent.

Voting participation in midterm elections fell from 38.78 percent in 1994 to 36.4 percent in 1998. There may be a number of reasons for this decline, but I believe it is largely due to a growing distaste for the political process. The political dialogue has become dominated by personal attacks and unsubstantiated charges and voters have chosen to not participate.

I voted in favor of the Shays-Meehan legislation that the minority leader offered as an amendment. I believe it represents the most comprehensive reform of the current system. This bill has already passed the House by a decisive, bipartisan margin and the Senate should have followed suit.

I also supported the streamlined version of the McCain-Feingold bill. As we know, this bill contains only the ban on soft money and permits union members to prevent the use of their dues for political activities.

I supported this bill, but I did so with some misgivings. One of the key provisions that was dropped from the original legislation dealt with issue advocacy. This is a loophole in the current campaign finance system that allow unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

I am very concerned that banning soft money without addressing issue advocacy will simply redirect the flow of undisclosed money in campaigns. Instead of giving soft money to political parties, individuals, and organizations that want to influence elections will create their own "independent" attack ads.

One study now estimates that between \$275 million and \$340 million will be spent on so-called issue advertisements during the last election cycle. This amount of spending becomes a third campaign where candidates can't respond because they don't know from where the attack is coming.

Despite the lack of issue advocacy, I voted in support of the soft money ban. While this may not entirely solve the problems in our campaign finance system, at least it would move the debate forward. Banning soft money is an important and necessary step in a larger effort to reform the system.

Unfortunately, the Senate did not invoke cloture on either amendment and it now appears the bill will be removed from the floor and the debate ended for the year.

This is the worst possible outcome. As a result of our actions today, the influence of soft money will continue to grow, attack ads will saturate the airwaves during each election, and voters will continue to lose interest in the process.

I urge my colleagues on the other side of the aisle not to take down this bill. Let us go forward with the amendment process and give us an opportunity to pass this legislation. We owe it to the American public.

Mr. GRAMS. Mr. President, I rise today to express my concerns about the proposed McCain-Feingold bill.

I have always maintained several guiding principles when considering proposals to change the way our campaigns are financed, the most important of which is the first amendment right of Americans to participate in the political process. I have heard from many constituents who agree that Congress should focus its attention on preserving the first amendment, which has been the basis for active citizen participation in our political process.

Recently, a constituent from Woodbury, Minnesota, wrote, "The First Amendment to the Constitution must not be legislated into obscurity. Money is only one of the many voices people use to express their views. You must not remove the voice of the people in an attempt to remove avarice and greed from the political process."

By guaranteeing to citizens the right to speak freely and openly, the first amendment ensures, among other things, average Americans can participate in our political process through publicly disclosed contributions to the campaigns of their choice. The first amendment also allows Americans to freely draft letters to the editor, join political parties, and participate in rallies and get-out-the-vote drives. I am proud of Minnesota's long history of active citizen participation in many of these activities during each election year.

Mr. President, before this debate concludes, the Senate will have considered many broad, sweeping proposals to amend the McCain-Feingold bill in an attempt to impose new restrictions upon our fundamental rights. However, rather than pass new campaign finance laws, we should encourage and protect citizen involvement in our political process through greater enforcement of our existing election laws, fair and frequent disclosure of candidate campaign contributions, and a long-overdue increase in Federal contribution limits. I remain concerned about any proposal that infringes upon the fundamental right of citizens, candidates, groups, and political parties to have their voices heard in the democratic process.

In my view, efforts to pass burdensome and restrictive campaign finance proposals overlook the fundamental reason why the American people have begun to lose faith in their government. The public's mistrust of their elected officials has not grown from a lack of laws, but from the activities of those who break our existing laws. Minnesotans have contacted me to express their outrage over blatant violations of our existing Federal election

laws, and more specifically, illegal and improper campaign activity that occurred during the 1996 elections.

During the course of this debate, we should not forget that election laws enacted 25 years ago to curb corruption in the political process have been circumvented and repeatedly violated. This was made very clear to the American people throughout the extensive hearings conducted by the Senate Governmental Affairs Committee during the last Congress, despite the fact that more than 45 witnesses either fled the country or refused to cooperate with the committee investigation.

Importantly, the investigation conducted by the Senate Governmental Affairs Committee has contributed to the investigative and prosecutorial efforts of the Justice Department's Campaign Task Force. Above all else, the findings issued by the Senate Governmental Affairs Committee have proven that the current law works if we simply enforce the laws on the books.

For these reasons, I am pleased to be a cosponsor of the amendment offered by Senators THOMPSON and LIEBERMAN that would improve the enforcement of our existing election laws. Among its provisions, this proposal would authorize federal prosecutions of federal election laws if the offender commits the existing offense "knowingly and willingly" and the offense involved more than \$25,000. As my colleagues know, current law only allows violations of election laws to be prosecuted as misdemeanors.

Mr. President, the Thompson-Lieberman amendment also extends the statute of limitations for criminal violations of the Federal Election Campaign Act from 3 years to 5 years—consistent with the statute of limitations for most other federal crimes. It would direct the United States Sentencing Commission to promulgate a sentencing guideline specifically directed at campaign finance violations and consider issuing longer sentences for those whose convictions involve foreign money or large illegal contributions.

Most importantly, this amendment would make it clear that all foreign money is illegal by prohibiting soft money donations to candidates or political parties by foreign nationals. I know that all Americans were outraged by the improper role of foreign money contributions during the 1996 presidential campaign. I commend Senators THOMPSON and LIEBERMAN for this meaningful proposal to improve our current enforcement structure and ensure that violations of federal election laws do not occur during the 2000 campaign.

In addition to more timely enforcement of our existing election laws, I believe reasonable disclosure requirements provide the electorate with more information, deter corruption or the appearance of corruption through increased exposure of contributions, and

help to determine violations of election laws. However, we should ensure that disclosure requirements do not infringe upon the individual rights and privacy of donors or discourage citizen involvement in the democratic process. In fact, it was a former Minnesotan, Chief Justice Warren Burger, who emphasized the need for carefully drafted disclosure provisions as part of his opinion in the case of *Buckley versus Valeo*.

In *Buckley*, Chief Justice Burger wrote,

Disclosure is, in principle, the salutary and constitutional remedy for most of the ills Congress was seeking to alleviate. \* \* \* Disclosure is, however, subject to First Amendment limitations which are to be defined by looking at the various public interests. No legislative public interest has been shown in forcing the disclosure of modest contributions that are the prime support of new, unpopular, or unfashionable political causes.

Mr. President, I commend Senators MCCAIN and FEINGOLD for their decision to modify their proposal and reduce the level by which this legislation would infringe upon the first amendment rights of Americans. Unfortunately, the revised McCain-Feingold bill continues to place new restrictions upon national political parties through a proposed ban on party soft money.

I do not believe that any limit or ban on party soft money would survive strict scrutiny by the Supreme Court. We should not pursue a suspect expansion of government control of national parties, but rather recognize that political parties enjoy the same rights as individuals to participate in the democratic process. This is a view consistent with the Supreme Court decision in *Colorado Republican Federal Campaign Committee versus FEC*, in which the Court found that Congress may not limit independent expenditures by political parties.

In striking down limits on the ability of political party independent expenditures, the Supreme Court wisely questioned any attempt to demonstrate a compelling reason for government regulation upon the ability of political parties to support state and local party participation in the political process when it declared:

"We also recognize that FECA permits unregulated 'soft money' contributions to a party for certain activities, such as electing candidates for state office \* \* \* or for voter registration and 'get out the vote' drives. \* \* \* But the opportunity for corruption posed by these greater opportunities for contributions, is, at best, attenuated."

Mr. President, I believe we should strengthen, rather than diminish, the role of political parties. In my view, some of my colleagues favor a ban on party soft money because parties promote "issue advocacy" communications. These advocates fail to recognize that a political party's ability to engage in these communications is fully protected by the first amendment. In debating the merits of a proposed ban

on party soft money, we should heed the Supreme Court's wisdom in *Buckley* when it held that communications which do not expressly advocate the election or defeat of a candidate using such words as "vote for" or "defeat" cannot be regulated.

Mr. President, I firmly believe there would be less reliance upon party soft money if Congress would increase the current contribution limits and encourage individuals and donors to become involved in entities that are already subject to regulations and disclosure, such as political action committees and national parties. In many ways, the prevalence of soft money in recent campaigns is a consequence of contribution limits established in 1974 and upheld in *Buckley*.

I am very encouraged that the Supreme Court for the first time since 1976 recently heard arguments regarding the constitutionality of contribution limits. I believe both contributions and expenditures are entitled to protection as core political speech and have concerns with the Supreme Court's decision in *Buckley*, which upheld limits on contributions while striking down limits on expenditures. In my view, to leave these limits in place without any adjustment would be unfair and continue to threaten the individual rights of donors and individuals. As Chief Justice Burger wrote in *Buckley*, "Contributions and expenditures are the same side of the First Amendment coin."

Mr. President, I am committed to protecting the rights of all Americans to participate in the political process. However, we should not use violations of existing law to restrict political speech and participation in the political process. Those who choose to offer their ideas and talents in a manner that will help to strengthen our nation for future generations must not be discouraged from doing so.

Mr. LIEBERMAN. Mr. President, in her most recent book, "The Corruption of American Politics," the very skilled and veteran Washington reporter Elizabeth Drew writes that "indisputably, the greatest change in Washington over the past 25 years—in its culture, in the way it does business and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money. It has transformed politics and its has subverted values. . . ."

This evaluation once was nursed by a few public interest groups and then a group of congressional reformers. Now, it constitutes conventional wisdom. It is written in the books. It is fact. The political preoccupation with money has "transformed us and subverted values." According to a Quinpiac College poll published October 14, 68 percent of those surveyed believe large campaign contributions influence the policies supported by elected officials and a June survey by the National Academy of Public Administration reported the number one thing politi-

cians could do to regain public trust is to curb large campaign contributions. Despite these assessments from the people we serve, Congress remains incapable of changing how U.S. federal campaigns are financed.

With the 2000 election cycle well underway, it is clear the worst habits of the past two decades have become the springboard from which new excesses will be launched. Candidates are awash in more money than ever before and party fund-raising records are being shattered again and again. At least two presidential primary candidates—George W. Bush and Steve Forbes—have decided to forego public matching funds in order to avoid the related limits on their campaign spending, while candidates and third party groups are seeking ever more inventive ways to raise undisclosed and unlimited funds to communicate with voters and influence elections.

As a member of the Senate Governmental Affairs Committee, I had hoped the system had reached its nadir in the 1996 federal election campaign, which the committee investigated for most of 1997. I was too optimistic. Because of Congress' failure to enact campaign finance reform, the system continues to fester and elections seem to be auctioned off to the highest bidders.

After it's over, the complete story of the 200 presidential race will be told. Until then, the investigation conducted by the Governmental Affairs Committee provides the best portrait there is of how corrupt our elections have become and how obviously current practices violate the clear intent of Congress in passing campaign finance laws. Our investigation revealed that in 1996, the major parties sabotaged some of the most fundamental values underpinning our American experiment in self-rule. They gave millions of Americans good reason to doubt whether they had a true and equal voice in their own government.

What emerged from that investigation was the picture of a campaign finance system gone haywire—a story replete with abuses ranging from institutionalized failures to two-bit hustlers—a story that should have made any elected federal official ashamed and disgusted by the taint that has diminished our representative democracy, that is to say, every citizen's right to an equal voice in his or her government. The investigation forces us to ask whether we are no longer a nation where one person's vote speaks louder than another person's money. Or have we reached a place where one person's money can drown out another person's vote?

For those who may have forgotten the unseemly details, let me remind you of what our year-long investigation uncovered, because it's important to remember these things. We learned about a brazen man named Roger Tamraz, who contributed \$300,000 in soft money to the Democratic Party for access to the White House in order

to try to override the NSC's rejection of his plan for a Caspian Sea oil pipeline. Ultimately, he never gained the White House support he was looking for but he did get to talk to the President of the United States. Any lessons to be learned from his experience, we asked? Yes, he responded. Next time he would contribute \$600,000. After this remarkable comment, Tamraz admitted he had never even bothered to register to vote because, in his words, his checkbook was worth "a bit more than a vote."

We also learned about Johnny Chung, a California entrepreneur, who visited the White House 49 times, had lots of pictures taken with the President, and once gave the First Lady's chief of staff a \$50,000 check right there in the East Wing. He had a particularly jarring assessment of our government. "I see the White House is like a subway," he told the committee. "You have to put in coins to open the gates."

For those of you who may think these are just marginal opportunists who slipped through the cracks of our system, let me remind you of the revolving cast of top-dollar contributors who slept in the Lincoln bedroom and of the chairman of the Republican Party who sought a \$2.1 million loan for a Republican think tank from a Hong Kong industrialist, which was intentionally defaulted on 2 years later. The chairman said he had no idea this was a foreign contribution, even though the industrialist had renounced his U.S. citizenship and the chairman obtained the loan while cruising Hong Kong Harbor on the industrialist's luxury yacht.

These are colorful stories and among the most outrageous incidents uncovered by the committee. But the far more prevalent collection of big soft money donations came not from the carnival hawkers but from mainstream corporate and union interests and individuals. In total, the parties raised \$262 million in soft money during the 1996 campaigns—12 times the amount they raised in 1984. And that's chicken feed compared to the amount of soft money being raised for the 2000 campaign. Based on the first 6 months of this year, both parties have doubled their take over the same period in 1995.

To my friends who say these contributions are an expression of free and protected speech, I respectfully disagree. Free speech is about the inalienable right to express our views without government interference. It is about the vision the Framers of our Constitution enshrined—a vision that ensures that we will never compromise our American birthright to offer opinions, even when those opinions are unpopular or repugnant. But that is not at issue here, Mr. President. Absolutely nothing in this campaign finance bill will diminish or threaten any American's right to express his or her views about candidates running for office or about any other issue in American life.

What we would be threatening, is something entirely different, and that

is the ever increasing and disproportionate power that those with money have over our political system. Let's not fool ourselves—because the American public isn't fooled. Much of the campaign money raised comes from people seeking to maintain their access to, and perhaps sway over, particular parties or candidates. That explains why so many big givers are so generous with both parties at the same time.

Everyone of us in this chamber knows intimately the cost of running for office. It requires us to spend so much more time raising money than we ever did in the past, so much more time that we find we have less time to do the things that led us to run for office in the first place. Barely a day seems to go by in this town in which there is not an event or a meeting with elected officials attended only by those who can afford sums of money that are beyond the capacity of the overwhelming majority of Americans to give. That, Mr. President, is threatening the principle that I—and all of us, I dare say—hold just as dearly as the principle of free speech. It is the genius of our Republic, the principle that promises one man, one vote, that every person—rich or poor, man or woman, white or black, Christian or Jew, Muslim or Hindu—has an equal right and an equal ability to influence the workings of their government.

I have always said the most serious transgressions of the 1996 presidential campaign were legal. Wealthy donors contributing hundreds of thousands of dollars in soft money blatantly skirted legal limits on individual contributions. Unions and corporations donate millions to both Republican and Democratic parties, despite decades-old prohibitions on union and corporate involvement in federal campaigns. And tax-exempt groups paid for millions of dollars worth of television ads that clearly endorsed or attacked particular candidates even though the groups were barred by law from engaging in such extensive partisan electoral activity. Each of these acts compromised the integrity of our elections and our government. Each of these acts violated the spirit of our laws.

To achieve significant reform of the Federal Election Campaign Act, the unrelenting pressure to raise vast sums of money simply must be reduced. A ban on soft money contributions is the necessary beginning to that process and the current McCain-Feingold proposal is the vehicle through which this goal can best be accomplished now. I believe the record created by the Governmental Affairs Committee's hearing in 1997 helped that bill obtain the votes of a majority of the Senate in the 105th Congress, but an anti-reform minority filibustered the bill and prevented it from passing. The House has twice approved the companion Shays-Meehan proposal. A majority of Congress supports this bill. A large majority of the American public supports this bill. One day, if not today, it will become law.

By placing a limit on the amount of money raised for campaigns, we can restore a sense of integrity—and of sanity—to our campaign financing system and to our democracy.

If I could waive a magic wand, I would have Congress enact far broader reforms than what is in the bill before us today. I would make sure that advertisements for candidates could no longer masquerade as so-called issue ads, thereby evading the disclosure requirements of our campaign laws; I would make sure that no organization could claim the benefit of tax-exemption and then work to influence the election or defeat of particular candidates or parties. I would make sure that candidates for the Presidency who receive public funds live up to the original intent of the law, that they remain above the fund-raising fray and abstain from raising any more money once they have accepted public funds. I would like to see more exacting criminal law provisions become part of the campaign finance law. Indeed, I hope to offer and support amendments aimed at some of these problems as our debate on this bill continues.

The truth is that we can never fully write into law what every citizen has a right to expect from his or her representatives—that those who seek to write the rules for the nation will respect them, rather than search high and low for ways to evade their requirements and eviscerate their intent; and that those who have sworn to abide by the Constitution will honor the trust and responsibilities the Constitution places in their hands.

We can, however, reduce the feverish and incessant chase for money, the chase that has pushed candidates and their parties to duck, dodge and ultimately debase the laws we have now. The pressure to raise ever expanding sums of cash will continue to drive good people to do bad things, almost regardless of what the law calls for, if we do not recast the system to permanently defuse the fund-raising arms race and stem the corrosive influence of big money. That is the challenge ahead of us.

Mr. McCONNELL. Mr. President, the first amendment does not permit regulation of contributions or expenditures for issue advocacy. The Supreme Court has allowed regulation of contributions and expenditures that are (1) coordinated with a candidate—and thus a contribution—as well as (2) those that can be used to expressly advocate the election or defeat of a candidate, including independent expenditures by corporations and unions—but not independent expenditures of political parties. The Supreme Court has never allowed regulation of contributions and expenditures for issue advocacy and other activities that are (1) not coordinated with a candidate and (2) do not include express advocacy of the election or defeat of a candidate.

Buckley and its progeny prohibit regulation of issue ads and contributions

and expenditures used to engage in issue advocacy. As originally drafted, the Federal Election Campaign Act FECA would have required disclosure of all contributions over \$10 received by any organization which publicly referred to any candidate or any candidate's voting record, positions, or official acts of candidates who were federal officeholders.

The D.C. Court of Appeals struck down this "issue advocacy" provision in *Buckley v. Valeo*, 519 F.2d 821, 869-78 (D.C. Cir. 1975). The invalidation of the issue advocacy disclosure provision was the only part of the D.C. Circuit's decision that was not appealed to the Supreme Court. Back then supporters of regulation at least accepted the constitutional impossibility of regulating issue advocacy.

In *Buckley v. Valeo*, 424 U.S. 1, 43 (1976), the Supreme Court expanded upon the D.C. Circuit's view that issue advocacy could not be regulated and limited the scope of FECA's contribution limits and other regulations to cover only money used for "communications that include explicit words of advocacy of election or defeat of a candidate." This includes money contributed to a candidate, his committee and the hard money account of his party.

The court stated that "funds used to propagate \* \* \* views on issues without expressly calling for a candidate's election or defeat are \* \* \* not covered by FECA."

And such funds cannot be covered by any bill Congress adopts because the Supreme Court said in *Buckley* that its narrow construction of the Federal Election Campaign Act (FECA), limiting its scope to money that can be used for "express advocacy," was necessary to avoid "constitutional deficiencies."

In sum, the *Buckley* Court looked at Congress' effort to cover "all spending" intended to "influence" elections and said we cannot regulate beyond the realm of express advocacy. *Buckley* held that:

So long as persons and groups eschew expenditures that in express term advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views.

As one former FEC chairman, Trevor Potter, has written, *Buckley*.

Clearly meant that much political speech Congress had intended to be regulated and disclosed without instead be beyond the reach of campaign finance laws.

The outer bounds of constitutionally permissible regulation of political activity. The farthest the Supreme Court has ever gone in permitting constraints on political speech was its decision in *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

In this case the Court upheld prohibitions on independent expenditures—non-coordinated ads that expressly advocate the election or defeat of a candidate—paid for directly from corporate treasuries.

There is no basis for construing this case as justifying restrictions or prohibitions on contributions or expenditures that are not express advocacy.

In fact, any argument that *Austin* provides a basis for contribution or expenditure limits on funds that do not go to a candidate and are not otherwise used for express advocacy is foreclosed by the Supreme Court's decision in *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).

In *Bellotti* the Court ruled that a Massachusetts statute prohibiting "corporations from making contributions or expenditures for the purpose of . . . influencing or affecting the vote on any question submitted to the voters" was unconstitutional because it infringed the first amendment right of the corporations to engage in issue advocacy and, more importantly, the wider first amendment right "of public access to discussion, debate, and the dissemination of information and ideas."

The case made clear the distinction between portions of the challenged law "prohibiting or limiting corporate contributions to political candidates or committees, or other means of influencing candidate elections" (which were not challenged) and provisions "prohibiting contributions and expenditures for the purpose of influencing . . . issue advocacy."

The Court explained that the concern that justified former "was the problem of corruption of elected representatives through creation of political debts" and that the latter (issue ads) "presents no comparable problem" since it involved contributions and expenditures that would be used for issue advocacy rather than communications that expressly advocate the election or defeat of a candidate.

*Bellotti* conclusively rejected prohibitions on contributions and expenditures for issue advocacy, while expressly leaving open the possibility that the government "might well be able to demonstrate the existence of a danger of real or apparent corruption in independent expenditures by corporations to influence candidate elections."

And *Austin* merely confirmed that the state government could regulate or even prohibit independent expenditures by corporations, which are used to expressly advocate the election or defeat of a candidate. But *Austin* has nothing to do with contributions and expenditures for communications discussing issues.

The reformers are fond of the Supreme Court's statements in *Austin* concerning the corrupting influence of aggregated wealth. But this dicta does not support regulation of party soft money. And arguments predicated on it do not withstand scrutiny.

This clear from the fact that after *Austin* the Supreme Court stated in the 1996 Colorado Republican Committee case that "where there is no risk of "corruption" of a candidate, the gov-

ernment may not limit even contributions."

Moreover, the Court has explained that the prohibitions on corporations and unions making contributions or independent expenditures that expressly advocate the election or defeat of a candidate are permissible to the extent that they "prohibit the use of union or corporate funds for active electioneering on behalf of a candidate in a federal election" the Court does not consider contributions and expenditures used for issue advocacy and purposes other than expressly advocating the election or defeat of a federal candidate to involve such risks because it has held that the government cannot prohibit "corporations any more than individuals from making contributions or expenditures advocating views," that is a quote from *Citizens Against Rent Control*, 454 U.S. 290, 297-98 (1981).

Moreover, the Court has explained that "Groups [such as political parties] . . . formed to disseminate political ideas, not to amass capital" do not raise the specter of distortion of the political process necessitating regulations on the use of the treasury funds of unions and for profit corporations because the resources of groups such as political parties and other issue groups "are not a function of [their] success in the economic marketplace but popularity in the political marketplace."

Restrictions on issue advocacy, including contributions for it are always invalidated by the Supreme Court. Consistent with this narrow definition of the legislative power to intrude into this most protected area of free speech, the Supreme Court has declared unconstitutional the most rudimentary state and local restrictions on individuals, political committees and corporations when it involved regulation of issue advocacy and the funds that pay for it, as opposed to contributions or expenditures for express advocacy.

See *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 356 (1995), invalidating requirement that issue-oriented pamphlets identify the author;

*Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290, 197 (1981), invalidating city ordinance limiting contributions to committees formed to engage in issue advocacy.

*First National Bank v. Bellotti*, 435 U.S. 765 (1978), invalidating law banning corporate contributions and expenditures for issue advocacy.

#### PROGRESS ON EAST TIMOR

Mr. KENNEDY. Mr President, the Indonesian Parliament acted wisely today in ratifying the overwhelming vote of the East Timorese people for independence and recognizing the right of self-determination for these people.

The militias that have terrorized the East Timorese people since the historic August 30 referendum should end their campaign of violence. From their bases in West Timor, the militias have continued to act with impunity against