Richard L. Hazen of Loyola University Law School in Los Angeles: ''The principle of political equality means that the press, too, should be regulated when it editorializes for or against candidates.''

Each new step down this road of restricting political spending and speech creates new problems and new inequities, fueling new demands to close ''loopholes'' by adding ever-more-sweeping restrictions. How far might campaign finance reformers go if they could have their way? Was McCain serious when he said on Dec. 21, 1999. ''If I could think of a way constitutionally, I would ban negative ads''? Shades of the Alien and Sedition Acts.

Politics will always be a messy business. Money will always talk. And the cure of legislating political purity and purging private money will always be worse than the disease.

Finally, Mr. President, I would like to read into the RECORD an article by Judge James Buckley entitled ''Campaign Finance: Why I Sued in 1974.'' Judge Buckley was the lead plaintiff in the landmark campaign finance case of *Buckley* v. *Valeo*. This article provides an important historical context to the current debate over restricting Campaign finances further.

It says:

Twenty-five years ago, I was a member of the Senate majority that voted against the legislation that gave us the present limitations on campaign contributions. Having lost the debate on the floor, I did what any red-blooded American does these days: I took the fight to the courts as lead plaintiff in Buckley v. Valeo. This is the case in which the Supreme Court held that the 1974 act's restrictions on campaign spending were unconstitutional but that its limits on contributions were permissible in light of Congress's concern over the appearance of impropriety.

The issue of campaign finance is again before the Senate. Unfortunately, today's reformers are apt to make a badly flawed system even worse.

To understand why, it is instructive to take a look at the Buckley plaintiffs. I had squeaked into office as the candidate of New York's Conservative Party. My co-plaintiffs included Sen. Eugene McCarthy, whose primary challenge caused President Lyndon Johnson to withdraw his bid for re-election; the very conservative American Conservative Union; the equally liberal New York Civil Liberties Union; the Libertarian Party; and Stewart Mott, a wealthy backer of liberal causes who had contributed $200,000 to the McCarthy presidential campaign. We were a group of political underdogs and independents; and although we spanned the ideological spectrum, we shared a deep concern that the 1974 act would dramatically increase the difficulties already faced by those challenging incumbents and the political status quo.

Incumbents enjoy formidable advantages, including name recognition, access to the media, and the goodwill gained from handling constituent problems. A challenger, on the other hand, must persuade both the media and potential contributors that his candidacy is credible. This can require a substantial amount of seed money. As we testified, Sen. McCarthy could not have launched a serious challenge to a sitting president and I could not have won election as a third-party candidate under the present law. Large contributions from a few early supporters established us as viable candidates. Once the media took us seriously, we were able to reach out to our natural constituencies for financial support and to attract the cadres of volunteers that characterized our campaigns.

Although we won a number of the arguments we presented in Buckley, we lost the critical one when the court held that the limits on contributions were constitutional. Experience, however, has vindicated our worries over the practical consequences of these and other provisions of the 1974 act.

The legislation was supposed to de-emphasize the role of money in federal elections and encourage broader participation in the political process. Instead, by limiting the size of individual contributions, it has made fund raising the central preoccupation of incumbents and challengers alike; and it created a bureaucracy, the Federal Election Commission, that has issued regulations governing independent spending that are so complex and have made the costs of a misstep so great that grassroots action has virtually disappeared from the political scene. Today, anyone intrepid enough to engage in such activities is well advised to hire a lawyer; and even then, he must be prepared to engage in protracted litigation to prove his independence.

Legislation that was supposed to democratize the political process has served instead to reinforce the influence of the political establishment. By compounding the difficulties faced by challengers, it has consolidated the advantages of incumbency and increased the power of the two major parties. By limiting individual contributions to $1,000, it has enhanced the political clout of both business and union political action committees—the notorious PACs.

Moreover, if today's reformers succeed in their efforts to restrict ''issue advocacy,'' the net effect will be to increase the already formidable power of the media. The New York Times or The Wall Street Journal will be free to throw their enormous influence behind a particular candidate or cause through Election Day. But public interest groups would be denied the right to advertise their disagreement with the Times or the Journal during the final weeks of a campaign.

What is needed is not more restrictions on speech but a re-examination of the premises underlying the existing ones. Recent races have exploded the myth that money can ''buy'' an election. Ask Michael Huffington, who lost his Senate bid in California after spending $28 million. The voters always have the final say. What money can buy is the exposure challengers need to have a chance. And while large contributions can corrupt, studies of voting patterns confirm that that concern in vastly overstated. The overwhelming majority of wealthy donors back candidates with whom they already agree, and they are far more tolerant of differences on this point or that than are the PACs to which a candidate will otherwise turn.

An alternative safeguard against corruption is readily available—the daily posting of contributions on the Internet. This would enable voters to judge whether a particular contributions might corrupt its recipient. What makes no sense is to retain a set of rules that make it impossible for a Stewart Mott to provide a Eugene McCarthy with the seed money for a challenge to a sitting president, or that make elective politics the playground of the super rich.

The problem today is not that too much money is spent on elections. Proctor & Gamble spends more in advertising than do all political campaigns and parties in an election cycle. The problem is that the electoral process is saddled by a tangle of laws and regulations that restrict the ability of citizens to make themselves heard and that rig the political game in favor of the most privileged players. And because congressional incumbents are the beneficiaries of the titled playing field, it is fanciful to believe that Congress will re-write the rule book to give outsiders an even break.

We have nothing to fear from unfettered political debate and everything to gain. American democracy can ill afford government control of the political marketplace; but that is where today's reformers would lead us.

MORNING BUSINESS

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

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

DIRECTED ENERGY AND NON-LETHAL USE OF FORCE

Mr. DOMENICI. Mr. President, I rise today to discuss a serious and effective use of new technologies in our military operations. While I will focus on a specific directed energy technology, the Joint Non-Lethal Weapons Program Office is involved in many other research areas that provide innovative solutions to our military men and women in their daily missions.

Recently, the Marines unveiled a device known as Active Denial Technology, ADT. This is a non-lethal weapons system based on a microwave source. This device, mounted on a humvee or other mobile platform, could serve as a riot control method in our peacekeeping operations or in other situations involving civilians. This project and technology was kept classified until very recently.

The Pentagon noted that further testing, both on humans and, evidently, goats will be done to ensure that it truly is a non-lethal method of crowd control or a means to disperse potentially hostile mobs. The notion that the Pentagon is using ''microwaves'' on humans, and especially on animals, has inflamed some human and animal rights groups. Among others it has simply sparked fear that a new weapon exists that will fry people.

This is not the case. And, unfortunately, few of the media reports offer sufficient detail or comparisons to clarify the value of such a system or put its use in perspective. While ADT is ''tunable,'' the energy cannot be ''tuned up'' to a level that would immediately cause permanent damage to human subjects.

The technology does not cause injury due to the low energy levels used. ADT does cause heat-induced pain that is nearly identical to briefly touching a lightbulb that has been on for a while. However, unlike a hot lightbulb, the energy propagated at this level does not cause rapid burning. Within a few seconds the pain induced by this energy beam is intended to cause the subject to run away rather than to continue to experience pain.

Such technologies have never before been used in a military or peacekeeping endeavor. Therefore, there is

naturally suspicion or fear of the unknown and usually the worst is imagined. I believe this is unwarranted, especially when one considers the currently available options in these types of military situations.

Think of 1993 in Somalia. The U.S. lost 18 soldiers and somewhere between 500 and 1,000 Somalis were killed on the streets of Mogadishu. The Somalis used children as human shields, and our military was forced to fire on angry crowds of civilians, some civilians having automatic rifles and grenades.

Peacekeeping operations are not void of lethal threats. Oftentimes our military is confronted with armed civilians or situations where unarmed, defenseless civilians are intermixed and indistinguishable from persons possessing lethal means.

Regardless of the new Administration's approach to involvement of the U.S. military in non-traditional operations, I believe these types of missions will continue to be a staple of our military's daily operations for a long time to come. Further, these missions often involve situations that render U.S. soldiers vulnerable or threaten the lives of innocent civilians.

I believe that the applications of directed energy technologies in these and other operations can provide a more humane and militarily effective approach. Active denial technology is merely one device on a list of research and development endeavors currently underway by the Pentagon's Joint Non-Lethal Weapons Program.

I would encourage my colleagues to get briefed on the mission and projects in the Non-Lethal Weapons Program. Further, I believe that the tunability of microwave and laser technologies will offer a palette of readily available options to address operational needs in both traditional and non-traditional military operations, and I fully support further funding of research in this area.

TRIBUTE TO ARMY SERGEANT PHILLIP FRELIGH

Mr. HUTCHINSON. Mr. President, I rise today to extend my sympathies to the families and loved ones of those killed during the recent Naval training exercise in Kuwait. Of the five U.S. military personnel killed in the accident, Sergeant Phillip Freligh, whom I intend to pay tribute to today, was from my home state of Arkansas.

Army Sgt. Phillip Freligh, of Paragould, AR, graduated in 1993 from Greene County Tech and enlisted in the Army later that same year. He attended jump training and was assigned to the 82nd Airborne Division. He then was trained as a bomb specialist and was assigned to the 734th Explosive Ordinance Division in White Sands, NM and was on a six month deployment in Kuwait when the accident occurred.

I want to express my deepest regret and sympathies to the family and friends of Sgt. Freligh as well as the families of all the servicemen who lost their lives in this tragic accident. We owe it to all of our brave servicemen and those who serve with them to do our best to uncover the cause of this tragedy, and to do our utmost to prevent it from happening again. Theirs is a dangerous profession, and this tragic accident reminds us of the debt we owe to those who serve. I join the President, Secretary Rumsfeld, and my colleagues in saluting the courage, commitment and sacrifice of these servicemen.

STEPHANIE BERNSTEIN'S ADDRESS ON PAN AM FLIGHT 103

Mr. KENNEDY. Mr. President, on Friday, March 16, Stephanie Bernstein, who lost her husband on Pan Am flight 103 over Lockerbie, Scotland, addressed a conference on the future of Libyan-American relations hosted by the Woodrow Wilson International Center for Scholars, the Atlantic Council, and the Middle East Institute.

Ms. Bernstein's remarks are insightful and show, in very real human terms, the pain suffered by the Lockerbie families. They also demonstrate the need for the U.S. and the international community to keep the pressure on Qadhafi until he accepts responsibility for the actions of Libya's intelligence officer, tells what the Government of Libya knows about the bombing and compensates the families of the victims for this horrible tragedy.

I urge my colleagues to read Ms. Bernstein's remarks as we consider the reauthorization of the Iran-Libya Sanctions Act.

I ask unanimous consent that her statement be printed in the RECORD.

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

REMARKS OF STEPHANIE L. BERNSTEIN—CONFERENCE ON U.S.-LIBYAN RELATIONS AFTER THE LOCKERBIE TRIAL: WHERE DO WE GO FROM HERE?

MARCH 16, 2001.

I would like to thank the Atlantic Council, the Middle East Institute, and the Woodrow Wilson Center for inviting me to participate in this conference.

I have been asked to talk from my perspective as someone whose life has been profoundly and permanently altered by the actions of the government of Libya. I am not a diplomat or a politician, but an average citizen of a country, 189 of whose citizens were brutally murdered on December 21, 1988. The impact of this savage act of mass murder was described in eloquent terms by the Lord Advocate of Scotland during his remarks to the Scottish Court just prior to its sentencing of the defendant, Megrahi, who was found guilty of murder on January 31, 2001:

''More than 400 parents lost a son or daughter; 46 parents lost their only child; 65 women were widowed; 11 men lost their wives. More than 140 children lost a parent and 7 children lost both parents.''

I would like to tell you briefly about one of the 270 people who was murdered in the Lockerbie bombing. My husband, Mike Bernstein, was an ordinary person who died an extraordinary death. His dreams were simple: he wanted to guide his children into adulthood. He wanted to grow old with his wife. He wanted to do work which brought him satisfaction and which made the world a better place than he found it. He graduated with distinction and high honors from the University of Michigan, and received his law degree from the University of Chicago, where he was an associate editor of the Law Review. Mike was the Assistant Deputy Director of the Office of Special Investigations at the U.S. Department of Justice. This office finds, denaturalizes, and deports persons from the United States who participated in Nazi atrocities during World War II. Mike left two children, ages 7 and 4, a wife, a mother, and countless friends. He was 36 years old.

Over the last 12 years, the family members of those who were murdered in the Lockerbie have worked hard for some measure of justice. As a result of our efforts, and with the support of our many friends on Capitol Hill, legislation has been passed which sought to make aviation safer from terrorist acts and to put pressure on countries such as Libya which have been state sponsors of terrorism. The Aviation Security Act of 1992, the Lautenberg Amendment, and the Iran-Libya Sanctions Act would not be law without the efforts of the Lockerbie families.

On January 31 of this year, we achieved another victory when Abdel Basset al-Megrahi, a Libyan security agent (JSO), was convicted of the murders of my husband and 269 others. The Scottish Court was strong in its opinion that Megrahi was acting at the behest of the Libyan government:

''The clear inference which we draw from this evidence is that the conception, planning and execution of the plot which led to the planting of the explosive device was of Libyan origin.'' (p.75)

''We accept the evidence that he was a member of the JSO, occupying posts of fairly high rank.'' (p. 80)

Since the verdict, the Bush administration has been firm in its insistence that Libya abide by the terms of the U.N. Security Council Resolutions, which call for Libya to accept responsibility for the bombing, and for payment of appropriate compensation to the families. The sanctions are rooted in the concept in international law that a government is responsible for the wrongful acts of its officials.

In a meeting with family members on February 8 of this year, Secretary of State Colin Powell was clear in detailing the Bush administration's policy:

''President Bush intends to keep the pressure on the Libyan leadership, pressure to fulfill the remaining requirements of the U.N. Security Council, including Libya's accepting responsibility for the actions of its officials and paying appropriate compensation.''

The Bush administration has stated that the investigation into the Lockerbie bombing is still open. A $5 million dollar award is still in place for information leading to the arrest and conviction of others involved in the bombing. State Department spokesman Richard Boucher said last month that the United States will follow the evidence ''wherever it leads.'' Secretary Powell, in his meeting with the families, elaborated on this as well:

''However we resolve this and however we move forward from this point on, we reserve the right to continue to gather more evidence and to bring more charges and new indictments . . . So accepting responsibility as a leader of a nation, and as a nation, doesn't excuse other criminals who might come to the fore and be subject to indictment.''

Unfortunately, there are others who have not supported the reasonable aims of the Security Council, the United States, and Great