

The effect of the Court's decision also poses a serious threat to the ability of state and local governments to police their own elections. Twenty-four states currently have laws to restrain corporate spending on elections. All of those laws are now called into question in the wake of the Citizens United decision.

At a Senate Rules Committee hearing last week, Montana Attorney General Steve Bullock gave compelling testimony about the threat to Montana's century-old law prohibiting corporations from "paying or contributing in order to aid, promote or prevent the nomination or election of any person." That law was designed to ensure that "Corporations are represented in Montana campaigns, but on equal terms alongside other political committees, all of them speaking through purely voluntary associations of their money, ideas, and voices."

Montana's law, like many state and Federal campaign finance laws, is not new. It stemmed from what Attorney General Bullock described as "the infamous bribery of the Montana Legislature by Senator William A. Clark, which led to its refusal to seat him." In 1912, when Montana enacted its law, the "Copper Kings" dominated not only elections but all political debate in Montana and so the fed-up citizens of that state responded.

Now, the challenges to state campaign spending laws that are sure to follow Citizens United pose a grave threat to the will of Montana's people, as well as citizens in the 23 other states with laws on the books limiting corporate spending on elections. Attorney General Bullock testified that its elections for state senate cost an average of \$17,000. That is an insignificant expense to a large corporation subject to governmental oversight or regulation.

Like Montana, Vermont is a small state. It is easy to imagine large corporations flooding the airwaves with election ads and drowning out the voices of Vermont's citizens. I know that the people of Vermont, like other Americans, take seriously their responsibility as citizens to choose wisely when making choices on Election Day. Vermonters cherish their critical role in the democratic process and are staunch believers in the First Amendment, refusing to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending. I fear that is exactly what will happen unless both sides of the aisle join with President Obama to try to restore the ability of every American to be heard and effectively participate in free and fair elections.

In this connection, I urge Republicans to heed the advice of our former colleague from New Hampshire, Senator Warren Rudman. He recalls the time when Republicans were in favor of campaign finance reform, before they

flip-flopped on that issue as they have so many now that the American people have elected a Democratic President. I ask that his column from the February 5 Washington Post be included in the record at the conclusion of my remarks.

It is difficult to understand the Justices' lack of concern in Citizens United for the potential of massive corporate spending to distort elections, especially in light of the Supreme Court's ruling issued only months ago in *Caperton v. Massey*. In that case, Justice Kennedy wrote that the possibility of bias due to campaign contributions in a state judicial election meant that the judge was wrong not to recuse himself from deciding a case involving a defendant who had spent \$3 million supporting his election campaign to the bench. I agreed with that decision. There, Justice Kennedy wrote: "We conclude that there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent." What I do not understand is how these same standards and obvious logic were not applied to corporate spending in election campaigns.

The campaign finance laws passed by Congress, as well as the 24 states that have enacted restrictions, reflect a clear reason for treating individuals and their free speech rights differently from corporations—especially foreign corporations—and their money. These laws were well-founded on principles dating back not just a century to the Tillman laws, but to the distinction dating back to the time of our Nation's founding.

As early as 1819, the great Chief Justice John Marshall acknowledged that "A corporation is an artificial being . . . the mere creature of law, it possesses only those properties which the charter of its creation confers upon it. . . ." That 191-year-old precedent is one of the many betrayed by the five Justice majority in Citizens United when it ignored the nature of corporations as artificial, legally-created constructions and wrongly described them merely as indistinguishable from other "associations of citizens." Corporations are created by governments and given special rights and privileges. They are not people. Describing them as indistinguishable ignores not only the long development of the law but logic and reality.

The threat posed by the Citizens United goes well beyond the specific limitations on corporate spending that were struck down in its decision. The same lawyers who initiated the Citizens United case are already seeking to overturn other limits on election spending and transparency in campaign fundraising. If those lawyers are successful in a case called *SpeechNow.org v. Federal Election Commission*—a

case currently before the United States Court of Appeals for the D.C. Circuit, a court like the Supreme Court controlled by Republican-appointed conservative activists—it could gut laws meant to ensure that the public knows who funds political ads. That means unaccountable groups would be free to distort elections with anonymous attack ads, unanswerable to the American people.

I fear that we have not seen the last of the efforts of the newly-constituted Supreme Court to knock down long-established precedents. The Citizens United decision may have a dramatic impact on American democracy, but it is only the latest in a growing set of examples of why every seat on the highest court affects the lives of all Americans.

#### TRIBUTE TO THE LYNN BROTHERS

Mr. LEAHY. Mr. President, lucky is the town that has a good civic minded newspaper.

Vermont is fortunate to have several, and two reasons for that are the brothers Emerson and Angelo Lynn. The Lynn brothers have shown how public spirited newspapering is also good business.

A profile of the Lynn brothers in a recent edition of Vermont's Seven Days newspaper, written by Ken Picard, opens with this: "Newspapermen Emerson and Angelo Lynn learned a long time ago that it's not enough for a community paper to be good. It's also got to do good. And the one that achieves both goals can thrive in its niche—even when larger corporate newspapers are struggling."

Emerson and Angelo Lynn—with roots in Kansas and newspapering in their heritage—have made their homes in Vermont since the 1980s, and it was the chance to publish newspapers that brought them to our State. Emerson has published the St. Albans Messenger since 1981. Angelo arrived soon after to purchase and publish the Addison County Independent.

The Messenger, the Independent and the other publications they own and manage have flourished under their management. Not only have they invested significant time and energy into the success of their own newspapers; they also generously mentor and support other local publishers.

This is a time of uncertainty and introspection in the Nation's newspaper businesses. Alternate media streams and a severe economic recession have driven down earnings and have driven some papers out of business. New formulas will be tried. But in the meantime, Emerson and Angelo Lynn have shown that the old formula of civic minded journalism can still work.

The Lynn brothers have been successful because they care deeply about where they live, and they invest in their communities in every sense, including their hearts and souls. They

act out of a sense of responsibility to their readers. Their tone is civil and constructive. Mr. Picard quotes veteran Vermont journalist Stephen Kiernan: "These guys have a real sense of place. They know when a business is doing well; they know when something is changing; they know what's in the wind. A sense of place is essential to any business in Vermont, but it's especially true in the media business."

These two extraordinary Vermonters continue to give their best, and their businesses have become keystones in the civic infrastructure of Franklin and Addison Counties, and beyond.

I ask unanimous consent that a copy of the article from *Seven Days*, "Brothers in Ink," by Ken Picard, be printed in the RECORD.

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

[From *Seven Days*, Jan. 27, 2010]

#### BROTHERS IN INK

WHILE OTHERS ELEGIZE PRINT JOURNALISM, EMERSON AND ANGELO LYNN ARE HOT ON THE PRESSES

(By Ken Picard)

Newspapermen Emerson and Angelo Lynn learned a long time ago that it's not enough for a community newspaper to be good. It's also got to do good. And the one that achieves both goals can thrive in its niche—even when larger corporate newspapers are struggling.

Emerson Lynn, editor and publisher of the six-days-a-week St. Albans Messenger since 1981, knows his paper has influence in the community. Shortly before Christmas, the Hannaford supermarket in his town participated in a company-wide "Fund-a-Feast" campaign. Throughout the holidays, shoppers could buy a \$10 box of food to donate to their local food shelf. The store in Vermont that sold the most boxes would win \$1000 for its food shelf, and the winning store in the entire 171-supermarket chain would get an additional \$2500.

A week before the contest ended, Emerson approached store manager Dan LeCours and asked him how many boxes he needed to win. LeCours said he didn't know, but was sure he didn't have enough on hand to even come close.

"Emerson said, 'You get me that number, and I'll take it from there,'" LeCours recalls. "Coming from Emerson, if he says it, he means it."

Knowing that one in eight Vermonters is now on food stamps, Emerson ran free full-page ads in the Messenger the following week, asking his readers to rise to the challenge. They did.

"That last weekend we sold \$9000 worth of Fund-A-Feast boxes. None of that would have happened were it not for Emerson Lynn," says LeCours. "It just goes to show the power of the press when the person behind it is highly trusted and highly respected."

Lately, it's hard to find any good news about print journalism. In December, the now-defunct-in-print *Editor & Publisher* magazine essentially wrote its own obituary when it reported that more than 40,000 newspaper jobs disappeared in 2009, nearly twice as many as the 21,000 that vanished in 2008. Mainstream newspapers such as the *New York Times* and the *Boston Globe* have continued to echo that death knell.

But you won't find that story anywhere in the pages of a Lynn publication, or in their bottom lines. Emerson's younger brother,

Angelo, has been editor and publisher of the twice-weekly *Addison County Independent* since 1984. According to Emerson, 2008, the first year of the current recession, was the Lynns' best year ever. Emerson admits that profits are down, but only slightly, and neither brother has laid off staff.

In fact, both the Messenger and the Independent have employees who've been with them for more than 30 years. In the Messenger's newsroom, editor Gary Rutkowski and staff writer Leon Thompson have a half-century of combined experience between them. Emerson and Angelo insist their papers wouldn't be where they are today without that level of institutional memory.

Of course, reaching out to the next generation is crucial, too. Both the Messenger and Independent routinely devote space to publishing the work of students in the Young Writers Project. Once a month, Angelo delivers 200 free copies of the "Addy Indy," as it's often called, to Middlebury Union High School. Inside each is a copy of the Tigers' Print, the student newspaper. Emerson does the same thing for Bellows Free Academy—St. Albans.

This isn't just smart PR for the Lynn newspapers—it's also a long-term investment in their readerships.

"For our newspapers," says Emerson, "this is our seed corn."

It's a fitting metaphor, coming from two Kansas brothers who moved to Vermont more than 25 years ago to sow the seeds of community journalism in the Champlain Valley. Since then, the Lynns have reaped the journalistic equivalent of a bumper crop. In addition to the Messenger and the Independent, the brothers now publish the Colchester Sun, Essex Reporter, Brandon Reporter and Milton Independent. Angelo also puts out Vermont Ski & Ride Magazine, a winter monthly on the ski industry, and several telephone books in southern Vermont.

In an age when the public has an overabundance of news sources to choose from—websites, blogs, social networking sites, 24/7 cable-news channels—how do Lynn publications manage not just to survive, but to thrive? Very simple, Emerson explains. They remain faithful to their core mission: Give readers in-depth local coverage—school board meetings, high school sports, property taxes and so on—that they want and can't find anywhere else.

"When you have a tight-knit community, everybody likes to know that everybody else is on the same page, and Addison and Franklin counties are pretty tight-knit communities," Angelo adds. "What you find now is that, increasingly, the community newspaper is the glue that binds."

Stephen Kiernan agrees. A former staff writer at the Burlington Free Press for 15 years and a longtime Middlebury resident, he's impressed by how involved Angelo and Emerson are in their respective communities. This means, for example, that he sees Emerson out running at a middle-school lacrosse jamboree attended by hundreds of parents and children. Or he spots Angelo at a performance of the play *Our Town*, and the next day reads his editorial about how the play reflects Middlebury's diversity.

"These guys have a real sense of place," Kiernan says. "They know when a business is doing well; they know when something is changing; they know what's in the wind . . . A sense of place is essential to any business in Vermont, but it's especially true in the media business."

Steve Terry, also a longtime Middlebury resident and former editor of the Rutland Herald, agrees. He says that whenever big institutions in Addison County want to break a story, they make sure the Independent gets it first.

"People could read in the Herald or the Free Press that something happened in Middlebury," Terry says, "but they just wouldn't believe it or feel it was covered until they read it in the Independent."

Tyrone Shaw, director of the journalism program at Johnson State College, is an aficionado of sorts of small community newspapers. Shaw says that Lynn newspapers consistently provide "aggressive but responsible" news coverage of important local issues. He's especially fond of their editorial and letters sections, which he calls "meaty and interesting."

In large part, that's because Angelo and Emerson typically write their own editorials. They come from opposite ends of the political spectrum. Angelo is more left leaning than Emerson and far more likely to criticize the governor, Jim Douglas' residence in Middlebury notwithstanding. Emerson, a regular contributor to the conservative blog *Vermont Tiger*, is more likely to attack Bernie Sanders and the actions of the left-dominated legislature. In the last election, however, he supported Barack Obama.

Despite some divergent views on elected officials, economic growth and job creation, the Lynn brothers insist they see eye to eye on all social issues, such as abortion and gay rights. Back in July 1997, the Messenger was the first daily paper in the state to endorse civil unions. It's that sophisticated understanding of the issues, Shaw says, that makes the brothers' papers invaluable reading in their communities.

"I think they were both born with newspaper ink in their blood," he concludes. "They're old-fashioned newspapermen in the very best sense."

That assessment of the Lynn DNA isn't far off. Emerson and Angelo are fourth-generation newspapermen. Their great-grandfather, Charles F. Scott, bought the *Iola Register*, a small weekly in southwestern Kansas, in 1882. His son, Angelo Scott, took over the paper and ran it until 1965, when he turned it over to Emerson and Angelo's father, who's also named Emerson.

The elder Emerson and his wife, Mickey, met at college in Australia, but returned to Kansas in 1950. They published first the *Humboldt, Kan., Humboldt Union*, then the *Bowie News* in Bowie, Tx., where Emerson and Angelo lived for seven years.

"Every single Wednesday night Dad would load us into the car and take us down to the paper, and we'd insert the papers," recalls Angelo. It's a job the brothers still do on occasion in the Messenger's ancient, lime-green press room in St. Albans.

In 1965, the Lynns' parents returned to their Kansas roots and took over the Register. They ran it until last year, when Emerson and Angelo's mother died and their father turned over the publishing duties to their sister, Susan Lynn. The siblings have a third brother, Michael, a pastor in Hamden, Conn. Angelo jokes, "The four of us are either preaching from the pulpit or from the editorial pages."

Perhaps it was inevitable that Emerson and Angelo would choose the newspaper business. In 1970, when Angelo was 16, he attended a summer camp at the University of Kansas for kids interested in journalism. On the third day, he recalls, antiwar protesters bombed the student union. He happened to be in the office of the photography instructor, who grabbed a camera and dashed to the scene.

"Minutes later," Angelo remembers, "we were crouched behind a police car, the cops with pointed guns surrounding the student union, and us with our cameras clicking . . . I was hooked."

Both Emerson and Angelo eventually graduated from KU's William Allen White School

of Journalism. Emerson got married and moved east to work on Capitol Hill as a speechwriter for then-U.S. Sen. Jim Pearson, a Kansas Republican—then for his successor, Sen. Nancy Kassebaum.

But Emerson quickly grew bored with his duties and began looking around for a newspaper to buy. He considered some in the Rocky Mountain area, but quickly realized he'd never afford one. In 1981, a broker approached him with a proposal to buy a stridently right-wing daily in northwestern Vermont. The St. Albans Daily Messenger, then owned by publisher William Loeb, had never made money. Emerson bought the paper and quickly improved its reputation and financial performance.

Three years later, Gordon Mills, owner of the Addison County Independent, approached Emerson and asked him if he was interested in buying his newspaper, too. Emerson declined but suggested he contact Angelo, who at the time was running the Yates Center News, a small, struggling weekly in southeastern Kansas.

So in August 1984, at age 30, Angelo bought the Vermont weekly. Four years later, he turned it into a twice-weekly paper. Today the Addison County Independent has a staff of 21 employees, seven of whom (including Angelo) work in the newsroom. Angelo insists that his commitment to news coverage continues to pay off. Though he says he's made only a modest investment in the paper's website over the years, in 2009 the Vermont Press Association named it the state's best.

Meanwhile, the Lynns have continued to acquire failing newspapers and turned them into money-making ventures. And they've done so with seemingly boundless energy.

"As Angelo likes to say, we're always the last ones on the treadmill," Emerson says. "You may be smarter than us, but you'll never outwork us."

Indeed, As kids, Emerson and Angelo spent most summers at a family cabin in Colorado. Each morning they'd wake at the crack of dawn, load their packs and spend the next 10 to 14 hours hiking to a summit.

That commitment to rigorous outdoor exercise hasn't flagged. Emerson and Angelo are well past 50—in a rare show of vanity, Emerson declines to disclose his age, and Angelo won't betray his brother. But neither looks or acts it. Trim, hale and handsome, the brothers have chiseled bodies and resting heart rates that would be the envy of men half their age.

Both routinely compete in marathons, triathlons, canoe races and other competitions that demand iron-man stamina. Angelo skis 40 to 50 days per year. Last year, he competed in the Canadian Death Race, a three-day endurance course that traverses a raging river and three mountain summits and includes 17,000 feet of elevation change.

Never one to be outdone by his younger brother, Emerson recently took on a 3100-repetition weight-training workout challenge. He completed it in under one hour and 50 minutes.

"We're excessive," Emerson admits unapologetically. "The two of us are extraordinarily competitive. But it's never me against him or him against me. It's 'Let's see what we can do.'"

That drive for peak performance is reflected in their careers. Both are self-described workaholics—Emerson is still married, Angelo divorced—and are intimately involved in every detail of their publications, from writing daily editorials to selling ads to distribution. On a recent visit to Seven Days, Angelo's station wagon was filled with newspapers that needed delivering.

"I have never met anyone in daily journalism who has maintained such a high level

of energy day after day after day," notes Chris Graff, the former Associated Press writer who ran the Montpelier bureau for 26 years. Speaking of Emerson, he recalls, "When I was at the AP, his routine was to arrive at work at 5 a.m. every day—and he wrote an editorial every day."

But the Lynns' competitive spirit doesn't come with a bullying or predatory attitude. The brothers have helped fellow Vermont publishers, including those at Seven Days, who benefited from Angelo's free advice when this paper launched. Angelo was also on hand when a group of journalists and publishers gathered recently in Grafton to discuss working cooperatively in the digital age.

M. Dickey Drysdale, editor and publisher of the Herald of Randolph, calls the Lynn brothers "the best gift that Kansas has ever given to Vermont journalism." Drysdale, who's been at the Herald since 1971, says Emerson and Angelo have given him business advice and suggestions for advertising campaigns over the years, never expecting anything in return.

"You can sometimes get the idea that press lords are supercilious and very, very serious," Drysdale adds. "Both [Emerson and Angelo] seem to approach their jobs with a high seriousness, but also a cheerful attitude that makes them fun to deal with and makes their newspapers very approachable."

The Lynns say they don't view other community newspapers as competition, even in markets where they compete for ad revenues. As the state's biggest dailies shrink in size—lately, the Monday Burlington Free Press has had fewer pages than the Monday Messenger—neither brother sees any reason to alter their course.

"I don't think you get stronger because other people get weaker. You're stronger because of your adherence to your mission," Emerson concludes. "We're not having to rediscover that local news is important. We've been doing that forever. That's our bread and butter."

#### HILLSBOROUGH AGREEMENT

Mr. LEAHY. Mr. President, I rise this afternoon to call the Senate's attention to a significant agreement that was signed late last Friday night to preserve the current government in Belfast and continue the long road toward permanent peace in Northern Ireland.

The 12 years since the signing of the Good Friday Peace Accords have not been easy ones for the people of Northern Ireland. The power-sharing government was suspended in 2002, the British resumed direct control, and violence has flared at times. However, all sides have been committed to working towards the blueprint for peace worked out in 1998—the Irish Republican Army formally ended its armed campaign in 2005, the St. Andrews Agreement returned control of the government to Northern Ireland, and all sides have resisted a resurgence of the brutality of the past.

In recent months, disagreements over a variety of issues have threatened to bring down the fragile government again—tensions over British control of prosecutors, the judiciary and the police, and the rights of the Protestant Orange Order to parade through heavily Catholic neighborhoods have prevented both sides from moving forward.

I commend the Northern Irish First Minister Peter Robinson of the Democratic Unionist Party and Deputy First Minister Martin McGuinness of Sinn Féin who met at Hillsborough Castle near Belfast with Prime Minister of Britain, Gordon Brown, and Taoiseach Cowen of the Republic of Ireland, whose leadership has been vital. Friday's agreement set April 12 as the date for the transfer of the Judiciary and Police forces to local control, and laid out a plan and timeline for the resolution of disagreements on parades before "marching season" in July of 2011.

Northern Ireland's long peacemaking process has been difficult, demanding painful concessions by both sides. Yet both sides also seem to have reached a point where return to the conditions of the last 40 years is no longer an option. The last few years have seen opportunities for Northern Ireland to return to sectarian strife, and yet both sides, their leaders, and the people of Northern Ireland have looked over the edge and stepped back with the knowledge that no matter how difficult the road forward is, the road back must not be travelled.

I am proud of the critical role the United States has played in the process. Former President Clinton was intimately involved in the Good Friday Agreement, and Secretary of State Clinton deserves a great deal of credit for her part in these talks. All of us in this chamber also are proud of the role that former Senator George Mitchell played at crucial junctures earlier in this long process. I assure the people of Northern Ireland that this Senator—and all Americans of good will—remains committed to remaining with them every step of the way.

#### BLACK HISTORY MONTH

Mr. President, I rise today to recognize the many accomplishments and contributions of black Americans to our Nation.

This month, we honor the brave citizens who struggled and fought throughout the years for a better day for their children. A day when everyone is treated with respect and dignity.

One of those brave citizens was Portland resident Dr. J.N. Merriman, who in 1914—united with a few pioneering spirits—commissioned Oregon's first NAACP chapter, a mere 5 years after the nationally acclaimed organization was formed.

The work of Portland's NAACP chapter and Urban League helped to spur a grassroots movement that succeeded where many previous campaigns had failed, repealing in 1926 and 1927 the State's sordid exclusion laws. These Jim Crow laws, written into the State's Constitution, prevented African Americans from living freely in the State, settling, owning property or voting.

It is in the spirit of these pioneering Oregonians and so many brave citizens of every color across this country, that