

MEASURES PLACED ON THE
CALENDAR—H.R. 2183 AND H.R. 3682

Mr. GORTON. Mr. President, I understand there are two bills at the desk awaiting their second reading. I now ask for the second reading of the first bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GORTON. I now ask for the second reading of the second bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain Amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The Chair will observe that the pending amendment is numbered 3554.

Mr. GORTON. Mr. President, while we are on the Interior appropriations bill, the current amendment is the McCain-Feingold campaign financing amendment. Whether we will use all of the time of the Senate between now and the time for a vote on a motion for cloture on the amendment, I am not certain.

However, it is very unlikely, I say to my colleagues, that we will debate contested amendments to the Interior appropriations bill before we have completed debate on McCain-Feingold. However, we are available to deal with amendments that can be worked out and agreed to which we will send up and deal with if there are any short spaces of time in which Members are

not available to discuss the McCain-Feingold bill. Members who have interests in the Interior appropriations bill who have amendments that they think will be accepted or can be worked out should be in contact with me or with staff of the Appropriations Committee, and we will attempt to work them in whenever it is convenient to do so.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first I mention a scheduling item. I am confident that the agreement we reached yesterday was that there would be a vote either late tomorrow afternoon or early evening. Now I am told that there may be some Members on the other side who want to have an earlier vote. Mr. President, I will not agree to such a thing. I believe that we need more than 2 days' debate on this issue even though we have been over this issue many times before. I just want to tell my colleagues on both sides, but particularly on the other side of the aisle, I understand there are personal commitments and we will try to accommodate those, but to have a vote earlier than very late tomorrow afternoon or tomorrow evening I think would not be in keeping with the agreement that we reached yesterday.

This is not a happy time for America. It is not a happy time for the institutions of government, especially the Presidency, but also the Congress. We are going through a very wrenching and difficult episode which already, I think most of us would agree, ranks in the first order of crises that affect this country. And it affects us. As I have said on numerous occasions, all of us are tarred by a brush when the institutions of government are diminished and affected by scandal. But it also points out the criticality of us addressing this issue of campaign finance reform now rather than later. In today's newspaper, "Reno Sets 90-day Clinton Probe":

Attorney General Janet Reno yesterday opened a preliminary investigation of President Clinton that could lead to an independent counsel probe of allegations that he orchestrated a plan to violate spending limits for his 1996 reelection campaign. . . . The new Clinton inquiry was triggered by a preliminary report last month from the Federal Election Commission auditors. The auditors concluded that the DNC ads about issues such as Medicare and the budget amounted to "electioneering" on the President's behalf, and the Clinton-Gore campaign should be required to reimburse the government for the entire \$13.4 million it received in Federal matching funds.

This morning, in most of the major newspapers in America, there is a poll that is conducted by the Terrence Group and Lake, Snell, Perry and Associates—one Democrat and one Republican polling group: "What do you think is the number one problem today? Moral-religious issues, 14 percent; crime and drugs, 14 percent; economy and jobs, 13 percent."

Mr. President, perhaps moral and religious issues have been a No. 1 priority

in America before, but I don't think there is any doubt that that is the case today. "Which of the following issues do you want Congress to focus on? Restoring moral values, 22 percent; improving education, 19 percent; reducing taxes and Federal spending, 13 percent."

Mr. President, when 22 percent of the American people say they believe that restoring values is the No. 1 issue they want Congress to focus on, I don't believe they are just referring to the problems concerning the Presidency and that crisis. I think they are talking about the fact that they don't believe that they, as individual citizens, are represented here in the Congress in the legislative process. I think they believe that special interests rule. I believe they are concerned that no longer are their concerns paramount, but only those of major contributors.

The effect of this was manifested just yesterday in my home State of Arizona in the primary that was held, as has been true throughout the country. It was the lowest voter turnout, as a percentage, of any time in the history of my State. I don't think that voters didn't turn out to vote in the primary in Arizona yesterday because of their anger—which may be justified—at the President of the United States; I think they didn't turn out because they believe that the present system of financing campaigns results in an exclusion of them in the legislative process; their homes and their dreams and aspirations for themselves and their families are no longer reflected here in the Congress of the United States.

Mr. President, the amendment at the desk, which is commonly known as the McCain-Feingold campaign finance legislation, is amended by Senators SNOWE and JEFFORDS. This amendment would begin to reform a severely broken campaign finance system. Early last month, the Members of the other body did what the Senate has failed to do, and that is to pass genuine campaign finance reform. By so doing, they have given Members of this body who support reform encouragement that Congress, at long last, may accede to the wishes of the majority in both Houses of Congress and to the wishes of the vast majority of the people we represent by repairing a campaign finance system that has become a national embarrassment and assails the integrity of the office that we are privileged to hold.

I want to commend and thank Representatives SHAYS and MEEHAN, and many other Members of the other body, whose courage and determination have given us a chance to reclaim the respect of the American people. I appeal to all Members of the Senate to listen to the majority of our colleagues in the other body, and to the majority of Senators, and seize this historic opportunity to give the Nation a campaign finance system that is worthy of the world's greatest democracy.

Mr. President, no Washington pundit thought that the House would actually

pass campaign finance reform, but it did. It was not an easy fight. But those in favor of reform prevailed. I hope the majority in the Senate that favors reform will be able to prevail here. A majority in the House passed reform because the American people demand it. Members of the House recognized that the current system is awash in money, exploited loopholes, and publicly perceived corruption. It is a system that no Member of Congress should take pride in defending.

Before I discuss the matter more fully, I want to remind my colleagues of three points. One, for reform to become law, it must be bipartisan. This is a bipartisan bill. It is a bill that affects both parties in a fair and equal manner.

Two, reform must seek to reduce the role of money in politics. Spending on campaigns in current inflation-adjusted dollars continues to rise. In constant dollars, the amount spent on House and Senate races in 1976 was \$318 million. By 1986 that total had risen to \$645 million, and in 1996 it was \$765 million. Including the Presidential races, over a billion dollars was spent in the last campaign. As the need for money escalates, the influence of those who have it rises exponentially.

Three, reform must seek a level playing field between challengers and incumbents. Our bill achieves this by recognizing the fact that incumbents must always raise more money than challengers. As a general rule, the candidate with the most money wins the race. If money is forced to play a lesser role, then challengers will have a better chance.

The amendment before the Senate achieves these three points. Is the measure perfect? No. Is it a legitimate start for discussion? Yes. For that reason, I hope my colleagues will support cloture and allow the Senate to work its will, to improve the measure where necessary, and begin a real dialog with the House on what can and should be set to the President for his signature.

I want to repeat that this is the Senate's opportunity to not only do what is right but what is necessary. Washington has lately become synonymous with scandal, but for all the recent scintillating revelations, the real scandal—a scandal that will not go away—is the money that is and has been corrupting our elections. Unless this Senate finds the courage to act, that scandal will not subside.

Some will come to the floor and state that we do not need to reform how campaigns are run. They will state instead that we should simply enforce the laws that already exist. Mr. President, with all due respect, this argument is specious. Republicans demanded that the welfare system be reformed not only because it was the right thing to do but because the system was riddled with loopholes and was being abused and exploited. We didn't sit back and simply challenge the executive branch to enforce the laws. We

acted, we changed the law, and we changed it in our society for the better. Let's do the same now.

I know that many colleagues think this refrain has become all too familiar, and they are correct. This is not the first time our campaign finance system has been in need of reform, and it will undoubtedly not be the last, because as time passes, the flaws and loopholes in the law become more evidence. It is at that time that the Congress has historically done what is needed; it has passed campaign finance reform.

The underlying purpose of this movement for the publication of contributions made for campaign purposes is to limit expenditures in political contests to legitimate purposes and to lessen the use of money in political elections.

So said Senator Culberson in 1908.

Senator Culberson inserted into the RECORD many letters, many of which could have been written today:

For some years there has been earnest agitation of the question of enforcing campaign contributions relating to national elections. A strong public sentiment has been created in favor of this important regulation. In obedience to this sentiment, a bill is now pending in Congress providing for the desired publicity. The question is whether the bill will be passed, defeated, or smothered.

The letter continues:

No party should be afraid to go before the country with a record of its campaign financing.

No candidate for office should hesitate to have the people know the sources of campaign money. In other words, such contributions should come only from legitimate sources, and only money from such sources would be accepted, if the facts had to be made public: Hence, the great importance of publicity. The people do not want successful candidates to owe their elections to special interests affected by the subsequent administrations of such candidates. Such favors and obligations they involve are absolutely against the principles of honest government, whether that government be national, State, or municipal.

In the House that same year 1908, Congressman Sulzer stated:

In my opinion, this publicity campaign contribution bill is one of the most important measures before this House. It is a bill for more honest elections, to more effectively safeguard the elected franchise, and it affects the entire people of this country. It concerns the honor of the country. The honest people of the land want it passed. All parties should favor it. Recent investigations conclusively demonstrate how important to all the people of the country is the speedy enactment of this bill.

Remember, this statement was made in 1908.

In every national contest of recent years the campaign has been a disgraceful scramble to see which party could raise the most money, not for legitimate expenses but to carry a system of political iniquity that will not and cannot bear the light of publicity. Political corruption dreads the sun of publicity and works in the secret of darkness . . . Napoleon said victory was on the side of the heaviest guns. There are many thoughtful people in this country who have been saying since 1896 that the political victory in our Presidential contest is on the

side of the campaign committee which can raise the largest boodle fund.

This important bill for publicity of campaign contributions is a nonpartisan measure. There should be no politics in it. We should all advocate from patriotic motives; but some of the gentlemen on the other side are injecting party politics into it, and are doing everything in their power to prevent the Members of this House who sincerely favor the bill from having the opportunity to vote for it. . . . It is a shame the way this bill is being strangled to death.

In 1908, Congress went on to do the people's bidding. It passed the campaign finance reform legislation.

In 1947, Senator Ellender stood on this floor, and stated:

It came to my attention as chairman of that committee—and this feeling is shared by committee members joining me in sponsoring this bill—that the present statutes dealing with elections, campaign expenditures, and contributions, and limitations thereon, are utterly inadequate and unrealistic and as now in force and do not begin to accomplish the purposes for which they were enacted. . . .

I may state, Mr. President, that our committee last year found that many corporations and some labor organizations had spent thousands of dollars in Federal elections, but we could not force them to report for the reason that the money expended was not considered as contributions. So this bill requires any money spent to be reported by whoever makes the expenditure.

Experience has shown that some corporations and labor unions have spent money directly on behalf of a party or candidate and thus I invaded the application of the prohibition upon contributions.

In 1947 the Congress, again, responded to the public's disdain for the way our campaigns are financed and passed campaign finance reform legislation.

In 1974, in the aftermath of the Watergate scandal, the Congress again passed campaign finance reform legislation.

Mr. President, after what we know about the last election, it is time again to pass campaign finance reform legislation.

Mr. President, recently there was given to me a memo that is public knowledge: The Democratic National Committee, Democratic National Committee Managing Trustee Events and Membership Requirements Events; two annual Managing Trustee Events where the President in Washington, DC, attended; two annual meetings, trustee event for the Vice President, et cetera. It is kind of a standard thing that you see on these kind of things. But the thing that is interesting about this is the fifth one down, "Annual Economic Trade Missions." "Managing trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad."

Another memorandum that was given to me of May 5, 1994, to Anne Cahill from Martha Phipps:

White House Activities: In order to reach our very aggressive goal of \$40 million this year, it would be very helpful if we could coordinate the following activities between the White House and Democratic National Committee: 1. Two reserved seats on Air Force

One; and, 2. Six seats at all White House private dinners.

No. 4: "Invitations to participate in official delegation trips abroad. Contact: Alexis Herman."

Mr. President, that is wrong. We know that is wrong. And the people who did it knew that it was wrong at the time. That is not an appropriate use of official trade missions.

This gives rise to all the speculation and allegations concerning the transfer of technology to China. It makes it much more logical or believable when you read about these kinds of things.

Mr. President, I know this legislation is not perfect. I know that if given the opportunity to offer amendments, many Members would do exactly that, and the measure could be improved.

For example, I think there would be a majority vote in this body that would raise the individual spending limits to the level of \$1,000, which it was in 1974, that some here may not agree with. But I believe the majority would.

I believe that the Snowe-Jeffords amendment went a long way towards leveling the playing field as far as unions, businesses, and corporations are concerned. I know that there are other ways we could improve this legislation. I know that we can do that if my colleagues would vote for cloture.

I appeal to my colleagues to muster the courage that led to reform in 1908, 1947, and 1974.

Mr. President, I ran for public office first in 1982. It was not the kind of money in that campaign that I see today. When I meet a young man or woman who is interested in public office nowadays—I used to ask them, "How do you feel about smaller government, taxes, less regulation?" We would have discussions of the issues. Now there is only one question you ask a young man or woman who is interested in seeking public office. And I might add it seems to be fewer and fewer. The only question is, "Where is the money? Where is the money?" Because, if they don't have the money, obviously no matter how they stand on the issues, no matter how principled they are, and how impressive their resume might be, their chances of achieving public office are dramatically diminished.

I know that many on this side of the aisle don't agree with all of the provisions of the amendment. I know they recognize that there is a problem—a problem that we have to address.

This is our opportunity, and if we opt to gridlock over results, we will only fuel the cynicism of the American electorate.

I want to point out again, every political expert is predicting that we will have the lowest voter turnout in this upcoming election than at any time in history. I think that is a sad commentary.

I hope we will do what is right to take such steps as necessary to pass meaningful campaign finance reform. Should we fail, we will have only our-

selves to blame for the low esteem in which we are held by the American people. We will have done our part to degrade the high office to which we have been elected. We will by our inaction contribute to the alienation of the American people from the people who have sworn an oath to defend their interests.

As I mentioned, Mr. President, yesterday was primary day in Arizona. Turn out was an all-time low, indicating another record-setting low turnout election day. I have no doubt whatsoever that the way in which we finance our campaigns has in no small measure contributed to the abysmal commentary of the health of our democracy. The people's contempt—there is no more charitable way to describe it—for us and for the way in which we attain our privileged place in government cannot be sustained perpetually. We will someday pay a high price for our inattention to this problem. We will forfeit our ability to lead the country as we meet the complicated challenges confronting us at the end of this century because we have so badly squandered the public respect necessary to persuade the Nation to take the often difficult actions that are required to defend the Nation's interests.

Our ability to lead depends solely on the public's trust in us. Mr. President, people do not trust us today. And that breach, that calamity, is what the supporters of campaign finance reform intend to repair. I beg all of my colleagues to join in this effort and give our constituents a reason to again trust us, and to take pride in the institution we are so proud to serve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, some in the press have suggested there is a sense of momentum for this issue because it passed the House of Representatives. I would remind my colleagues that a measure similar to this passed the House in the 101st Congress, the 102d Congress, and the 103d Congress. So it is not unusual, I would say, for the House of Representatives to pass this kind of legislation. It has happened before, and I would say it does not reveal any sense of momentum behind a plan that is constitutionally flawed. Speaking of the Constitution, we were on this same issue last fall and then we were on it again in February. The outcome was the same during those debates, and in a sense what we are doing is having the same debate once again.

There have been suggestions, particularly on the other side, that the courts might be open to changing the Buckley case or revisiting it in some way. So I think it is always appropriate, when we have these periodic campaign finance debates, to bring my colleagues up to date on what has been happening in the courts. As we all know, the so-called

reformers have been out around the country seeking to get new laws on the books at various States and localities, some by referendum, some by State statute. All of those, of course, are subsequently found in the courts, in litigation. So what I would like to do here at the outset is give my colleagues an update on what is happening in the courts; all of these court cases, by the way, reaffirming Buckley in one way or another.

I would remind everyone—I think everyone in this Chamber surely knows the Buckley case, Buckley v. Valeo, the landmark case in the area of campaign finance reform which has not been changed by any of the courts over the last almost 25 years. In fact, court decisions have deepened and broadened areas of permissible political speech over the quarter of a century since this landmark case, widely thought to have been written by Justice Brennan. So let me just run down a few cases that have been decided just since April of this year, since there is a good deal of litigation emanating from these State efforts to restrict the rights of people to be involved in political activity.

On April 17, in *Americans for Medical Rights v. Heller*, the United States District Court for the District of Nevada held that the Nevada State Constitution could not be enforced so as to prevent issue advocacy groups from contributing more than \$5,000 to a ballot initiative. This was a court response to an effort to try to shut up groups in criticizing politicians—very similar to the measure currently before us which seeks to make it essentially impossible for a group to criticize a politician in proximity to an election.

On April 27, in *Kruse v. Cincinnati*, the United States Court of Appeals for the Sixth Circuit held that a Cincinnati ordinance placing spending caps on campaigns for city council violated the first amendment. This case is noteworthy. Here was a conscious effort on the part of the city council in Cincinnati to get a court, some court, to revisit the question of whether spending limits were permissible. This is something the Buckley case struck down forthwith, and forthrightly. That effort to get the court to reverse its decision was unsuccessful.

On April 29, in *North Carolina Right to Life v. Bartlett*, the U.S. District Court for the Eastern District of North Carolina held a State statute that attempted to regulate issue advocacy groups as unconstitutional. That is the same issue we have before us in the McCain-Feingold amendment, the effort by the Government to try to regulate constitutionally protected issue advocacy.

On June 1, in *FEC v. Akins*, the Supreme Court held that voters have standing to challenge the FEC's dismissal of an administrative complaint. Although the Court remanded the case for further proceedings, the Court strongly suggested that a membership organization's communications with

its own members would not meet the definition of "expenditures" subject to regulation by Congress.

In another case, on June 1, in *Right to Life of Dutchess County v. FEC*, the U.S. District Court for the Southern District of New York joined a chorus of many other Federal groups in striking down—striking down—an FEC regulation that prohibited corporate speech, even though that speech stopped short of the "express advocacy" standard adopted in the *Buckley* case.

Then on June 4, in *Russell v. Burris*, the U.S. Court of Appeals for the Eighth Circuit held that contribution limits of \$300 to certain State candidates violated the first amendment and that special privileges to so-called "small donor" PACs violated the equal protection clause.

On June 11, in *State of Washington v. 119 Vote No!*, the Supreme Court of Washington held that a State statute which prohibits a person from sponsoring, with actual malice, a political advertisement containing a false statement of material fact to be facially unconstitutional.

On July 21, in *Virginia Society for Human Life v. Caldwell*, the U.S. Court of Appeals for the Fourth Circuit held that a Virginia campaign finance statute could not reach the conduct of groups that engaged in issue advocacy.

On July 23, in *Shrink Missouri Government PAC v. Adams*, the U.S. Court of Appeals for the Eighth Circuit held that a first amendment challenge of a State statute limiting campaign contributions was so likely to succeed that a preliminary injunction should issue preventing Missouri from enforcing the statute.

On July 23, in *Suster v. Marshall*, the U.S. Court of Appeals for the Sixth Circuit enjoined the enforcement of a provision of the Ohio Code of Judicial Conduct which capped spending in a judicial election for the Ohio Common Pleas Court at \$75,000—again, a court decision striking down spending limits.

On August 10, in *Alaska Civil Liberties Union v. the State of Alaska*, the Superior Court for the State of Alaska granted summary judgment, ruling Alaska's campaign finance reform legislation unconstitutional and, therefore, null and void.

Finally, on August 11, in *Vannatta v. Keisling*, the U.S. Court of Appeals for the Ninth Circuit held that an Oregon ballot measure passed into law which prohibited State candidates from using or directing any contributions from out-of-district residents and penalizing candidates when more than 10 percent of their total funding comes from such individuals does not survive scrutiny under the first amendment.

My reason for the recitation of these cases is these are cases just since April, and every single one of them, at least three of which are right on the point of issue advocacy, which is what we have before us today, have ruled these government restrictions unconstitutional.

So there is virtually no chance—no chance—that the restrictions on citi-

zens' ability to engage in issue advocacy contained in McCain-Feingold will be upheld as constitutional. There is certainly no evidence that the courts are moving in the direction of allowing governments at any level to restrain the voices of citizens at any time in proximity to an election or any other time.

Mr. President, issue advocacy is, of course, as I said, constitutionally protected speech. The *New York Times*, the *Washington Post*, and *USA Today* are some of the most aggressive users of issue advocacy. These multimillion-dollar corporations express themselves without limitation at any point, both in the news sections and on the editorial pages. They are the practitioners of the first amendment.

The problem with the *New York Times*, the *Washington Post*, and *USA Today* is that they think the first amendment only applies to them. It is amusing to look at the amount of space dedicated over the last 2 years by these three newspapers to their efforts to aid and abet those who would shut up citizens and make it difficult for them to exercise their constitutional rights.

Just looking at the *New York Times*, they have editorialized on the subject of campaign finance reform between July 1, 1997, and September 9, 1998, 82 times. The average number of days between campaign finance editorials in the *New York Times* is 8. On the average, every 8 days, the *New York Times* is lobbying for campaign finance reform, which they have a constitutional right to do. What is particularly amusing is the way in which they do it, which is remarkably similar to issue advocacy that groups engage in frequently on television.

The typical issue ad says at the end of the ad, "Call Congressman" so-and-so "and tell him to either keep on doing what he is doing" or "stop doing what he is doing." I thought it was particularly amusing that the April 21, 1998, editorial in the *New York Times* was just like issue advocacy. The same opportunity they would deny to anyone else, they engaged in themselves.

They opined here about the importance of passing their version of campaign finance reform and then listed Members of the House and their phone numbers—exactly the kind of thing they don't want anybody else to do. Exactly the kind of thing they would prohibit every other American citizen from doing in proximity to an election, they are doing right here on the editorial page.

Of course, the newspapers are exempt from the Federal Election Campaign Act. I think they should be exempt, but I find it disingenuous in the extreme for them to engage in the very same practice. This is a huge, multi-, probably billion-dollar, American corporation, a corporation engaging in issue advocacy, putting the heat on elected officials, putting their phone numbers in there, saying call them—call them

up and tell them to do this or not to do that. That is what they don't want anybody else in America to be able to do.

Mr. President, part of what is at the root of this debate is: Who is going to have the opportunity to express themselves, who is going to be able to engage in political discourse, in this country? Just newspapers and nobody else? Boy, that would be a good deal for them. That is exactly what they have in mind, because they practice issue advocacy every day, and sometimes it is remarkably similar to the issue ads you see on television run by organized labor, or plaintiffs' lawyers, or you name it. "Call Congressman" so-and-so, "and tell him to do" this or do that, it said in the *New York Times* of April 21.

The *Washington Post* has been not far behind, another megacorporation which exists for the purpose of influencing political discourse in this country. This big corporation, of course, like the other big corporation I just mentioned, the *New York Times*, is exempt from the Federal Election Campaign Act, and this big corporation, too, would like to restrict the speech of other American citizens in order to enhance its own views.

On the subject of campaign finance reform, going back to January 1, 1997, the *Washington Post* has written 53 editorials. The average number of days between editorials on campaign finance reform in the *Washington Post* is 12. So, Mr. President, every 12 days, this great, huge American corporation is lobbying the Congress to take a particular position on campaign finance reform.

I defend their right to do it, but I find it amusing—if not really troubling more than amusing—that this kind of corporation should have this kind of influence and everybody else in society in proximity to an election would be essentially muffled from being able to mention a candidate's name in proximity to an election.

So some big corporations would have an advantage; others a disadvantage. That is what the *Washington Post* would like—more power and more advantage. *USA Today*, another huge American corporation—between January 1, 1997, and today, *USA Today* has run 25 editorials on the subject of campaign finance reform. That is an average of one every 25 days—another major American corporation seeking to influence the course of this legislation, which also supports McCain-Feingold, which would make it impossible for anybody else to do the same thing in proximity to an election.

The *USA Today* editorial just yesterday was remarkably akin to an issue ad, Mr. President, remarkably akin to an issue ad, just like the *New York Times* editorial back in April I mentioned awhile ago. They state their case on the editorial page, and then they list all the Republican Senators, and particularly they highlight those

who are up for reelection this year. And they put their phone numbers by their names. Issue advocacy, Mr. President; within 60 days of an election.

Under the bill they support, over at USA Today, nobody else in America could do this, could mention a candidate's name within 60 days of an election. So this big corporation would have its power further enhanced by the quieting of the voices of everybody else in America who sought to express themselves within 60 days of an election by maybe saying something unkind about some Member of Congress.

So, Mr. President, there isn't any question; there is an enormous transfer of influence and power to the part of corporate America that owns and operates newspapers. Of course they are enthusiastic about this kind of legislation. This industry, the newspaper industry, which already has an enormous amount of power, would be dramatically more powerful if the kind of legislation we have before us were passed.

Some would argue there is a media loophole in the Federal Election Campaign Act because they are exempt from all of these restrictions that currently apply to everybody else, and certainly would be exempt of the greater restrictions that this legislation seeks to place on Americans of all kinds.

Mr. President, there are some Americans who believe that newspapers are a bigger problem, a bigger problem than campaign contributors. There was an interesting article back on October 21, 1997—excuse me, Mr. President, it is a Rasmussen poll, an interesting finding.

More than 80% of Americans would like to place restrictions on the way that newspapers cover political campaigns. In fact, restricting newspaper coverage is far more popular than public funding of campaigns.

Restrictions on newspaper coverage is far more popular than public funding of campaigns. This is the American people in a poll in late 1997 discussing the influence of newspapers on the political process.

Further, in the description of the poll finding, it says:

One reason for the public desire to restrict newspapers is that Americans think reporters and editorial writers have a bigger impact on elections than campaign contributions.

Mr. FEINGOLD. Mr. President, would the Senator yield for a question?

Mr. MCCONNELL. Not at the moment.

The Rasmussen Research survey found that 68% of Americans believe newspaper editorials are more important than a \$1,000 contribution. Only 17% think such contributions have a bigger impact.

Americans may also support restrictions on reporters because more than seven-out-of-ten believe personal preferences of reporters influence their coverage of politics. In fact, Americans overwhelmingly believe (by a 61% to 19% margin) that a candidate preferred by reporters will beat a candidate who raises more money.

Let me repeat that, Mr. President. This comprehensive poll of American citizens on the influence of newspapers,

in late 1997, found that Americans, by a margin of 61 percent to 19 percent, believe that a candidate preferred by reporters will beat a candidate who raises more money.

Mr. President, I am making these points somewhat tongue in cheek because, obviously, I am not advocating restrictions on newspapers. But what I find particularly outrageous is newspapers advocating restrictions on everyone else. Who are they to think that they are the only ones who are to have influence in the American political process?

Richard Harwood of the Washington Post, on October 15, 1997, made some interesting points along those lines. Mr. Harwood said:

It is fortunate for the press in the United States that the voice of the people is not the voice of God or the Supreme Court.

That is because Americans, in the mass, believe in "free speech" and a "free press" only in theory. In practice they reject those concepts.

That was the troubling conclusion drawn, ironically, from a major study of public opinion commissioned in 1990 by the American Society of Newspaper Editors as part of the observance of the 200th anniversary of the Bill of Rights. . . .

So this was a survey taken, I guess, by the Louis Harris organization for the Center for Media and Public Affairs. And Mr. Harwood points out the findings are, as he puts it, "depressing."

The first point in this survey of the American people, Harwood, in talking about the American people, said:

If they had their way, "the people"—meaning a majority of adults—would not allow journalists to practice their trade without first obtaining, as lawyers and doctors must, a license.

The second finding of this survey:

[The people] would confer on judges the power to impose fines on publishers and broadcasters for "inaccurate and biased reporting". . . .

Third:

They would empower government entities to monitor the work of journalists for fairness and compel us to "give equal coverage to all sides of a controversial issue." They also favor the creation of local and national news councils to investigate complaints against the press and issue "corrections" of erroneous news reports.

Harwood further points out, at the end of his article:

So press freedoms remain, as in the past, dependent not on the goodwill of the masses but on the goodwill and philosophical disposition of the nine men and women of the Supreme Court of the United States.

Mr. President, I make those points to illustrate that the principal beneficiaries of the amendment before us are the huge corporations of America that control the press. They almost uniformly support legislation that would quiet the voices, at least in 60 days' proximity to an election, of all other American citizens, thereby enhancing the ability of newspapers to control the outcome of American elections.

The good news, Mr. President, is we are not going to pass this legislation.

The further good news is the courts would not uphold this legislation if we did pass it. I just mentioned three cases that have been handed down in the last 6 months indicating that Government restrictions on issue advocacy, tried by State governments, is clearly unconstitutional.

But what is truly disturbing in this free country, Mr. President, is that these big corporations that own these newspapers are so aggressively advocating efforts to quiet the voices of other American citizens.

It is truly alarming that in 1998 these big corporations, which already have enormous influence in our country, want to have even more. In fact, they want to have a monopoly on influence in proximity to an election. And as we all know, they are perfectly free to do editorials, both on the front page and on the editorial page—and do—up to and including the day before the election. And I defend their right to do it.

But what is disturbing is they do not want to let anybody else have their say. So this legislation, Mr. President, dramatically benefits the fourth estate at the expense of other citizens in our country.

Now, finally, before going to Senator BYRD, I have heard it said that we need to pass this kind of legislation. I have heard for over a decade we need to pass this kind of legislation in order to restore the faith of the American people in the Congress. In October of 1994, in the waning days of the end of Democrat control of this Congress, only 27 percent of the American people approved of the Congress. As of this past week, the congressional approval rating was 55 percent. Now, the 55 percent approval rating Congress has today comes after two Federal elections, 1994 and 1996, with record spending, three intervening filibusters of McCain-Feingold and its ancestor, Boren-Mitchell, and even the Clinton-Gore fundraising scandal.

Clearly, Mr. President, there is no political imperative to pass campaign finance bills that are unconstitutional. To suggest that the Congress is still unpopular—which it isn't—or that when it was unpopular it was somehow related to this issue simply cannot be supported by the facts.

Bill Schneider, a reputable pollster who works for CNN, back in February of this year had an interesting article in the National Journal. This was when the approval rating of Congress began to turn around. He pointed out in February 14 of this year:

For the first time in at least 25 years, a majority of Americans approve of the way Congress is doing its job. Congress—perhaps the most ridiculed institution in America—has rarely gotten above a 40 per cent job-approval rating since 1974. Now, it's at 56 per cent.

That was then; it is 55 percent now. "What's going on here?" said Bill Schneider.

A balanced budget, a booming economy and—not the least important—a smaller government. "We have the smallest government

in 35 years, but a more progressive one," the President said. Right now, trust in government is at its highest level since the Reagan era, when it was "morning in America."

Now, we clearly do not need to pass this unconstitutional legislation in order to deal with cynicism about the Congress, which enjoys a 55 percent approval rating.

I might say that at the end of the Congress in 1994, I was personally involved in an all-night filibuster on September 30, 1994. I will never forget it. It is the only real filibuster we have had here in 10 years. It was an all-nighter. The cots were out. People were blurry eyed. But it was a remarkably uplifting event for those of us who were involved in it. We defeated Boren-Mitchell a mere 5 weeks before the greatest Republican congressional victory of this century.

Suffice it to say, there is no connection between this issue and electoral success. The responses you get on polls on this issue depend on how you ask the question. This is an arcane, complicated subject, and it is the obligation and the responsibility of Members of the Senate to protect the Constitution, to protect political discourse in this country, and to do the right thing one more time.

Mr. President, I am confident that, at the appropriate time, this amendment will be defeated.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. MCCONNELL. Yes, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if I might get consent to speak on another matter at the conclusion of the Senator's remarks?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Reserving the right to object, I wonder if the Senator has any notion about approximately how much time he would consume?

Mr. BYRD. I guess it would be 45 minutes to an hour. It would give Senators a chance to get lunch.

Mr. MCCAIN. Mr. President, reserving the right to object, I would say in all due respect to the most respected Senator from West Virginia, we have a limited amount of time to debate this issue. There are Senators who want to talk on it. I say in all respect to the Senator from West Virginia, we have just begun this debate. We just had the first opening statements. If we interrupt for 45 minutes to an hour, I think that would certainly disrupt this entire debate, which is of the greatest importance. I hope the Senator from West Virginia, in all great respect, would understand.

Mr. BYRD. I do understand that. I have to be somewhere else from 1:30 on, for awhile. I had hoped that I might be able to speak out of order earlier.

Mr. FEINGOLD. Mr. President, let me indicate, if I may, I will not object to this Senator's request. But let me say that after this address I do intend

to object to any other discussions about other matters that do not have to do with the issue before us, before the scheduled cloture vote. But in this instance I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I hope that other Senators would permit me to proceed.

Mr. MCCAIN. Mr. President, could the Senator at least wait until 12:30, if he has to be someplace at 1:30? We just began. There have been two statements that have been given on this very important issue. I understand and appreciate the seniority and respect and dignity that the Senator from West Virginia has, but this is incredibly disruptive, which I am sure the Senator from West Virginia can understand.

Mr. BYRD. Mr. President, will the distinguished Senator yield so I might reply?

Mr. MCCONNELL. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the Senator will remember that debate on the Interior bill is being interrupted here. I have no objection to that. And there was a request that there be no amendments until, I believe it was Friday or Thursday, at some point, or until we vote on cloture on this matter. I had no objection to that. But I could have objected. That debate was interrupted. I don't interrupt in debates very often. I hope the Senator will allow me to proceed in this instance.

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object because of the Senator from West Virginia, but the fact is we are debating an amendment just as we normally do. And we are under a unanimous consent agreement, which we normally do. The Senator from West Virginia could object to us going into session—we all know that—because we function by unanimous consent. I think it is very unfortunate that when we have, really, now, a day and a half, and we just initiated debate on this very, very critical issue, the Senator has to do that at this time. I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

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

Mr. BYRD. If the Senator from Kentucky will yield, I make the request I be recognized, upon the conclusion of the remarks by the Senator from Kentucky, for not to exceed 1 hour.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. I yield the floor.

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to make brief re-

marks before the Senator from West Virginia begins.

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

Mr. FEINGOLD. Mr. President, I repeatedly asked the Senator from Kentucky if he would yield for a question about his statements about the case law, and he refused on several occasions. That is regrettable because I hope we will have a debate here, but I do appreciate his review of the case law. I think it is helpful, and I do want to hear Senator BYRD's remarks very shortly.

Let me quickly point out that I heard the Senator from Kentucky discussing a Nevada case regarding restriction on spending on issue advocacy. But the bill before the Senate has no such restriction. So that case is not applicable to what is before the Senate.

The Senator referred to the Cincinnati spending limits case. The problem is, our bill before the Senate does not have any spending limits in it.

The Senator is arguing case law that has absolutely nothing to do with what we are debating here today. I think that is regrettable because this is supposed to be a debate about the amendment before the Senate.

The Senator discussed a case involving in-state contributions. But there are no in-state limits included in this bill. And the same for the California case involving small donor—

Mr. MCCONNELL. Will the Senator yield?

Mr. FEINGOLD. I will yield for a question, yes.

Mr. MCCONNELL. The Senator from Kentucky—if the Senator from Wisconsin was closely listening—didn't claim the cases were about issue advocacy. What the Senator from Kentucky said is that all the cases were further reinforcement of the Buckley decision and that several of the cases were about issue advocacy.

Mr. FEINGOLD. None of the provisions that were specifically cited with regard to those cases has anything to do with the legislation before us. I will make the point now and continue to make the point throughout this debate that when case law is cited, it ought to have something to do with the matter before the Senate, or that clouds the issue of constitutionality in a way that is a disservice. If the Senator from Kentucky is going to make his arguments based on court cases, he should at least recognize and acknowledge that this version of the bill does not include many of the red herrings that he keeps presenting before the Senate. As we say in the law, these cases are readily distinguishable from the matter before us.

With that, Mr. President, I ask unanimous consent to add as cosponsors to the McCain-Feingold amendment, in addition to Senators THOMPSON, SNOWE, COLLINS, and JEFFORDS, Senators LEVIN, GLENN, LIEBERMAN, and WELLSTONE, who are long-time and vigorous supporters of this bill.

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

Mr. FEINGOLD. Mr. President, I very much look forward to the remarks of the Senator from West Virginia and appreciate his courtesy in allowing me to speak.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 60 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank, again, all Senators for allowing me to speak at this particular juncture.

(By unanimous consent, the remarks of Mr. BYRD, Mr. GRAMM, Mr. FEINGOLD pertaining to another subject are printed later in today's RECORD.)

Mr. FEINGOLD addressed the Chair.

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

Mr. FEINGOLD. Mr. President, the McCain-Feingold bill was first introduced in the fall of 1995, just about 3 years ago. To date, thanks to the truly extraordinary efforts of our colleagues in the other House, we are as close as we have ever been to passing that bill and making a start on cleaning up the corrupt campaign finance system that has seemed so intractable for so long. As we stand here today, only eight votes stand between this bill and the President's desk—just eight votes. Only eight Senators out of all Members of the Congress are preventing this body from joining the other body in passing campaign finance reform. Eight Senators are blocking the Senate from banning soft money.

Mr. President, the time for excuses is over. It is time to finish the job. It is time to pass campaign finance reform and send it on to the President.

Let me first take a moment to remind my colleagues of what happened in the other body the week after we in the Senate left for the August recess. This campaign finance reform bill that all the pundits thought was dead and constantly claimed as dead actually passed the other body by a very strong vote. The vote was 252 to 179. That is right, Mr. President, 252 to 179 in the House. It wasn't even close. By any measure, the passage in the House of the Shays-Meehan version of the McCain-Feingold bill was a landslide. Sixty-one Republicans, over one-quarter of the Republican caucus in the entire House, voted for this bill. Mr. President, I think that should answer once and for all the allegation that the McCain-Feingold bill is a partisan piece of legislation. It is not.

Sixty-one Republicans would not vote for a bill that is a Trojan horse for the Democratic Party. No, this bill has now been shown in both Houses to be a bipartisan solution to a bipartisan problem.

The House vote was the culmination of literally months of debate on campaign finance reform. The debate actually started, if you can believe this, on May 21 and did not conclude until August 6. There were 72 amendments of-

ferred to the House version of the Shays-Meehan bill. There were a total of 41 rollcall votes on those amendments. The House spent over 50 hours debating campaign finance reform, an amount of time that is almost unprecedented to spend on one bill over there. I think we do it fairly frequently here, but it is almost unprecedented in the House.

The opponents of reform tried to take a page from the Senate playbook and openly proclaimed that they were going to try to kill the bill with amendments. Just like here, they offered poison pills and they tried to overwhelm the reformers with just the sheer number of amendments. They tried to drown them in amendments, but they failed, and they failed miserably.

In the end, a reform bill emerged and passed the House that retained all of the essential features of the McCain-Feingold bill—a ban on soft money, improved disclosure of campaign contributions, codification of the Supreme Court Beck decision, and provisions designed to deal with campaign advertising that is dressed up as issue advertising.

After many months of debate in the House, the bill has come back to the Senate. It is now on the calendar and is awaiting action.

The majority leader objected to bringing up the House-passed version of McCain-Feingold, but, fortunately, that was not the end of the matter. Because we have the right as Senators to offer amendments to pending legislation, we were able to bring it up on this bill, and that is exactly what Senator MCCAIN and I have done. We would have been delighted if the majority leader had agreed to bring up the House-passed version of the bill, and some comments that he made on "Meet the Press" this weekend suggested that he was going to do just that. But by offering our amendment, we will assure that the Senate will again vote on this issue, which is what the people of this country want.

Once again, I want to say that I am very proud of the solid, 100-percent support of the Democratic Senators for this bill. I am grateful for the efforts of the minority leader, Senator DASCHLE, to keep this issue on the agenda and line up our caucus in support of the McCain-Feingold bill.

But we are not doing this for partisan reasons. We are doing this because it is the right thing to do for our country. This campaign finance system is sapping the confidence of the American people in their Government. People have seen time and time again that these huge soft money contributions do influence the congressional agenda. They understand that we cannot act in the interest of average people if we are spending too much time trying to woo the big contributors. They know that soft money must be eliminated before it just totally swamps our elections and our legislature.

It is absolutely critical that we finish the job now; that we finish the job now before the end of this Congress, otherwise, we will undoubtedly see an explosion of soft money fundraising as the parties get ready for the next big show, and that is the next Presidential election in the year 2000.

If we go home and allow this soft money system to continue into the next Presidential election cycle, we will reap scandals that will make the scandals of 1996 look pale by comparison.

Look at what has happened in this cycle already will give you a clue as to what is going to happen. Already in this cycle, according to Common Cause, the parties have raised a total of \$116 million, and that is the most ever in a non-Presidential cycle. Soft money fundraising more than tripled from 1992 to 1996—from an already troubling amount of \$86 million to the now staggering amount of \$262 million. Based on that growth, some estimate that the parties could raise \$600 million in soft money in the year 2000 cycle—\$600 million. Over half a billion dollars in soft money is likely to be the consequence and the disgusting display in the year 2000.

Mr. President, we already have a majority in this body, and with just eight more votes in the Senate we can stop this escalation of soft money. We can say to the political parties, Enough is enough. Go back to raising money under the limits established in the Federal Election Campaign Act. And then if somebody says, "Well, we need more money," then start raising money from more people; get more people involved. Don't just extort more and more money from the major corporations and labor unions that are eager to curry favor with the Congress or the President.

Mr. President, the American people are sick of tales of big money fundraisers. It is a terrible turnoff for a citizen of average means to read that people give \$100,000, or \$250,000 to sit at the head table with the President, or have a special meeting with the majority leader of the U.S. Senate. They do not want more stories like the story of Roger Tamraz who gave \$300,000 to the Democratic National Committee hoping for the special access he needed to promote his pipeline project. Tamraz told the Governmental Affairs Committee that as he thought about it, the next time he would give \$600,000 if he thought this would help his business and that getting special access was not just one of the reasons he gave to the DNC, he said it was the only reason he gave the \$300,000 and would give \$600,000—for special access.

But these kinds of scandals are bound to come back again and again because our political parties, Mr. President, are addicted to soft money. They cannot get enough of it. And the reason is that they have found a way to make soft money work directly for them in Federal elections. This is an incredible

twist of a loophole that was established by the FEC in 1978. Remember that prior to 1996, most of the parties' soft money went into what were called party building activities—get out the vote drives, voter registration efforts, and the like.

But then in 1996, the parties discovered the issue ad, and it was off to the races. Both Presidential campaigns directly benefited from these kinds of ads—you know, the ones that do not explicitly say "vote for" or "vote against" a candidate, but they are nonetheless obviously aimed at directly influencing an election, obviously intentionally intended to cause someone to vote specifically for one candidate or another. And they used party soft money to pay for the ads.

Now, here is an irony, Mr. President. Just yesterday, Attorney General Reno announced yet another 90-day inquiry into the campaign finance scandals of the 1996 campaign. It has to do with issue ads run by the DNC, a portion of which were paid for with soft money. The allegation is that it was improper for the President to have participated in the development of that ad campaign. The McCain-Feingold amendment that is before us makes it very clear that such ads cannot be paid for with soft money and cannot be coordinated by the parties with their candidates. Yet some of the very people who are calling on the Attorney General to appoint this independent counsel are staunchly opposed to this amendment anyway.

We also already have seen the parties and outside groups preparing to exploit the phony issue ad loophole in this election. Over the next month, more and more election ads will begin appearing around the country, but because of that loophole, in many cases there will be no disclosure either of the spending itself or of the identity of the donors who are really behind the ads. These issue ad campaigns, Mr. President, are blatantly targeted at specific elections, but again their creators intentionally avoid the elections law, but avoiding the so-called magic words of "vote for" or "vote against."

Here is an example. The Capitol Hill newspaper Roll Call reported in July that the Republican Party is planning a \$37 million issue advocacy campaign to begin running after Labor Day designed to help Republicans pick up seats in the House in November. Roll Call described the campaign as follows:

Republican leaders are calling the plan "Operation Break-Out:" a comprehensive strategy to blanket as many as 50 to 60 battleground districts with "issue advocacy" television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

The story then states that Republican officials predict that if Members help raise the \$37 million, then the party will pick up as many as 25 additional seats. So they are candid. They are very upfront about the fact that this issue ad campaign is designed spe-

cifically to help elect more Republicans to the House, not just to talk about issues.

So here you have the leaders of a national political party designing a huge media plan specifically to elect candidates from that party, and specifically planning to take advantage of the phony issue ad loophole so they can at least partially pay for the campaign with soft money.

This is what the twin loopholes—soft money and phony issue ads—have led us to. And, of course, Mr. President, neither party is exempt. I have consistently maintained a bipartisan approach to this issue in my work with the senior Senator from Arizona and in my other work on this issue. And I will do so today.

A Democratic Party source is quoted in that same Roll Call story as saying that the Democratic Party is budgeting \$6 million for issue ads and possibly a lot more. And, of course, the Republican Party justifies its plan as a preemptive strike against the labor unions that spent about \$25 million on issue ads in the 1996 elections.

Mr. President, I ask unanimous consent that the entire Roll Call story be printed in the RECORD.

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

[From Roll Call, July 23, 1998]

GOP PLANS TO "BREAK OUT" IN FALL ELECTION, LEADERSHIP WANTS \$37 MILLION FOR AD CAMPAIGN

(By Jim VandeHei)

Speaker Newt Gingrich (R-Ga) and top GOP leaders have devised a \$37 million "issue advocacy" media campaign and a detailed communications plan to deliver polled messages to dozens of targeted Congressional districts in coming months, according to internal documents and several Republican sources familiar with the strategy.

The \$37 million media campaign, the centerpiece of the Republicans' strategy, will be launched around Labor Day in an effort to preempt an anticipated ad blitz by the AFL-CIO and to define the agenda heading into November. Republican Members are expected to contribute or raise \$15 million to \$20 million total for the project, including \$8 million in hard money in the next few weeks.

Republican leaders are calling the plan "Operation Break-out:" a comprehensive strategy to blanket as many as 50 to 60 battleground districts with "issue advocacy" television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

Gingrich and National Republican Congressional Committee Chairman John Linder (Ga) predict that if Members help raise the \$37 million, the GOP will pick up as many as 25 additional seats, according to GOP officials.

Operation Break-out, according to GOP leadership sources, also includes a new communications regime and a legislative agenda that caters specifically to the Republicans' financial contributors off Capitol Hill. These contributors, once placated, will be hit up during the August recess to help bankroll the ad campaign.

While Gingrich insisted in an interview that a 40-seat gain is possible, GOP strategists have determined that a net pickup of 15

of 25 seats in "eminently doable" if Members cough up millions of dollars for their colleagues before the August break, according to a GOP leadership source close to the effort.

Privately, top GOP leaders expect a net gain of five to ten seats unless the Operation Break-out is implemented.

Gingrich and company rolled out the \$37 million issue-advocacy campaign to Members at a private meeting at the Capitol Hill Club yesterday and plan to brief key Members and staffers on the communications plan in coming weeks.

If Republican leaders can overcome internal opposition from key Members—including Majority Whip Tom Delay (Texas) and Conference Vice Chairwoman Jennifer Dunn (Wash)—the new election plan will be the vehicle Gingrich and company hope to ride to an expanded majority in November's elections, the sources said.

"I have always felt that we get weak-kneed in the spring and worry we'll lose seats," said Appropriations Chairman Bob Livingston (La), who has pledged \$500,000 for the project.

"This is the best economy in 50 years, so it's the incumbents' time. This (new strategy) will help expand (our majority) even further."

Democrats are not losing any sleep over the GOP's plan.

"Republicans will spend more than us, but we will be competitive in the area of issue advocacy," said Democratic Congressional Campaign Committee spokesman Dan Sallick, who added that Democrats will budget more than \$6 million for issue advocacy and possibly "substantially more."

"As 1996 showed, we do not have to spend more money to be competitive"

SHAKING THE MONEY TREE

As of today, there are roughly 170 Republican incumbents who either have no opposition in November's election or token opposition from an inadequately funded challenger who has little chance of winning. Combined, these Members are sitting on almost \$60 million in campaign funds, according to GOP strategists.

If Linder, Gingrich and the rest of the GOP leaders can pry some portion of that money from these Republican incumbents, they are confident that the NRCC can blanket as many as 60 Congressional districts with issue-based ads between Labor Day and Election Day.

"We can sit back, do little on the House floor, get out of here early and probably win five seats," said one GOP operative. "But if we can get Members and (outside groups) to kick in \$40 million more than we have budgeted, there's a damn good chance we can expand our majority by 20 to 30 seats."

That's the message Gingrich and Linder delivered to Republican Members at the closed-door meeting yesterday.

And they promised to lead by example. Gingrich, Majority Leader Dick Armey (Texas), Livingston and Rep. David Dreier (Calif) all pledged to kick in \$500,000 each. Linder promised \$200,000 from his personal account and Oversight Chairman Bill Thomas (Calif) pledged \$100,000 and will urge other chairmen to follow suit.

Deputy Majority Whip Dennis Hastert (Ill) stood up at Wednesday's meeting and promised \$150,000, and Reps. Tom Davis (Va), Jim McCrery (La) and Larry Combest (Texas) vowed to pump in \$100,000 each. Even Rep. Chris Shays (Conn), a moderate Republican who has worked closely with Democrats on certain issues, pledged \$50,000.

Top political strategists from the NRCC and certain leadership offices are reviewing campaign data from every Republican Member to determine how much money individual Members can afford to ante up. While no

specific targets have been spent, any Republican who is a cinch to win this November will be expected to contribute significantly to the effort.

"Members will be leaned on to help the team," said one leadership source.

Gingrich, Arney and Linder have formed a "whip team" of about 20 Members who will make sure that Members and outside groups are paying their fair share.

The whip team—which includes top GOP leaders and the party's most aggressive money men, such as Reps. Mark Foley (Fla) and Bill Paxon (NY)—will twist Members' arms for cash and lobby wealthy business leaders for sizable contributions, the sources said.

Their goal is to raise \$8 million in hard money by August to prove to business leaders that Republican leaders are dead serious about expanding their majority. "We know that business leaders are investors. They put their money on the party that will control this place. We want to show them that investing in Democrats is not wise," said another GOP leadership source.

By September, Gingrich and Linder predict that Members will have kicked in at least \$15 million to \$20 million and that corporate America and individual contributors will match that amount.

The last thing they want, according to strategists, is a repeat of the 1996 elections, when GOP Members sat \$30 million-plus and the business community failed to raise one-quarter of what it promised for issue-advocacy ads.

SETTING THE AGENDA

A \$35 million issues-based ad campaign financed by the AFL-CIO is widely credited with helping Democrats chip away at the Republicans' House majority in 1996.

AFL-CIO president John Sweeney picked about three dozen competitive districts and flooded the airwaves with ads hammering Republicans for gutting Medicare and blocking a minimum wage. The ads, Gingrich and Linder believe, defined the 1996 election before most candidates hit the campaign trails and cost the Republicans nine House seats.

The NRCC fired back with a \$20 million issue-ad campaign and the pro-Republican Coalition dumped in \$5 million more, but it was too little, too late, Republicans say.

This year, GOP leaders plan to beat the AFL-CIO and the Democrats' allies to the punch, Linder has told Members.

The reason for such an ambitious issue campaign, sources said, was that internal polls found that the Republican message on key issues like education and the budget were more popular than expected in the most competitive districts.

Republican operatives picked the 28 most competitive districts and tested the Republicans' positive message versus the Democrats' positive message; on virtually every topic, Republicans learned they could win a head-to-head debate, sources said.

"The bottom line is . . . we are going to be competitive with labor . . . and we are going to have the debate on our turf," said NRCC spokeswoman Mary Crawford. "And with these two goals in mind we will determine where we need to run these spots and when."

THE PLAY BOOK

In a recent interview, Gingrich admitted that communications, internally and externally, has been a disaster for Republicans at several points since winning the majority in 1994.

The behind-the-scenes battle for control over communications has soured Gingrich's relationship with Conference Chairman John Boehner (Ohio) and has been a source of friction during countless leadership meetings. As late as a month or so ago, control over

the message led to a nasty fight between Boehner and Dunn, and their relationship remains icy at best, according to several sources.

Congnizant that communications is the weakness, top advisers for Gingrich, Arney and Boehner have spent the past two months writing a Republican "playbook," which will be distributed to Members soon. The playbook, which provides Members with the party line on a variety of topics, outlines a unified message for the campaigning Republicans, according to a draft copy of the document.

Top Republicans have also revamped the communications structure to make sure the message is filtered down to rank-and-file Members and broadcast outside to Republican supporters and likely voters. Gingrich's office will schedule Members for Sunday talk shows; Arney will control the message on the floor; DeLay will use his whip team to distribute the message du jour to Members; and Boehner will write the overall communications message.

Arney's office is also responsible for making sure that hard feelings between GOP leaders do not interfere with disseminating the message. GOP leadership sources said that will not be an easy task.

Already, there is concern among some GOP leaders that DeLay and Dunn are spending too much time privately briefing Members on a separate communications strategy that could divert Members' attention away from the overall plan, according to leadership sources. While most leaders are confident that that problem will be taken care of by week's end, other sources said it shows that distrust and competitiveness could hamper the leadership's campaign problems.

But on Wednesday, DeLay spokesman John Feehery said: "Mr. DeLay supports what they are doing. I think he believes that anything that helps him do his job, like getting more Republicans, is something that should be done. A lot of our concerns have been met."

Mr. FEINGOLD. This arms race of soft money spending on issue ads has to stop. And the way to do that is to ban soft money and bring these types of ads within the election laws in a fair and reasonable way that respects the constitutional rights of all citizens. That is what we have done in the McCain-Feingold bill. Contrary to the completely inaccurate and sometimes dishonest advertisements that have been run across the country saying that we use a different approach, we, in fact, maintain a clear respect for free speech, which both Senator MCCAIN and I strongly adhere to. We have addressed in our bill, which is in the form of the amendment before us today, the two biggest problems in our campaign finance system—soft money and phony issue ads.

Mr. President, if we do not act on this bill, the exploitation of the loopholes will continue to spiral out of control. In the year 2000, we will see both Presidential candidates promising to limit their private fundraising in order to receive public funds while their parties pursue parallel or even intertwined campaigns with issue ads funded by as much as \$600 million in soft money.

Is that the kind of campaign we want to see in the first Presidential election of the next century? I do not think so. We need to make the next campaign a

cleaner, less corrupt, less out of control Presidential campaign. We do not want more of the same of what we saw in 1996.

Mr. President, all across the country the American people are telling us that they do, in fact, overwhelmingly support the McCain-Feingold bill. Recent polls conducted in eight States during the month of August by the Mellman Group for the advocacy group Public Campaign showed that strong majorities, ranging from 58 percent in Mississippi to 75 percent in New Hampshire, are in favor of the McCain-Feingold bill. And this support is constant—it is constant, Mr. President—across demographic groups and across party lines. In fact, in seven of the eight States polled, believe it or not, Republican voters were more likely to support the bill than Democrat voters.

Editorial boards across the country are constantly calling on us to act. And it is not just the Washington Post and the New York Times, although they have been wonderful advocates for this much-needed change; it is also the Hartford Courant, the Kansas City Star, the St. Louis Post-Dispatch, The Tennessean, and the Charleston Gazette.

The message from each of these editorial boards is that this body, the Senate, has one last chance to salvage some semblance of respect on the issue of campaign finance reform. After all the investigations, all the allegations, and all the finger-pointing of the last 2 years, this is the chance to show that we care, that we think there is something wrong with such a corrupt system. This is the chance.

Now, these writers know that McCain-Feingold is not perfect, and I agree with that. But they think it will make a difference and that it should be passed and that it should be sent to the President.

Mr. President, I ask unanimous consent recent editorials from each of the fine newspapers I just mentioned be printed in the RECORD.

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

[From the Hartford Courant, Sept. 4, 1998]

LISTEN TO THE PUBLIC, MR. LOTT

After a monthlong summer recess, senators returned to Washington this week to find a full agenda and only a short time to work through it. High on the to-do list should be campaign finance reform. But getting that legislation to the floor for a vote will be a daunting struggle despite the fact reform is favored by a majority of Americans.

Appalled by the fund-raising abuses in the 1996 elections, the public wants change. Republican congressional leaders, however, are comfortable with the status quo.

It would be a pity to let this opportunity to clean up the political system pass by. Reformers must redouble their efforts. Citizens who want the campaign finance cesspool drained must let Congress know how they feel.

Before the August vacation, the House passed the Shays-Meehan bill to eliminate soft money—the unrestricted, unregulated

contributions (in effect, payoffs) from corporations, unions and wealthy individuals that are corrupting politics. House reformers triumphed because there were enough Democratic votes and enough courageous Republicans such as Rep. Chris Shays of Stamford to win the day.

As considerable risk to themselves, Republican House members bucked their party leadership's opposition to change.

The Senate version of the soft-money ban, called the McCain-Feingold bill, was favored by a majority of the 100 senators when the issue was taken up earlier this year. But backers couldn't get the 60 votes needed to shut off a filibuster mounted by Republican leaders.

Quashing a filibuster will again be difficult.

Senate Majority Leader Trent Lott and other top Republicans are "dead set against reform," Sen. Joseph I. Lieberman of Connecticut observed recently. "They don't feel that they will suffer any consequences if they don't bring it up. They feel that people just don't care."

That isn't what the polls say. But people have to act on the disgust they feel toward a system under which politicians become the wards of favor-seekers with lots of money. The public should apply pressure on politicians who scoff at the idea of cleaning up the system.

Connecticut's senators—Mr. Lieberman and Christopher J. Dodd—long have favored change in the way campaigns are financed. They should assume high-profile, leadership positions in making the case for the Senate version of reform. These two Democrats should use their powers of persuasion to bring reluctant colleagues of both parties aboard the reform cause.

As Mr. Shays and his Democratic partner, Martin Meehan of Massachusetts, proved, the good fight can be won even against long odds.

[From the Kansas City Star, Sept. 3, 1998]

VOTE NEEDED ON CAMPAIGN FINANCE

A showdown on campaign finance reform is shaping up in the U.S. Senate. The test will be whether a minority of the Republican-dominated body can continue to block action on legislation that would outlaw the scandalous fund-raising and spending that occurred in the 1996 elections.

The access and influence bought by moneyed interests are contaminating our political system. Ordinary citizens are increasingly locked out of the policy-making decisions in Capitol Hill.

The fight in the Senate is over the McCain-Feingold bill, a measure considered dead until recent weeks. Earlier this year a bipartisan majority of the Senate voted for McCain-Feingold, which is co-sponsored by Sens. John McCain, Arizona Republican, and Russell Feingold, Wisconsin Democrat.

Despite that vote, a GOP-led filibuster prevented the Senate from a final decision on the bill. Reformers, including all Democrats and some Republicans, failed by eight votes to get the 60 necessary to halt the filibuster. Thus a minority of Republicans blocked a measure that would bring genuine reform to the way campaigns are financed.

The issue was revived when the House passed a bill last month similar to McCain-Feingold, setting the stage for new action in the Senate.

Based on previous performance, no help is expected from Missouri and Kansas senators. They seem satisfied with the current arrangement.

The McCain-Feingold bill and the House-passed measure would prohibit "soft money," the funds that are contributed by

corporations, labor unions and wealthy individuals to the political parties. Soft money funding, which is not limited or regulated, is supposed to be used for party-building activities, but not specific candidates. This rule was largely ignored in 1996.

The majority votes for campaign finance reform in both houses of Congress this year reflect broad support for change. That sentiment disputes the contention of many members of Congress that the public is not interested in the issue. Opinion polls also show overwhelming public support for reforms.

That is why the Senate Republican leadership is obligated to allow a new vote on campaign finance reform before adjournment.

[From the St. Louis Post-Dispatch, Aug. 31, 1998]

DO THE RIGHT THING

If the two gentlemen running for the U.S. Senate would stop kicking each other in the shins, each would see a monumental opportunity to serve the public good while serving his own political interest.

Attorney General Jay Nixon should sit down at the negotiating table and not get up until he has a settlement in the St. Louis school desegregation case. A settlement would be good for the schoolchildren and would mend political fences with African-Americans upset by Mr. Nixon's extreme opposition to the desegregation program.

Meanwhile, Sen. Christopher S. Bond, R-Mo., should go back to Washington this week where he holds a key vote for campaign finance reform. Passage of the McCain-Feingold bill would restore people's faith in the political process and spotlight Mr. Bond's willingness to occasionally stand up to misguided GOP leadership.

DESEGREGATION

The Missouri Legislature provided Mr. Nixon with the tools to work out a settlement of the school desegregation case with the NAACP, which represents African-American children. The Legislature passed SB 781, which would provide \$2 in new state aid to the St. Louis schools for every additional \$1 raised locally in taxes. This would enable the city to fund desegregation programs, like the magnet schools.

SB 781 also continued the transfer program under which about 12,000 black children from the city attend suburban schools.

In this way, SB 781 took away Mr. Nixon's main legal arguments. Across many years and in many courts Mr. Nixon has argued that the transfer program has never been legal and that the state obligation to help fund desegregation programs in St. Louis should end soon.

Legally disarmed, Mr. Nixon should be able to settle pronto.

There have been recent rumblings that some suburban school districts are causing problems behind the scenes by making unreasonable demands to get out of the transfer program. Mr. Nixon should simply sidestep that sideshow and settle the case with the NAACP. Those two sides should be able to obtain a final judgment from the court.

Mr. Nixon has complained recently that his civil rights record is actually better than Mr. Bond's. Yet some African-American leaders seem to want to judge Mr. Nixon on his deeds rather than his words.

There is one way for the attorney general to counter: Do something. Settle the case.

CAMPAIGN FINANCE

Distressingly, Mr. Bond joined the GOP leadership to kill the McCain-Feingold campaign finance reform bill earlier this session.

The bill had majority support, but needed eight more Republican votes to escape a filibuster. At the time the bill was killed in the

Senate, it didn't look as though it would pass in the House. But in Phoenix-like fashion, the House version of the bill—Shays-Meehan—passed this summer.

Mr. Bond now has an opportunity to reconsider in light of the changed circumstances. Mr. Nixon, who supports the bill, should keep the heat on this issue.

When Mr. Bond helped kill the bill, he said he was acting on First Amendment concerns. Although the free speech questions are not frivolous, the bill appears to be constitutional. The bill would ban "soft" money—the huge gobs of dough that political parties raise for campaign purposes from corporate and union treasuries, wealthy individuals and foreign nationals.

Federal law now bars "hard" money contributions to individual candidates from corporations, unions and foreign citizens. Extending this ban to soft money simply recognizes that soft money is used for electing candidates, too. There should be no First Amendment problem.

The other main part of the bill regulates issue ads within 60 days of an election or when the ads are clearly intended for campaign purposes. Politically active organizations—like those for or against abortion rights—could not use organization funds for these issue ads. They would have to set up political action committees. That would require disclosure of donors and \$5,000 contribution limits. Issue ads are clearly at the core of protected speech, but the Supreme Court has given Congress latitude in regulating speech when it is for campaign purposes.

Frankly, Mr. Bond, the First Amendment arguments do not justify the GOP leadership's morally bankrupt position on campaign finance. Senate Majority Leader Trent Lott talks a lot about President Bill Clinton's campaign abuses, but he won't reform the system that allowed them.

The GOP claims that Mr. Clinton's abuses were illegal. But most of those big \$100,000 contributions were legal, soft money contributions, obviously intended to buy access and favorable consideration—and maybe a night between the sheets in the Lincoln bedroom.

In the end it comes down to the voters. Holding Mr. Bond's feet to the fire on campaign finance reform and Mr. Nixon's on school desegregation would be a lot better use of this election than sitting idly by and watching the attack ads that distort, demagogue and demean the entire process.

[From the Tennessean, Aug. 31, 1998]

SALVAGE SORRY SESSION WITH CAMPAIGN REFORM

The U.S. Senate comes back from recess today with a long agenda, a short calendar, and an even shorter list of accomplishments to date.

It's already snuffed out anti-smoking legislation. It has shoved to the back burner President Clinton's proposal to expand a self-financed form of Medicare to early retirees. It has largely ignored the administration's call to provide more teachers and more federal money to public schools. The prospects for reaching consensus on a massive bankruptcy bill or the so-called Patients Bill of Rights are slim indeed this year.

And with five weeks left on the Senate calendar, some members might be satisfied just to pass the necessary appropriation bills and head for home.

But such a minimalistic approach from the Senate, however, would shortchange the public. The Senate can still salvage this unproductive year by focusing its energy and effort on one extremely worthy area, the McCain-Feingold campaign finance bill.

Since this bill's House counterpart has already passed, the Senate adoption of

McCain-Feingold could send the reform measure to the President's desk.

The heart of the bill is a ban on "soft money," which is now largely unregulated and can therefore be given in unlimited quantities by individuals, unions or corporations. The elimination of soft money would greatly reduce the aggregate amount of political money.

A majority of the Senate is already on record in support of McCain-Feingold. The obstacle, however, comes down to eight votes the number of Republican senators who need to switch their votes on cloture so the bill can come up for a vote.

The opponents to this bill, led by Sen. Mitch McConnell, R-Ky., believe they have made it through the August recess without any defections. And in truth, the opponents are counting on public apathy to help kill the measure. McConnell has remarked on several occasions that the public doesn't really care about campaign finance reform.

It's not too late to prove him wrong. Although the public may not know the intricacies of campaign law, it cares deeply when it sees its leaders kowtowing to big money while they ignore average citizens.

Sen. Fred Thompson has been a strong supporter of McCain-Feingold from the start. Tennesseans who want to see a measure of reason restored to the campaign finance process should contact Sen. Bill Frist, and ask him to vote for cloture on this issue.

The McCain-Feingold bill would not cure all that ails the U.S. political system. But it would greatly weaken the ties between big money and politicians. The result would necessarily be a more responsive government. Eight additional votes needed for cloture.

[From the Charleston Gazette, Aug. 27, 1998]

POLITICAL CASH CLEAN UP THE CESSPOOL

Americans have turned cynical about Congress, assuming that big-money pressure groups buy influence by lavishing cash on senators and representatives.

High-cost campaigning forces Congress members to be "bag men," carrying home loot from every lobbying interest wanting legislation. Republicans get most industry money, so they resist every attempt to dam the cash river. But they've lost a few battles—and another victory for the public seems within reach.

On Aug. 6, the House strongly passed the Shays-Meehan campaign finance reform bill, which bans unlimited "soft money" gifts to political parties. Speaker Newt Gingrich, R-Ga., and other GOP leaders fought it, but 61 Republicans defected and voted with Democrats to pass the bill. (Disgustingly, West Virginia Democrats Nick Rahall and Allan Mollohan jumped the other way and joined the Republicans.) Now it's in the Senate, which returns from summer recess Monday. Passage in the Senate is tougher because a GOP filibuster is likely, and a three-fifths majority is needed to break a filibuster. Twice before, attempts to ban soft money were killed by Republican filibusters despite unanimous Democratic support.

But this is an election year, and GOP senators don't want voters to see them as defenders of the cash sewer. Perhaps a few more will switch sides, creating the three-fifths majority. We surely hope so. After the House victory, the New York Times said: "The House action was a milestone in a journey that began with the first disclosure of campaign fund-raising excesses in the 1996 presidential election. Hearings into those abuses last year were clouded with partisan acrimony. But on Monday Republicans and Democrats showed they could work together. Gingrich and his henchmen, especially Tom DeLay, tried to portray the legislation

as revolutionary. In fact, it simply closes loopholes in the existing law by banning unlimited 'soft money' donations to political parties from corporations, unions and rich individuals." The newspaper said the House vote "kindles genuine hope that Congress does listen to the public's yearning for a more accountable political system. Members of the House or the Senate will now ignore that message at their peril."

Exactly. Any senator who opposes the Shays-Meehan bill is voting to keep the money flood pouring—in effect, voting for disguised bribery. We hope that election-year pressure is enough to push through the cleanup.

Mr. Mr. President, again, we are down to 8 votes out of 535 Members of Congress. After a clear demonstration that a bipartisan majority in both Houses support this bill, we are just down to eight votes, eight votes to break the filibuster that is holding up this important reform bill.

This isn't one of those situations where we haven't had votes to see if there might be a majority. We have. We had the votes in March, in February, and it was clear that a bipartisan majority of this body supports McCain-Feingold. So it is only the filibusterers, a minority of this body, who are standing against the majority of this body and the other body. We will soon see whether eight more Senators are ready to do what so desperately needs to be done.

Time and time again the senior Senator from Arizona and I have said we are more than willing to entertain changes to our bill that will allow us to get those eight votes, as long as the basic integrity of the bill remains intact. We reached that kind of agreement with Senators SNOWE, JEFFORDS and CHAFEE, and it led to our proving that a clear majority in this body supports McCain-Feingold.

I say to all of my colleagues, but especially the 48 who have not yet joined the majority, if you are one of the potential eight votes, if before the end of this year you want to show that you do care about the corrupting influence of money in our political process, and if you have a particular concern or problem with the amendment that is on the floor now, please come talk with us. I have had several fruitful conversations with some of these potential Senators and I look forward to more of them. Let's try to come to some agreement that will allow us to give the American people what they so desperately want from this Congress—a campaign finance reform bill that will make the first election of the next century one of which we can all be proud.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, the American body politic has a disease. It is a

serious disease that some would argue is a critical disease. It is called "the money chase." No party and few candidates are immune from it. The good news is that it is curable. The bad news is that there may be enough Members in this body—the Senate—who want to block the cure so that the cure cannot succeed.

To inoculate our democratic system against this disease, we passed a series of laws in the 1970s to limit the role of money in Federal elections. It was our intent at that time to protect our democratic form of government which relies so heavily on the interchange of ideas and actions between the government and the private sector and to protect our form of government from the corrosive influence of unlimited and undisclosed political contributions. We wanted to ensure that our elected officials were neither in reality nor in perception beholden to special interests who are able to contribute large sums of money to candidates and their campaigns. These laws were designed to protect the public's confidence in our democratically elected officials.

For many years those laws setting limits on campaign contributions worked fairly well.

The limits that they set were respected, and these limits, indeed, are still on the books today. Those same laws that purportedly set limits on how much people can contribute to campaigns are on the books. And here is what they say.

Individuals aren't supposed to give more than \$1,000 to a candidate per election, or \$5,000 to a political action committee, or more than \$20,000 a year to a national party committee, or \$25,000 total in any one year. Corporations and unions are supposed to be prohibited from contributing to any campaign. Contributions from foreign countries, foreign citizens, and foreign corporations are prohibited. And Presidential campaigns are supposed to be financed with public funds.

That is the law. That is what it says on the law books today. Yet in the last few years we have heard story after story after story about contributions of hundreds of thousands of dollars from individuals, corporations, and unions, and even about contributions from foreign sources. And we have heard stories about Presidents and Presidential candidates spending long hours on fundraising tasks.

Now, how is that possible? Well, what has happened is that a pretty good law setting limits on the size and source of contributions had some soft spots which, over the years, both parties took advantage of. Both parties pushed up against those soft spots and created holes in the law, big loopholes that allowed the big money to pour in.

So now there are effectively no limits at all. That is why we hear about a \$1.3 million contribution to the RNC from just one company in 1996, and a half-million dollar contribution from just one couple to the DNC the same year.

Some in this Chamber like it that way. They don't want any limits. The majority leader has said it is "the American way."

I disagree. We have got to plug those loopholes. We have to make the law whole again and, in making it whole, to make it effective. If we don't do that, we risk losing the faith the American people have that we represent their best interests.

Soft money has blown the lid off the contribution and spending limits of our campaign finance system. Soft money is the 800-pound gorilla sitting right in the middle of this debate. Some want to pretend that it is not there, but it is. Soft money is at the heart of this problem. All soft money means is money which is unregulated and unlimited that, for one reason or another, crawls through that loophole that has been pierced by both parties in our campaign finance limits.

Look at the most recent data. In the 1996 election, Republicans raised \$140 million in soft money contributions, while Democrats raised \$120 million—almost as much. In the first 18 months of the 1998 election cycle, Republicans have raised about \$70 million, and Democrats have raised about \$45 million. That was double the amount that both parties raised in the first 18 months of the 1996 elections. That money currently is legal, and it is legal because of the loopholes in the law that we must close with the McCain-Feingold bill.

The way both parties have gotten around the law of the 1970s has been to establish a whole separate world of campaign finance. It is the world of soft money—contributions that are not technically covered by the limits under current law. Once that soft money loophole was opened, once the loophole was viewed as legitimate, the money chase was on by both parties. Couple that with the high cost of television advertising, and you have the money chase involving just about all candidates.

The chase for money has led most of us in public office or seeking public office to push the envelope, to take the law to the limits, to get the necessary contributions.

The money chase led the head of the Republican National Committee, Haley Barbour, to use a subsidiary of the RNC, the National Policy Forum, to obtain some \$750,000 in what, practically speaking, became a foreign contribution from a Hong Kong businessman to run ads in key congressional races.

The money chase drove the actions of Roger Tamraz, a large contributor to both parties who, during last year's investigation, became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administrations and a Democratic trustee in the 1990s during Democratic administrations. He was unabashed in admitting his political

contributions were made for the purpose of getting access to people in power. Tamraz showed us in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. And despite the condemnation by Members of Congress and the press of Tamraz's activities, when asked at a hearing to reflect on his \$300,000 contribution to the Democrats in 1996, Tamraz said, "I think next time I'll give \$600,000."

What happened to the limits? What happened to the \$1,000 limit and the \$5,000 limit on PAC contributions, and the overall \$25,000 limit per year? What happened to the intent of this Senate and the House of Representatives back in the 1970s to establish limits on contributions to candidates? How is it that a Roger Tamraz can unabashedly appear in front of a Senate committee and say, "Yes, I gave \$300,000 to the Democrats. I did it to gain access." And when asked, "Would you do it again?" indicated that, next time, he'll give \$600,000, if necessary.

Now, what do we believe the public feels and senses when they hear and see that? What do we think goes through the average person's mind when they see a Roger Tamraz unabashedly, boldly, without any shame, saying, "Hey, I can give you guys \$300,000, I can give you \$600,000, using that loophole, and I will do it again"?

Is that what we want our election system to be—when we have passed a law which says \$1,000 to a candidate, \$25,000 overall in a year, that somebody can just appear in front of a Senate committee and say, "Yes, I gave \$300,000, nothing illegal about that. I used the soft money loophole, folks. If you don't like it, close it. If you want to put limits on how much money I can give, close the loophole. But until you do it, I am going to keep on giving it"?

That is the Tamraz challenge to us. That is the gauntlet that he has laid down in front of us, both parties. Answering his challenge cannot be done on a partisan basis. There is no way we are going to reform these laws unless enough Democrats and enough Republicans come together, as they did in the House of Representatives, and say enough is enough. We intended limits, we intended limits to apply, and we are going to close the loopholes which have obviated those limits, destroyed them, undermined them and, in the process, undermined the confidence of the American people.

The money chase also pressures political supporters to cross lines they should not in order to help their candidates get needed funds.

The money chase led a national finance chair of Senator Dole's presidential campaign, Simon Fireman, to engage in a 5-year money laundering scheme which funneled \$120,000 through a secret Hong Kong trust to his employees who contributed to the candidates he supported. Similarly, the money chase led members of the Lum

family, a father, mother and daughter, to funnel \$50,000 through company employees and stockholders to Democratic candidates they supported, resulting in the first guilty pleas in the Justice Department's ongoing campaign finance fraud case.

The money chase led a foreign corporation, Korean Airlines, and four U.S. subsidiaries of foreign corporations from the same country to funnel illegal contributions through their employees to a Republican Member of Congress JAY KIM, resulting in \$1.6 million in corporate criminal fines.

The money chase in political campaigns is a serious disease that has become chronic and too many of us have been affected by it. Too many of us have spent too much time fund-raising and in the process, pushing the fund-raising rules to their limits. Most of us know in our hearts that the money chase is a bipartisan problem and the bipartisan solution is the McCain-Feingold bill.

But we have been here before. During my career in the Senate I have lost count of the number of times that this body has debated the need for campaign finance reform, been presented with reasonable bipartisan proposals, yet, in the end, failed to get the job done.

Will this time be different?

The Senate has before it a bipartisan campaign reform bill, the McCain-Feingold bill, that would do much to repair our campaign finance system. It is not a new bill. It has been before this body for years now and has received sustained scrutiny from Members on both sides of the aisle.

It is a bill that recognizes that the bulk of troubling campaign activity is not what is illegal, but what is legal—what is currently legal because of the soft money loophole. The McCain-Feingold bill takes direct aim at closing the loopholes that have swallowed the election laws. In particular, it takes aim at closing the soft money and issue advocacy loopholes, while strengthening other aspects of the federal election laws that are too weak to do the job as they now stand.

I have heard experts and my colleagues condemn the excesses of the 1996 elections. I've also heard people bemoaning the lack of tough civil and criminal enforcement action against the wrongdoers. But there is an obvious reason for the lack of strong enforcement—the existing Federal election laws are riddled with loopholes and in many respects unenforceable. And as much as some want to point the finger of blame at those who took advantage of the campaign finance laws during the last election, there is no one to blame but ourselves for the sorry state of the law.

The soft money loophole exists because we in Congress allow it. The so-called issue advocacy loophole exists because we in Congress allow it to exist. Tax-exempt organizations spend millions televising candidate attack

ads days before an election without disclosing who they are or where they got their funds because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

The Federal Election Campaign Act was first enacted 20 years ago, in response to campaign abuses uncovered in connection with the Watergate scandal. Congress enacted a comprehensive and tough system of laws, including contribution limits and full public disclosure of all campaign contributions and expenditures.

At the time they were enacted, many people fought against those laws, claiming they were an unconstitutional restriction of First Amendment rights to free speech and free association. The laws' opponents took their case to the Supreme Court. The Supreme Court issued the Buckley decision, which held both contribution limits and disclosure requirements were constitutional.

I want to repeat that, because Buckley is thrown around quite a bit on this floor, so I want to just repeat that last statement. Buckley upheld the constitutionality of contribution limits.

There are those who say we should not, or cannot, limit the amount of contributions. We do limit the amount of contributions, and Buckley said that we can. The question now is whether we close the loopholes which have destroyed those limits. But in terms of the constitutionality under the first amendment, Buckley upheld the constitutionality of limits on campaign contributions.

The Buckley court wrote specifically—relative to disclosure requirements, by the way—that:

While disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the problem.

And the court held in Buckley that:

We find that under the rigorous standard of review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon first amendment freedoms caused by the \$1,000 contribution ceiling. Congress was justified [the Buckley court wrote] 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.

That is Buckley explicitly holding that Congress can set and enforce contribution limits, and that the first amendment does not preclude us from doing so. The Buckley court also wrote:

It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from

large individual financial contributions—in order to find a constitutionally sufficient justification for the \$1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. . . . To the extent that large contributions are given to secure political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . . 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. . . .

Roger Tamraz spent \$300,000 buying access and said, "I'll double it next time." Buckley, the Supreme Court, said:

Of almost equal concern . . . is 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 [the Buckley court held] 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.

That is Buckley. That is Buckley ruling on contribution limits. That is Buckley saying that Congress could legitimately conclude, to use its words, 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."

That is Roger Tamraz' challenge to us.

And when he and others say, "I can give \$300,000 because of that soft money loophole, and I'll double it next time," the Supreme Court says that Congress can 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 Buckley Court also upheld the disclosure limits that we had in the law. In upholding both the contribution limits and the disclosure requirements, the Supreme Court used a balancing test that weighed the first amendment rights against the integrity of Federal elections, and the Court ruled that the integrity of our elections is so compelling a Government interest that contribution limits and disclosure requirements are constitutionally acceptable.

Some have argued that McCain-Feingold is an unconstitutional restriction of free speech, but that analysis leaves out several key legal considerations.

First, although Buckley is often cited in support of that argument, Buckley, as a matter of fact, is the decision that upheld contribution limits and disclosure requirements. Buckley did strike down spending limits, but not contribution limits which Buckley affirmed. Spending limits were strick-

en by Buckley, but no one is talking about mandatory spending limits in this bill. What we are talking about is contribution limits and disclosure requirements, exactly what Buckley said is a constitutional means to protect the integrity of our elections, to deter corruption and the appearance of corruption, and to inform voters.

Some have correctly cited other court decisions holding that only ads which contain a short list of so-called magic words can be subjected to the Federal election law requirements and limits relative to contributions, but that analysis leaves out a decision in the ninth circuit in the Furgatch case which holds that the list of magic words, which those other courts cited, "does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate."

The analysis by some relative to issue ads also leaves out, in addition to ignoring the ninth circuit Furgatch case, the fact that the Federal Election Commission has reaffirmed, on a bipartisan basis, its commitment to a broader test that goes beyond the magic words to unmask ads that claim to be discussions of issues but which are clearly intended to advocate the election or defeat of a Federal candidate.

The Supreme Court has yet to rule on the Federal Election Commission regulation or whether the magic words must be present before Federal election laws can be applied to ads that clearly attack or support candidates.

Despite attempts to depict the constitutional picture as providing crystal clear support for unfettered speech, no matter how corrupting of our electoral system, that is not the state of the law. To the contrary. The Supreme Court has repeatedly held that the integrity of our elections is a weighty concern which Congress can consider. The question is how to balance that concern for the integrity of elections against the free speech concerns in the first amendment.

How do you balance the two? In Buckley, the Court balanced them by saying contribution limits are constitutional; disclosure requirements are constitutional; spending limits, expenditure limits are not. That is what the Buckley Court ruled. This bill, our bill, is consistent with Buckley, consistent with Furgatch, and consistent with the Federal Election Commission's reaffirmation of the broader test for candidate advocacy.

The problem with our campaign laws is that candidates and parties have pushed against the limits of the law and found loopholes to such an extent that the law's limits are no longer effective. We intended to establish limits after Watergate. Those limits have been destroyed by the soft money loophole.

The Supreme Court said we can, in fact, limit contributions. The issue before us is whether we will restore those limits on contributions. Individuals can now give parties hundreds of thousands of dollars, millions of dollars at a

time, claiming that they are providing soft money rather than the hard money that has to meet the legal limits. Corporations, which are not supposed to make direct contributions at all, now routinely contribute huge sums to both parties, millions to both parties. While those contributors claim to be providing money that is simply for party-building purposes and not for candidates, the issue advocacy loophole allows parties and others to televise ads that clearly attack or support candidates while claiming to be discussions of issues beyond the reach of the election laws, but which are indistinguishable from candidate ads which are subject to contribution limits and disclosure requirements.

To show the absurd state of the law, at least in some circuits, we can just look at one of the 1996 televised ads that was paid for by the League of Conservation Voters and which referred to House Member GREG GANSKE, a Republican Congressman from Iowa, who was then up for reelection. This is the way the ad read:

It's our land; our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections. Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman Ganske voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman Ganske. Tell him to protect America's environment. For our families. For our future.

The ad sponsor claimed that was an issue ad, an ad that discussed issues rather than a candidate, and so could be paid for by unlimited and undisclosed funds. If one word were changed, if instead of "Call Congressman Ganske," the ad said, "Defeat Congressman Ganske," it would clearly qualify as a candidate ad subject to contribution limits and disclosure requirements.

In the real world, that one word difference doesn't change the character or substance of that ad at all. Both versions unmistakably advocate the defeat of Congressman GANSKE. But the ad sponsor claims that only one of those ads must comply with election law contribution limits and disclosure requirements. That doesn't make sense, and McCain-Feingold would help close down that interpretation of the law.

This is not the first time that loopholes have eroded the effectiveness of a set of laws. It happens all the time. The election laws are just the latest example. Congress is here partly to oversee the way that laws operate, to close loopholes that have been discovered.

The question is, What are we going to do about it?

The time for crying crocodile tears about campaign fundraising is over. Folks should wipe away those crocodile tears from their eyes, because if they do, they will see a public disgusted

with both parties for allowing unlimited fundraising and contributions in our Federal elections. Seventy-three percent of American people in a poll conducted by the Los Angeles Times believe both parties committed campaign finance abuses in the 1996 elections; 81 percent—81 percent—of the American people believe the campaign fundraising system needs to be reformed; 78 percent of the American people believe we should limit the role of soft money.

Campaign finance reform is an issue that can convert a dedicated optimist into a doomsayer, but we have before us a bipartisan bill that provides the key reforms, that has passed the House and that the President will sign.

We have before us a bipartisan bill which a majority in the Senate support, and we have a bipartisan coalition that is willing to fight hard for this bill.

So let us stop complaining about weak enforcement of the election laws when the wording of those laws make them virtually unenforceable. Let us stop feigning shock at the laws' loopholes while allowing them to continue. It is time to enact campaign finance reform. That is our legislative responsibility. Otherwise, we are going to be haunted by the words of Roger Tamraz that in the next election it will be \$600,000 instead of \$300,000.

Mr. President, I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. Mr. President, let me thank my colleagues. I thank Senator LEVIN for his remarks. I thank him for his unbelievable dedication in trying to push through reform legislation. He has been at this a long time. This is the time to do it; I agree with my colleague. We have an opportunity. We have a bill that was passed on the House side. It is a bipartisan measure. We have a public that is calling for the change. And I agree with you, I say to the Senator; now is the time to pass this legislation.

I also thank my colleagues, Senator MCCAIN, Republican from Arizona, and Senator FEINGOLD, Democrat from Wisconsin. I have a special kind of affection for both of my colleagues. I think Senator MCCAIN is principled; he speaks out for what he believes in; he is a courageous legislator. I think Senator FEINGOLD has emerged here in the U.S. Senate as a leading reformer. He is my neighbor. I am a Senator from Minnesota, and I tell you, people from Minnesota who follow Russ FEINGOLD's work have a tremendous amount of respect for him. I am honored to be an original cosponsor of this legislation.

I do not know exactly where to get started. It is interesting. Senator Barry Goldwater told it like it is. I went to Senator Goldwater's service in Arizona, not because I was necessarily

in agreement with him on all the issues. As a matter of fact, some of my good friends, Republican colleagues, who were on the plane with me kept giving me Barry Goldwater's book "Conscience of a Conservative" and kept telling me if I had read that book when I was 15 I would be going down the right path. I told them I did read the book when I was 15. I just reached different conclusions.

Senator Goldwater about a decade ago said:

The fact that liberty depended on honest elections was of the utmost importance to the patriots who founded our nation and wrote the Constitution. They knew that corruption destroyed the prime requisite of constitutional liberty, an independent legislature free from any influence other than that of the people. Applying these principles to modern times, we can make the following conclusions. To be successful, representative government assumes that elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community.

Let me just start out with some examples. I was involved in a debate here on the floor of the Senate last week which was emotional. It was kind of heart rending. You had a small group of people who were sitting where some of our citizens are sitting today. And they were from Sierra Blanca. They were disproportionately poor. They were Hispanic. And you know what? They were saying, "How come when it comes to the question of where a nuclear waste dump site goes, it's put in our community? How come it always seems to be the case that when we figure out what to do with these incinerators or where to put these power lines or where to dump this waste, it almost always goes to the communities where people don't make the big contributions? They are not the heavy hitters. They are disproportionately poor, disproportionately communities of color; thus, the question of environmental justice.

This was a debate where you had the interests of big money, big contributors, corporate utilities, versus low-income minority communities. I would argue different colleagues voted for different reasons, and some voted because it was not their State and they felt a certain kind of, if you will, deference to Senators from other States. I understand that. But my point is a little different.

I tell you that all too often the conclusion is sort of predetermined. Those who have the clout and those who make the big contributions are the ones who have the influence, and those are the ones we listen to. All too often, a whole lot of citizens—in this particular case, the people from Sierra Blanca—are not listened to at all. Big money prevails, special interests prevail, for the same reason that the people in Sierra Blanca cannot get a fair shake in Texas. That is to say, they do

not give the big contributions, they do not have the political clout. For the same reason, they could not get a fair shake here in the U.S. Senate.

In about 20 minutes I am going to be at a meeting with some colleagues from the Midwest. We have an economic convulsion in agriculture. Let me wear my political scientist hat. I really believe that when people look back to 1998, 1999, going into the next century, and raise questions about our economy—because I fear that we are going to be faced with some very difficult times—they are going to be looking at this crisis in agriculture as a sort of precursor.

What has happened in agriculture is record low prices. Not everybody who is watching the debate comes from a State where agriculture is as important as it is in the State of Minnesota, the State I come from. But let me say to people who are listening to the debate, if you are a corn grower and you are getting \$1.40 for a bushel of corn, you can be the best manager in the world, you can work from 5 in the morning until midnight, but you and your family will never make it. You will never make it. Record low prices. People are having to give up. They are just leaving. The farm is not only where they work, it is where they live.

It is interesting that we had a farm bill, the 1996 farm bill. It was called the Freedom to Farm bill. I called it then the "freedom to fail" bill. It was a great bill—I am not saying anything on the floor of the Senate that I have not said a million times over in the last 2 years. It was a great bill for the grain companies because what this piece of legislation essentially said to family farmers is, "We're no longer going to give you a loan rate. We're going to cap the loan rate at such a low level that you won't have the bargaining power."

This sounds a little technocratic, but to make a long story short, you have family farmers faced with a monopoly when it comes to whom they sell their grain to. If they do not have some kind of loan rate that the Government guarantees that brings the price to a certain level, they have no bargaining power in the marketplace.

Not surprisingly, the prices have plummeted. There is no safety net whatsoever. And now we see in our part of the country, in the Midwest, a family farm structure of agriculture which is in real peril. We see an economic convulsion. We see many family farmers who are going to be driven off the land.

We are going to be coming to the floor of the Senate—you better believe we are going to be coming to the floor of the Senate—and we are going to be saying to our colleagues, "Look, you could have been for the 'freedom to fail' bill or not, but there's going to have to be a modification. You are going to have to cap off the loan rate, and we're going to have to get the prices up for family farmers."

I would argue that in 1996—and I hope this will not be the debate again—what

was going on here was a farm bill that was written by and for big corporate agribusiness interests. That is what it was. It was a great bill for the grain companies, but it was a disaster for family farmers.

So we are going to revisit this debate. And once again, is it going to be the grain companies and the big food processors and the big chemical companies and the transportation companies, or is it going to be the family farmers? I hope it will be the family farmers. I hope our appeal to fairness and justice will work on the floor of the U.S. Senate.

But I tell you, all too often, as I look at these different issues in these different debates, it is no wonder, as Senator LEVIN said, that people are so disappointed and disillusioned with both political parties. It is no wonder that people do not register and do not vote. Because you know what? They have reached the conclusion that if you pay, you play, and if you do not pay, you do not play.

They have reached the conclusion that this political process isn't their political process. I mean, my God, what happens in a representative democracy when people reach the conclusion that they are not stakeholders in the system, that when it comes to their concerns about themselves, about their families and their communities, their concerns are of little concern in the corridors of power in Washington? This is really dangerous. What is at stake is nothing less than our very noble, wonderful, 222-year experiment in self-rule and representative democracy. That is what it is really all about.

(Mr. FRIST assumed the Chair.)

Mr. WELLSTONE. Now, let me give some other examples. We went through a debate about whether or not we were going to do anything to provide our children with some protection from being addicted to tobacco. Guess what happened? Tobacco companies, huge contributors, individual contributions to Senators and Representatives, big soft money, hundreds of thousands of dollars of contributions to the party, and guess what happened? As a special favor to those big tobacco interests, we didn't even provide our children with sensible protection.

I fear as a special favor to the big insurance companies we are not going to eventually provide patients with the kind of protection that they need. I fear that as a special favor to those bottom dwellers of commerce who don't want to raise the minimum wage, we are not even going to raise the minimum wage for hard-pressed working people.

What I see over and over and over again is a political process hijacked by and dominated by big money. I tell you, that is the opposite of the very idea of representative democracy, because the idea of representative democracy is that each person counts as one and no more than one.

What we have instead is something quite different. Let's just think for a

moment about what is on the table and what is not on the table, because I think this mix of money and politics, this is the ethical issue of our time. We are not talking about corruption as in the wrongdoing of individual office holders; we are talking about systematic corruption. What systematic corruption is all about is when too few people have the wealth, the power, and the vast majority of people are locked out. Some people march on Washington every day and other people have a voice that is never heard.

Let's just think a little bit about what is on the table and what is not on the table. I think quite often money determines who runs for office. I will talk about who wins, what issues are put on the table, what passes, what doesn't. Let's talk about what is not on the table and maybe should be on the table. What is not on the table is the concentration of power in certain key sectors of our economy which poses such a threat to consumers in America.

Think for a moment about the concentration of power in the telecommunications industry. If there is anything more important than the flow of information in a democracy, I don't know what it is. This is so important to us. Now, we had a telecommunications bill that passed a couple years ago, which, by the way, I think has led to more monopoly. What was interesting is that the anteroom right outside our Chamber was packed wall to wall. You couldn't get in here if you tried to get through that anteroom. Personally, I couldn't find truth, beauty and justice anywhere. There was a group of people representing a billion dollars here, another group of people representing a billion dollars over there. You name it.

What is not on the table is a concentration of power in financial services or a concentration of power in agriculture or all the ways in which conglomerates have muscled their way to the dinner table and are taking over the food industry. What is not on the table is a concentration of power in the health care system, the way in which just a few insurance companies can own and control most of the managed care plans in the United States of America.

Again, I would say that we are moving toward this new century. I hope the brave new world isn't two airline companies. I come from a State where we now have a strike. In Minnesota we don't have a lot of choice. We can't walk from Minnesota to Washington, DC. Northwest Airlines has 85 percent of the flights in and out. What are we going to have—two airlines, two banks, two oil companies, one supermarket, two financial institutions, two health care plans? It is interesting that this isn't even on the table here. Could it be that these powerful economic interests are able to preempt some of the debate and some of the discussion by virtue of the huge contributions they can make with the soft money loophole that can

add up to hundreds of thousands of dollars?

What is not on the table is, I argue, a frightening maldistribution of wealth and income in America. The goal of both political parties, the goal of political leaders, ought to be to improve the standard of living of all the people. Since we started collecting social science data, we have the greatest maldistribution of wealth and income we have ever had in our country. You don't hear a word about it. It is important for people, if they work hard, to be able to participate in the life of our country. It is important for people to be able to receive the fruits of their labor.

We have this huge maldistribution of wealth and income. We are not even going to discuss it. Could it be that some of the people who are the most hard-pressed citizens in this country have basically become invisible? They are out of sight; they are out of mind. They don't have lobbyists. They don't make the big contributions. They don't even register to vote because they don't think either political party has much to say to them. They think both parties have been taken over by the same investors. Unfortunately, there is some truth to that. Unfortunately, we have given people entirely too much justification for that point of view.

What is not on the table? What is not on the table is a set of social arrangements that allow children to be the most poverty-stricken group in America. One out of every four children under the age of 3 is growing up poor in America. One out of every two children of color under the age of 3 is growing up poor in America today. That is a national scandal. That is a betrayal of our heritage. Certainly we can do much better.

Now, there are organizations like the Children's Defense Fund. They do great work. But it is a very unequal fight. It comes to whether or not you are going to have hundreds of billions of dollars of what we call tax expenditures—tax loopholes and deductions, corporation welfare, money that goes to all sorts of financial interests, some of the largest financial institutions, some of the largest corporations in America—or whether or not we are going to make a commitment to make sure that every child has the same opportunity to reach his or her full potential. This is the core issue. I am convinced that so many good things that could happen here get "trumped" by the way in which money dominates politics.

Now, the House has passed a good campaign finance reform bill, the Shays-Meehan proposal. It is not everything that some of us would have liked. As a matter of fact, what is interesting is that the original McCain-Feingold bill applied to Senate races. I thought that was one of the most important things. We had voluntary spending caps—you can't mandate it—and at the same time an exchange for media time. That is gone. That was

really important. So we are talking about a proposal that is a milder proposal, but it is an enormous step forward. It is an enormous step forward.

There are other things that are going on in the country that I am excited about, that I wish for, that I think eventually we will get to. The clean money, clean election bill that some of us have introduced here on the Senate side is an exciting proposal. We have a lot of energy behind it at the State level. I think New York City will pass it. I think the State of Massachusetts will pass it. The State of Maine already did pass it. The State of Vermont passed it. There are initiatives in other States.

Basically, with the clean money, clean election proposal, we get the big private money out. You say to the citizen, listen, for \$5 a year, would you be willing to contribute to a clean money, clean election trust fund? And then those candidates who abide by spending limits and don't raise the private money, this money goes to their campaigns. You have a level playing field, and you own the elections, and you own your State capitol, and you don't have all of this mix of big money in politics. A lot of people in the country really like this proposal. I think the political problem here is we are not ready for it yet because the system is wired. It is wired to people who can raise the big money, and quite often, they are the incumbents. And a lot of people don't like to vote out a system that benefits them. But the McCain-Feingold bill represents a very important step forward—following on the heels of a really exciting victory in the House of Representatives. It is very important, very similar. It bans the soft money as my colleague, Senator LEVIN—and there is nobody with more intellectual capital in this area—discussed. Senator LEVIN knows all of the specifics. I am so impressed with him as a legislator, with his ability. He talked about it. I will just say that this is a huge loophole. It is all very amorphous.

Corporations and unions can make these huge soft money contributions. We all end up calling for this money now because everybody is trapped by the same rotten system. It restricts issue advocacy, these phony issue ads that are disguised as not really election ads. I went through this. I don't mean this in the spirit of whining, but it started in 1996, in the spring in Minnesota, and it went on all summer. There were all of these ads that would come on TV and they bash you for this and bash you for that, but they don't say "vote against" whether you are Democrat or Republican; they just say "call." It is unbelievable. They could be financed by soft money. A huge loophole, huge problem. This bill codifies the Beck Supreme Court decision requiring unions to notify their dues-paying members of their right to disallow political use of their dues. It improves disclosure and FEC enforce-

ment. This bill would represent a substantial step forward.

Mr. President, there is a wonderful speech that was given by Bill Moyers in December of 1997, the title of which is "The Soul of Democracy." I want to quote from part of Bill Moyers' speech:

If Carrie Bolton were here tonight, she could speak to this. The Reverend Carrie Bolton from North Carolina. You'd have a hard time seeing her because she is only so high and her head would barely reach the microphone. But you would hear her, of that I'm sure. The state legislature in North Carolina established a commission to look at campaign financing, and Carrie Bolton came to one of the hearings. She listened patiently as one speaker after another addressed the commissioners. And then it was her time. She spoke softly at first. Then the passion rose, and her words mesmerized her audience. When Carrie Bolton finished, they stood and cheered. This is what she said; listen to what Carrie Bolton said:

"I was born to a mother and father married to each other, who were sharecroppers, who proceeded to have ten children. I picked cotton, which made some people rich. . . . I pulled tobacco. . . . I shook peanuts. . . . I dug up potatoes and picked cucumbers, and I went to school * * * with enthusiasm. And with great enthusiasm I memorized the Preamble to the Constitution of the United States, I learned the Pledge of Allegiance to the flag, and I was inspired to believe that somehow those things symbolized hope for me against any odds I might come upon.

"I am a divorcee, a single parent divorcee, and I earn enough money to take care of my two children and myself. And I have managed to get a high school diploma, a bachelor's degree, two master's degrees, and do post doctoral work.

"I am energetic. I'm smart. I'm intelligent. "But a snowball would stand a better chance surviving in hell than I would running for political office in this country. Because I have no money. My family has no money. My friends do not have money.

"Yet, I have ideas. I'm strong, I am powerful (with her right hand she lifts her left wrist)—people can feel my pulse. People who are working, and working hard, can feel what I feel.

"But I can't tell them because I don't know how to get the spotlight to tell them. "Because I have no money."

Anyone who believes Carrie Bolton's cry isn't coming from the soul of democracy is living in a fool's paradise—a rich fool's paradise.

That is from Bill Moyers' speech. He is my hero journalist. I think he has done some of the finest work. He concludes his speech by saying this:

I have three grandchildren—Henry, 5; Thomas, 3; and 10-month-old Nancy Judith. I want them to grow up in a healthy, civil society, one where their political worth is not measured by their net worth.

That is one of the reasons Bill Moyers goes on to argue that this is his passion, this is his work. He is right. This is the core issue.

Now, Mr. President, I don't know that I would have the eloquence of Carrie Bolton, but I conclude this way because I see other colleagues who may want to speak. I can't forget my own experience. It is not quite Carrie Bolton's experience, but I ran for office in 1990, and it was amazing. I mean, you don't come to the floor to brag, but you don't run for office if you don't

think you have the character and ideas. Basically, everywhere I went, the argument was made, "you don't have a chance." I was a teacher, so I didn't have much money. My father was an unsuccessful writer. My mother was a cafeteria worker, a food service worker. My family didn't have any money. My wife Sheila worked in the library at the high school. Everywhere I would go—including on the Democrat side, not just the Republican side—people were trying to decide whether or not I was a viable candidate. It had nothing to do with content of character, nothing to do with ideas, nothing to do with leadership potential, and it had nothing to do with positions on issues. People just wanted to know how much money you raised. You were viable or you weren't viable. You were a good candidate or you were a bad one based upon how much money you yourself had—and I didn't have it—or how much money you would raise.

It is unbelievable, absolutely unbelievable. There are so many people who can't run for that reason alone. I was lucky. I come from Minnesota, and I am emotional about how much I owe to them. They were an exception to the rule. We were outspent six or seven to one, and we won. Sometimes it happens—if you have a great green school-bus to campaign in and a great grassroots organization.

I am the son of a Jewish immigrant who fled persecution from Russia. We have had a 222-year, bold, important experiment in self-rule in democracy, representative democracy. That is what is at jeopardy here. I have talked to people about potentially running for office. They don't want to. A lot of people, good people, don't want to run for office any longer because they can't stand the thought of this money chase. They can't stand doing it. Moreover, if you combine what the money is used for, with communication technology becoming the weapon of electoral conflict, people using the money for poison politics, all the attack stuff on TV, a lot of very good, sane people don't run.

I think what is happening is a lot of good people aren't going to be involved in public affairs. A lot of young people are not going to get involved in public affairs. You get to where people are either millionaires or they have to raise millions of dollars. I think you get into this awful self-select where a whole lot of good men and women aren't going to run at all. I am not going to cite the polls because we have the evidence for this. Everybody knows it. Every Democrat and Republican knows full well that people are disengaged and disillusioned with politics in this country, and this is one of the central reasons.

So, Mr. President, I simply say to my colleagues that we have a piece of legislation on the floor that follows up on an exciting victory in the House of Representatives, and we need to pass this legislation. I also say to my colleagues—Democrats and Republicans alike—frankly, I can't figure out the

opposition. People want to see this changed. People just hate the way in which they feel like money dominates politics. Those of us in office, and even those of us who are challenged for office, hate it. We hate raising the money; we hate this system. I would think if we wanted the people we represent to have more confidence and faith in us, more confidence and faith in this political process, more confidence and faith in the U.S. Senate, we would vote for the McCain-Feingold piece of legislation.

So the debate will go on. We will have this vote.

I say to my colleagues on the other side—which doesn't mean just Republicans because there are some Republicans who support this legislation—that I think they are making a big mistake filibustering. From my point of view, this should go on and on for the next however many weeks it takes. I don't think we should drop this one. This is the core issue. This is the core question. It speaks to all the issues that are important to people's lives. It speaks as to whether or not we are going to have a functioning democracy or not.

As a Senator from Minnesota, from a good government State, from a reform State, from a progressive State, there is no more important position that I can take than to be for this reform legislation.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that it is tough to follow the Senator from Minnesota. Senator WELLSTONE brings to this body extraordinary talent, and more than that, a conviction and fervent commitment to principle that all of us admire so greatly.

His first campaign for the U.S. Senate was legendary. He was a college professor, I believe, in a small college in Minnesota. He put himself on a school bus—an old, beaten up school bus—and traveled all around the State of Minnesota. He was dramatically outspent by a gentleman who had formerly served in the U.S. Senate, and, yet, prevailed.

His presence on the floor of the Senate indicates his reelection to the U.S. Senate and to the fact that there are Members of the Senate who can basically break the rules. He wasn't supposed to win. You are not supposed to have a chance when somebody outspends you 6 or 7 to 1. It might raise some question in some people's minds. Why we are even debating this if someone like PAUL WELLSTONE can win when he is being so dramatically outspent? Why do we need campaign finance reform? It is just because of the fact that PAUL WELLSTONE, unfortunately, is the exception to the rule. The rule is that at the end of a campaign, if you take a look at the amount of money spent by a candidate, in most

instances—the overwhelming majority of instances—the candidate, whether it is the incumbent or the challenger, who spends more money will prevail, will win the election.

That really tells the story of why this bill—the McCain-Feingold bill—the only bipartisan campaign finance reform bill, is so important, because it strikes at the heart of this money chase.

Think about this last Presidential election in 1996—incumbent President Bill Clinton v. Senator Robert Dole, two extraordinarily talented men with a background in public service running for the highest office in the land. They traversed America from one side to the other. They were on every newscast every night. They debated with frequency. There was a great exchange on issues, and a real difference of opinion on many important questions.

We in America—at least the politicians—were focused on a daily basis.

Then came the election in November of 1996. Something historic occurred. I am not talking about who won and lost. What was historic was the fact that we had the lowest percentage turnout of eligible voters casting ballots in the Presidential election than we had in 72 years in America. Think of it. Despite all of the publicity, and all of the attention, when the election day came, Americans—American voters—stayed home.

Let me amend that for a moment.

The reason why 72 years applies is that 72 years before 1996 was the first election in American history when women were eligible to vote, and many did not. If you would take that particular election in 1924 out of the picture, you have to go back into the early part of the 19th century to see a lower turnout of eligible voters. Is that important? Does it mean anything that voters stayed home; that they have decided for the most important election in America that they wouldn't participate? I think it means everything in a democracy, because the voters—the citizens of this country—will not even come forward to express their choice in an election. It is not only a sad commentary on our democracy. It is a threat to our democracy.

The McCain-Feingold bill goes to the heart of the problem. Why did people stay home? Did they assume they already knew the results? That is possible. But I think a lot of them were sickened by this political process. They looked at the way that, in this case, men ran for President; and men and women ran or not for the House and Senate. They basically said, "We don't care to participate in it. Our family is going to stay home." And they did.

What was it about those election campaigns? Was it the groveling that all of us as candidates who were not independently wealthy had to do to raise the money to be viable? I think that is part of it. I think that is the big part of it. They wonder how a man or a woman aspiring to serve in this body,

or the House, can raise literally millions of dollars without dirtying themselves in the process, without sacrificing their own principles and values. They become increasingly skeptical of politicians in general, and the candidates up for election in particular.

There is another element, too—the advertising that we put on television during the course of the campaign. A lot of people are turned off by it. Most campaigns hire sophisticated people to make those ads. They hire pollsters who go out and take legitimate samples of American opinion—samples within a given State—and convert those samples into messages; 30-second messages that go up on television. Some of the messages are positive. Some are negative. It is the negative ones that unfortunately give us the bad name and lead a lot of people to say that this process itself is so fundamentally flawed.

This McCain-Feingold bill has one more aspect. And one important aspect of that says when it comes to these so-called independent expenditures—the issue advocacy ads—at the very minimum let us find out who these people are that are paying for the ads. That is not too much to ask. Let me give you an illustration.

The last time we debated this bill on the floor, I left the debate to go to a meeting of the Senate Judiciary Committee before which we had witnesses who were testifying on a variety of subjects, including the question of term limits. The term limits issue is fairly obvious. It says that we should limit—at least those people argue—that we should limit the number of terms served by Members of the U.S. Senate and Members of the House of Representatives. There is some surface appeal to this that has become a hot issue in a variety of elections. I know the issue myself personally, because in the closing days of my Senate race in the State of Illinois they spent about a quarter of a million dollars on TV ads criticizing me because I opposed the term limits proposal. And those ads were fairly effective. I won. But I had to deal with the criticism that they raised.

So there sat before me this gentleman representing the term limits movement who said he agreed with the opponents of McCain-Feingold that we shouldn't reform our campaign finance system. I said to the gentleman representing the term limits movement, "Please, since I as a candidate have to disclose every penny that I raise, the source of the amount, and my political party has to do the same, I would like for your term limits movement, having spent millions of dollars to defeat or elect candidates to office, to do the same. Are you prepared to disclose to the American people the sources of the money that paid for those TV ads?" His answer in a word was "no."

Why wouldn't he make a full disclosure? His argument was—follow this one, if you will—that there would be

retribution from elected officials whom they disagreed with. I don't buy it.

Men and women organizations come forward on a regular basis to contribute to political campaigns. They understand they have taken a position for a man or woman running for office. The fear of retribution is part of the concern. But it is an illustration of how an organization with some high-sounding purpose like limiting terms for Members of the House and Senate can literally spend millions of dollars of mystery money and never make a full disclosure; never make any disclosure as to the source of those funds.

Is it important? It could be. Who knows who is financing term limits in America? Is it one person? Is it one company? Is it one special interest group? That is a legitimate question. I can guarantee you that you will not see the term limits movement people standing around the shopping centers of America with kettles and bells asking for quarters and dimes. They don't do business that way. They deal in big checks from big players, big expenditures, to make a big impact on the system, and they are totally, totally unregulated. That to me is shameful. It is disgraceful.

What is going on here in this debate on McCain-Feingold is an attempt to change the system, to clean it up, and to restore some character to our political process. I am at the same disadvantage as Senator WELLSTONE of Minnesota and Senator FEINGOLD, one of the cosponsors, of Wisconsin. I was raised in a family that was not wealthy. I had a wealthy background in terms of values and education but not a lot of money. Fortunately, with good education and some good friends, I was able to start a career in public service. But now we find this new emerging phenomenon in American political life on both sides, Democrat and Republican, the so-called middle-aged, crazy millionaire who shows up on the scene bored with his life who decides he is tired of practicing law, he is tired of making lots of money in business and now has dreams of being Governor or Senator or you name it. They then take their personal wealth and, under the existing law, spend it to basically buy a campaign, buy their way into office.

I think there are some genuinely good people who have done this, but I think we have to ask ourselves what will happen to this political process if more and more of this sort of person become the Representatives and Senators of America. I think we will lose something. We would lose something like a PATTY MURRAY, who is a Senator from the State of Washington, who has a background of teaching in a classroom. I am glad Senator PATTY MURRAY is on the floor of the Senate. When we discuss educational issues, I turn to PATTY MURRAY. Time and again, I want her perspective because she has been there. She comes from a family of modest means, but she makes a great con-

tribution because the voters in the State of Washington have allowed her to come to this floor. And when you look around this Chamber you find others, Democrats and Republicans, of similar backgrounds. Unless we are prepared to reform this campaign finance system, I am afraid it will become more elite, more plutocratic, if you will, and limited in terms of the types of people who do serve it.

Let me also, in closing, note the procedural issue that we face here. This is an important issue. It was brought up before the Senate once before, and it was stopped. Some 57 Senators, if I am not mistaken, Democrats and Republicans, came forward saying they supported it, but in this body it really takes 60 in order to stop the filibuster. Sixty votes were not there. Campaign finance died. The House went through heroic efforts to bring this to the floor over the opposition of Speaker GINGRICH. After weeks of debate, weeks of amendment, they passed it, and now this bill sits ready for our approval.

Will we vote on it? That would seem the obvious thing. Let's vote on campaign finance reform, up or down. We are going to have it or we are not. If we can pass it, let's send it to the President. Let's try to make sure that we achieve at least one thing in this legislative session. And yet it is not likely we will ever see that opportunity. It is not likely because under the rules of the Senate procedurally you can basically stop a vote. I hope that doesn't happen. I hope we have an opportunity for the yeas and nays on this question, an up-or-down vote. Let the Senators of both parties be on record before they go home. Are they in favor of reform or would they want to obfuscate this issue, cover it up with rhetoric? Try to say to the voters back home: You just don't understand; it is much more complicated.

I hope that doesn't occur. I hope that we will have the up-or-down vote. I hope the men and women of the Senate, Democrats and Republicans, will cast their vote on this issue of campaign finance reform. I do believe what is at stake here is more than just a bipartisan bill. Senator MCCAIN of Arizona and Senator FEINGOLD of Wisconsin are the chief sponsors. At stake here is the question of the future of this democracy. We are just a few scant weeks away from an important election, an election which will ask the American people to make their choices again.

I guess it sounds almost hackneyed now to talk about the legacy that we have in this country, that we so often take for granted.

I can recall just a few years ago when I was given an opportunity to visit the tiny country where my mother was born, the country of Lithuania. Lithuania, which has for over 50 years been under Soviet domination, was given for the first time a chance at democracy, the first time in half a century. I was there as then-President Gorbachev sent

in the tanks in an effort to quell this democratic movement, and, fortunately, he was not successful. People of that country risked their lives. They certainly risked their political futures because they wanted to vote. They wanted to elect their leaders. It was gratifying that they would invite me and others from the United States, because we represented to them what this was all about—democracy, the people speaking.

I found it curious. As each one of these leaders would emerge in these new countries, they would visit around the world, but the first stop would always be right here in this building, on Capitol Hill, before a joint session of Congress. Whether it was Lech Walesa, Vaclav Havel, the leaders of the Philippines and other places, in order to validate their democratic experiment, in order to come to what they considered to be the cradle of liberty, they came here to this building. They recognized in our country what many of our citizens are failing to recognize—what this democracy really means and what it is all about.

There are some who will argue this issue and say that the speech I have just made is too idealistic, it is way beyond practical politics. They are right. It is about ideals. It is about the democratic ideals that are at stake if we don't reform this system. I hope those who oppose this bill will in all fairness give us a chance for an up-or-down vote.

Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the first amendment to the Constitution of the United States reads in relevant part:

Congress shall make no law abridging the freedom of speech or of the press.

No law, Mr. President, and I pick up this relatively long and detailed proposal for a new law, and I read the title of one of the sections, the title appearing on page 16: "Prohibition of Corporate and Labor Disbursements for Electioneering Communications." Let me read that once again, Mr. President. Section 200B of this bill is a "Prohibition of Corporate and Labor Disbursements for Electioneering Communications."

Now, what is an electioneering communication? According to the bill, and again I quote, "electioneering communication means any broadcast from a television or radio broadcast station which refers to a clearly identified candidate for Federal office; is made or scheduled to be made within 60 days before a general, special, or runoff election for such Federal office."

Mr. President, I go back to the first amendment. The first amendment says:

Congress shall make no law abridging the freedom of speech or of the press.

It is impossible for me to see how the proponents of this legislation can claim that these detailed restrictions

on what corporations or labor unions and within the body of the bill, individuals, political parties or organizations, can do when they are communicating about an election and so much as naming a political candidate.

The American Civil Liberties Union, in writing about this provision in connection with last February's debate, wrote:

This unprecedented provision is an impermissible effort to regulate issue speech which contains not a whisper of express advocacy simply because it refers to a Federal candidate who, more often than not, is a congressional incumbent during an election season.

This argument doesn't even go to the desirability of such a provision but simply to the fact that it is clearly a violation of the first amendment to the Constitution of the United States.

One can go beyond that and wonder why this phrase "electioneering communication" only applies to radio and television. I think at the time of our previous debate the definition was broader than that. But here we have a situation in which a particular form of communication about public issues—of speech about public issues—is banned but an identical speech about the same public issues using the same words is not banned or controlled in any respect whatsoever—radio and television; not newspapers, not handbills, not direct mail. I believe it is likely that these provisions would be found unconstitutional if only because of that distinction without a difference between forms of communication; that if one form of communication is allowed, how can you possibly prohibit another form of communication?

The rationale, I believe, is that the sponsors of this provision believe that radio and television communication is somehow more effective than other forms of communication and so they will ban it only. But the fundamental position of the opponents to this bill is that this whole section, the whole subtitle dealing with independent and coordinated expenditures, dealing with what can and cannot be done within 30 days of a primary election and 60 days of the general election, clearly abridges the "freedom of speech" clause of the first amendment to the Constitution of the United States.

In both Congress and the courts, there have been frequent appeals to certain limitations on certain forms of speech and the broadest definition of that word when that speech is asserted to be obscene. Much of that debate revolves around whether or not James Madison and the Founding Fathers would have protected certain forms of speech—obscenity, even advertising and the like. We debated that issue in connection with proposed tobacco legislation earlier this year. But clearly the draftsmen of the first amendment, the Founding Fathers, were absolutely certain and clear in their belief that political speech, the debate about political ideas, be absolutely free and un-

fettered. And they succeeded in doing just exactly that.

In *Buckley v. Valeo*, the Court said:

A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

I may return to this issue in a few moments, but it does represent only one-half—one section of this bill. The other element of the bill, the prohibition of what is called "soft money," probably is not subject to the same constitutional strictures. It is simply overwhelmingly undesirable. Congress, in 1974, in a portion of its campaign finance regulations passed in that year, limited the amount of money that one individual could give to another individual's political campaign for Federal office. That portion of the 1974 statute was found to be valid, though the limitations on actual expenditures by a given candidate from that candidate's own money or from other sources was found to be invalid, under the Constitution, for the very reasons that I have just read, from the Supreme Court's opinion in *Buckley v. Valeo*.

What has been the inevitable result of those restrictions? What has been the inevitable result of those restrictions as the limitations passed in 1974 have shrunk by the operation of inflation in our society so that the \$1,000 per individual per campaign limitation in 1974 is worth roughly \$380 or \$390 today? Mr. President, the response on the part of people who feel strongly about political ideas and about political campaigns has been to cause them to switch a great deal of their support from individual candidates to the political parties under whose aegis those candidates run for office.

Now, I think that this is, at least, a modest step in the wrong direction. Why? Because, of course, every dollar spent by a candidate—whether that candidate has written a check out of his or her own pocket or whether or not that money has been solicited from others—every dollar spent by an individual candidate on a communication is subject to criticism from the newspapers, television stations, and from other candidates to exactly the extent that it is deceptive or dodges the perceived real issues in a political campaign. Each candidate, in other words, can be held responsible, and candidates are generally held responsible, for the quality of their own communications. A candidate, however, cannot nearly so easily be held responsible for communications coming from that candidate's party. So to exactly the extent that we have limited—have choked off the ability of candidates other than the wealthiest of those candidates to raise—

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. FEINGOLD. Let me first express my admiration for the Senator from Washington's interest in first amendment and free speech issues, and his very careful presentation.

I would just like to ask, in light of his earlier comments, if he believes the *Buckley v. Valeo* decision was correctly decided?

Mr. GORTON. He does, though in this case I am not sure that *Buckley v. Valeo* would have been so decided, even with respect to the limitation on contributions to individual candidates, had those limitations been, say, \$380 or \$390 today. That is to say, a restriction or a limitation that is constitutional under one set of circumstances could easily find itself to be unconstitutional under another set of circumstances, if the Court deemed those limitations to be unreasonably restrictive.

Mr. FEINGOLD. Mr. President, I recognize the point that in *Buckley v. Valeo* the Court did suggest that there was some magnitude of contribution that might be needed to constitute a corrupting influence on the political process. But the Senator apparently accepts the notion that it is constitutional to have some kind of limitation on what a person can give to a candidate.

Mr. GORTON. That is the decision in *Buckley v. Valeo*, and while I question the wisdom of the limitation, I don't question the constitutionality.

Mr. FEINGOLD. I think the Senator has been—if I can continue, Mr. President—has been very candid on the floor as to whether it would be constitutional to prohibit soft money contributions. I think you have spoken to that. Correct me if I am wrong, but I believe you have indicated you believe that, under *Buckley v. Valeo*, it would be constitutional to do that although it may not be wise to do so. Is that a fair statement of the Senator's position?

Mr. GORTON. The Senator is correct.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. The point the Senator from Washington was making was simply this, Mr. President: That limitations, constitutional as they may be, on the ability of candidates, other than those who can finance their own campaigns, to solicit money from others, has forced that money into a channel in which the electioneering communications are far less the responsibility of the individual candidate than they are when that candidate spends for himself.

From a public policy point of view, it is the view of this Senator at least that money spent by political parties is less desirable because there is less responsibility for it than money spent by individual candidates. But of course those aren't the only two alternatives for spending money for political purposes.

As and when these limitations on contributions to political parties become law, to the extent they are found

constitutional, the interest of those who feel a vital necessity to communicate political ideas to advance causes of either ideas or for candidates is not going to be eliminated, it is not even going to be diminished.

What do we have under those circumstances, Mr. President? Under those circumstances, we have the individual who can no longer give a significant amount of money to a candidate of his or her choice, can no longer give what he or she considers a sufficient amount to the political party of that candidate engaged in one or two other political activities: Either in independent expenditures on behalf of an individual candidate or an idea or in issue advocacy. Under those circumstances, the communications are even less the responsibility of the candidate who benefits from them than they are when the money is spent by that candidate's political party.

The political party is not responsible for the content of any such electioneering communications either, but we then get to the very unconstitutional limitations on express advocacy that are included in this bill. The sponsors of the bill run up against the fact that the limitations that they can impose constitutionally simply force money used on politics into areas that they cannot constitutionally touch because the Constitution says Congress shall make no law abridging the freedom of speech.

The amount of money spent on political ideas and political advocacy is no less—in fact, in many respects it may be more—it is simply that it is, for all practical purposes, impossible to criticize a candidate for money that is, for all practical purposes, being spent on behalf of that candidate.

That, Mr. President, is the fundamental reason that even those portions of this bill which are arguably constitutional are highly undesirable. They will not lessen the amount of money spent during the course of political campaigns. They will make the spending of that money less responsible than it is at the present time. They have nothing to do with an argument about corruption, other than to encourage the kind of subterfuge which so marked the 1996 elections.

If, for example, the money spent in 1996 could have been legally given directly to the candidates and disclosed at the time, we wouldn't be in the midst of one more search for an independent counsel to examine the results of those elections.

The net results of this bill, it seems to me, are twofold: They are to force political money into less and less responsible channels in which disclosure is less than it is at the present time and, to the extent that they attempt to control those expenditures, to come afool of the first amendment to the Constitution of the United States. No, Mr. President, we would be far, far better off in encouraging, rather than discouraging, contributions directly to

candidates and requiring their immediate disclosure, and in encouraging rather than discouraging support of our political parties.

Most of us who are engaged in partisan politics through most of our careers have been exposed to the academic proposition, at least, that one of the shortcomings of the American political system, in comparison with the parliamentary systems of most other democracies, is the almost total absence of party discipline and party responsibility. We are often criticized for the fact that each one of us as an individual—that a voter cannot be at all certain when he or she votes for a candidate of the Republican Party, or the Democratic Party, for that matter, that they will get what they believe to be the platform of that political party adopted, because the candidates, in each case, are independent agents.

Most academics would ask us to increase the power, the degree of influence, of political parties over their members, especially over their elected officials, so that we could have a brighter line of distinction between the parties and their platforms, so that voters would have what they consider to be a more significant choice.

I may say that I don't necessarily buy that argument. I am not sure I buy it at all. But there are few arguments put forward by either academics or, I think, by practicing politicians that political party organizations of the United States should be weaker and of less account than they are today.

This bill, to the extent that it is constitutional, weakens, marginalizes, almost eliminates, the effect of political party organizations, and it does so to exactly the extent that it increases the authority and the influence of nonparty organizations of the most narrow of special interest organizations in political campaigns.

No, Mr. President, we should strengthen the candidates' organizations. We should require candidates to be more responsible for the money that is spent on their behalf, and we should probably be strengthening political party organizations at the same time.

What we do in this bill is to continue the weakening of the candidates, to add to that the weakening of the parties, and we encourage, because of the unconstitutional nature of the second part of this bill, the portion of spending in our political system for which the spenders and the political parties and the candidates are least accountable.

This bill is no better than it was in February when it was defeated. It is no better than it was nearly 2 years ago when it was defeated.

The comments during the course of the debate a year ago last fall from George Will are as applicable today as they were then. And I will conclude by quoting him:

Nothing in American history—not the left's recent campus "speech codes," nor the right's depredations during 1950s McCarthyism, or the 1920s "red scare," not the Alien

and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign “reforms” advancing under the protective coloration of political hygiene.

That was true last year. It is true this year. It will be true next year. It is the fundamental reason that this bill violating first amendment rights of free speech should be rejected by this body once again.

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

Mr. GORTON. The Senator has yielded the floor.

Mr. FEINGOLD. I was wondering if the Senator would briefly be willing to continue the discussion of the constitutional issues.

Mr. President, I appreciated the Senator’s candid responses on the relationship of the Buckley v. Valeo decision to the issues of contributions. He also talked a little bit about corporate and union spending and what should be done there.

Does the Senator have a constitutional problem with the current law’s ban on corporate union spending in connection with Federal elections?

Mr. GORTON. This Senator has some question on that subject, but this Senator is completely convinced that, as undesirable as he regarded the political campaigns in 1996 by labor unions, that they were, are, and will remain completely constitutional, totally within the rights of those unions, and that they cannot be restricted in any respect whatsoever by the Congress.

Mr. FEINGOLD. Is the Senator aware that since 1904 corporations have not been able to make contributions directly, and since 1943 labor unions cannot? That is current law.

Mr. GORTON. That is current law, but that has to do with the direct contribution to a candidate. It has nothing to do with the express advocacy that is covered by the second part of this bill.

Mr. FEINGOLD. If the corporation or union simply ran campaign ads, the prohibition would apply as well, would it not?

Mr. GORTON. It is very difficult to see the difference between what was done during the course of the 1996 elections in direct campaign ads, and they were distinctions without a difference.

Mr. FEINGOLD. That is exactly the point.

To continue, is that not a reason that a majority of this body, as expressed in the Snowe-Jeffords amendment, believes that this is a very simple and logical extension on the ban of corporate and union campaigning by saying that a corporation and union cannot directly fund issue ads that directly mention a candidate’s name in the last 60 days? Is that not simply an extension of, in effect, what has always been the law?

Mr. GORTON. No, I do not believe under any circumstances that it is. There is an absolute prohibition against so much as mentioning the name of a candidate in a 60-day period before an election in this bill. I simply

refer the Senator to the first amendment. If that is not a law abridging the freedom of speech, we could not pass a law abridging the freedom of speech. Any other limitation or restriction would be valid. It flies directly into the teeth of the plain meaning of the first amendment.

Mr. FEINGOLD. It is interesting that the Senator makes that comment because a few years ago, for example, there was no question that Philip Morris could not write out a million-dollar check and run ads like that, but somehow now it is almost standard practice. Somehow the law has been moved away from almost a century-long prohibition on corporate spending in connection with Federal elections to the ability to have unlimited spending on Federal elections through the ruse of pretending that an issue ad is an issue ad when it actually does everything but say the words, of course, “vote for” or “vote against” a certain candidate.

Isn’t that just, in effect, eliminating the whole corporate prohibition that has existed for such—

Mr. GORTON. The quarrel that the Senator from Wisconsin has is not with this Senator but the Supreme Court of the United States and the first amendment.

Mr. FEINGOLD. Mr. President, that is exactly what we would hope to determine with the passage of this bill. We would find out if in fact the Supreme Court would find that an ad that does everything to promote a candidate or attack a candidate but say “vote for” really is an issue ad. That would be a matter for the Supreme Court to determine.

Mr. President, I appreciate the courtesy of the Senator from Washington in responding to a series of questions.

I ask unanimous consent that the Senator from Nevada, Mr. BRYAN, be added as a cosponsor of the McCain-Feingold amendment before the body.

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

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank my colleague from Wisconsin, and I thank him and the senior Senator from Arizona for their leadership on campaign finance reform. They have been faithful to the cause. They have been leaders on the floor and they have, I think, engaged the American people at long last in a colloquy so that I believe, as I will comment later in my remarks, the American public now has a better understanding of what is at issue here.

Mr. President, I rise today as a cosponsor and strong supporter of the legislation brought to the floor by Senators MCCAIN and FEINGOLD. I must say that I am pleased—“overjoyed” may be an understatement—that the Senate has at last an opportunity to revisit this issue.

Although campaign finance reform has been derailed in the past by a pe-

rennial filibuster, the event of passage of the Shays-Meehan legislation in the House has provided us with a golden opportunity to move past the procedural maneuvering that has obstructed this important legislation for far too long.

The volume of evidence from our most recent Federal elections clearly demonstrates that our current system has spiraled completely out of control. It is no longer a system of rules but a system of loopholes, and through these loopholes has poured a staggering amount of money that continues to escalate each and every campaign cycle.

We no longer have a system in which candidates are encouraged to debate their records and their positions on the issues. We no longer have a system in which candidates are encouraged to look for votes by shaking hands at a coffee shop or greeting workers at a factory gate and knocking door to door at residents’ homes.

Sadly, the system in place today encourages candidates to look not for votes but for money. It is a money chase, Mr. President. And all of us are part of this unsavory system. And only we can change it. It is a shameless and demeaning system. And that just speaks to the extraordinary sums of money that candidates themselves are required to raise and spend.

Add to that the millions and millions of dollars raised and spent by the national political parties and outside special interest groups who have perfected the art of saturating an entire State with political ads months and months before the election day.

Mr. President, those who continue to oppose meaningful campaign finance reform must be living in a different world. I simply cannot fathom how anyone can look at the chaos of our past and current elections and suggest that the response of the U.S. Senate should be to do nothing.

During the recent August recess, I had the opportunity to travel widely throughout my home State of Nevada and to meet face to face with thousands of my constituents. In fact, by automobile I traveled more than 3,000 miles through Nevada, visiting with some of the smallest communities in our State and holding 17 townhall meetings during the course of this recess.

Time and time again, the issue of campaign finance reform was raised at these townhall meetings. It was deeply unsettling to see firsthand how disgusted the American people are with the absolute scandal taking place in our campaign finance system. These were not politicians talking about the need for reform. These were ordinary people who have become so disillusioned with our political process that they no longer feel any sort of connection to our democratic system. This is a dangerous threat to democracy itself.

Let me also point out that as often as this issue was raised, not a single person, not one, expressed opposition

to the McCain-Feingold bill on campaign finance reform. No one. Absolutely no one.

Thankfully, the House of Representatives has provided us with the opportunity to at least stop the hemorrhaging of our current finance system. Several weeks ago, on a strong, bipartisan vote, the House passed the Shays-Meehan bill which was modeled on the McCain-Feingold legislation before us today. This was not just a handful of Republicans voting with Democrats to pass this legislation. In point of fact, one quarter of the entire House Republican conference voted for that bipartisan bill which passed by a margin of 252-179.

Now, I have heard some of our colleagues, in expressing opposition to campaign finance reform, argue that just because the House has passed this legislation, it does not mean we should do so. I must say I have a different interpretation of the present situation. Shame on the Senate for not passing campaign finance reform in the past; shame on the Senate if we refuse to do so now when we have the opportunity to do so.

Some of us, myself included, would have preferred more comprehensive reform legislation than McCain-Feingold offers. But it is an important step, a vital step, on the road to campaign finance reform. Its centerpiece is the ban on the so-called soft money. Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades. Let me repeat this: Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades.

Despite the 3-year long filibuster of this legislation, we have heard very few opponents come down to the floor and stand up and defend the virtues of a \$250,000 in soft money contribution or more. Soft money is an embarrassment to the American political system. It is the mother of all campaign finance loopholes and perhaps the most ingenious money-laundering system in history. Soft money as we know it refers to the unlimited and unregulated contributions from corporations, labor unions and wealthy individuals that flow to the political parties, unchecked and unregulated, outside the accepted contribution limits and reporting requirements of Federal law. This soft money, with little or no disclosure, is then poured into what have become known as issue ads, a nickname given to television and radio advertisements that skirt Federal election laws and fall under no regulations. This money is raised and spent with virtually no limits and no disclosure.

How much soft money can be contributed? Sadly, the sky is truly the limit. In fact, there are no limits to this incredulous, bizarre system. In 1992, just 6 years ago, the two parties raised and spent a combined \$86 million in soft

money. In just 4 years, soft money more than tripled, exploding from \$86 million in 1992 to \$262 million in 1996; \$260 million that was raised and spent, completely outside the scope of Federal election law.

Perhaps the only thing worse than to know how this soft money is raised is to know how this soft money is being spent. In recent years, the airways have been bombarded, saturated with political ads paid for with soft money. These political ads specialize in shredding various candidates without telling the viewers who paid for the ad, where the money came from, and who was responsible for its content.

It should come as no surprise to any of us that more and more Americans are repulsed by these anonymous assaults and the sheer volume of money pouring into our election system. As a consequence, they are distancing themselves from the political process. That is the greatest tragedy of all. Americans are so turned off by our political system that they don't even vote on election day. When they do vote, often it is not the sense of voting for the better of two candidates; it is a perception that they are voting for the lesser of two evils on the ballot.

With a tidal wave of campaign cash flowing into our political system, the torrent of negative advertising on the airways, and the lack of meaningful disclosure or accountability, it is becoming increasingly difficult, almost impossible, for the American people to feel good about any candidate, or their participation in the democratic process.

Just last week, in my home State of Nevada, we had a critically important primary election. Not only is there an open gubernatorial seat in a hotly contested primary, there were primaries for the U.S. Senate, an open House seat, and a number of seats in the State legislature. I am sad to report that only 28 percent of all registered voters in Nevada turned out for this election—28 percent. Let me make an important distinction. That is not 28 percent of all Nevadans who were eligible to register and to participate in the system. That is 28 percent of those who are actually registered. This is a tragedy. It is not good for our system. Seventy-two percent of all registered voters in Nevada did not vote. And Nevada is not alone.

I have heard it said that if one looks at the entire primary election cycle this year—and I presume they are factoring in those who are eligible to register and those not to do so, as well as those who are eligible to vote, having registered but chose not to vote—less than 17 percent of the people in America have participated in the electoral process this year. This is a disaster wherever one comes down in the political scale. Whether one registers himself or herself more closely aligned with Democrats or Republicans, independent Americans or Libertarians, wishes to revive the old Know Nothing

party, would like to see the old Whig party revived, or want to be part of the avant garde 1990s and become a member of the vegetarian party, wherever one comes down on the political spectrum, 72 percent of those registered to vote not participating is a system that we cannot sustain and still have a representative democracy in America.

In addition to cutting down the soft money system, the McCain-Feingold proposal would place significant restriction on the issue ads which I have just described. Under the Snowe-Jeffords modification, if a radio or television advertisement mentions a candidate's name within 30 days of a primary election or 60 days of a general election, the funds used to pay for that advertisement must be raised under Federal election law and must be fully disclosed. Some outside organizations have suggested that they have a constitutional right to freely discuss an issue with the electorate. I agree. In fact, under this legislation, any organization can run an advertisement on any issue they want—whether it is health care reform, gun control, or any other issue—with no restrictions.

That is a true issue ad and a sort of communication that the Supreme Court has said is free from government regulation, and properly so. The Supreme Court has also said that we can regulate advertisements that are not meant to advocate issues, but instead are meant to advocate candidates. That is what this legislation provides. True issue ads would be exempt from this legislation. However, if an organization chooses to run an ad in the weeks before an election, and if that ad is clearly designed to advocate for or against a particular candidate who is involved in that election, this legislation will define that activity as election related, and the money used for those ads will be required to be raised and spent under the provisions of Federal election law.

Finally, in addition to banning soft money and enacting tough restrictions on candidate ads, the legislation includes a number of provisions that will improve the disclosure of fundraising activities and provide the Federal Election Commission with greater tools to detect and to investigate campaign finance abuses.

Unfortunately, it appears that once again it will require 60 votes to move this important legislation through the U.S. Senate. I, for one, would like to see us move past these procedural games and start having real votes and real issues and debate campaign finance reform on the merits, on the substance. Let's vote on whether or not we should ban all soft money. Let's vote on whether these thinly disguised attack ads should be considered election and campaign ads subject to Federal election law, and let's vote on whether we should strengthen our disclosure requirements under the Federal Election Commission and provide that Commission with greater tools to ensure that

all candidates and all parties and outside groups are playing by the rules.

After the outrageous amount of money spent in the 1996 election, after all the charges and countercharges of abuse, impropriety and quid pro quo, and after what we have already witnessed in the opening months of the election season this year, it would be appalling, in my judgment, if the 105th Congress were to adjourn without passing a single reform of this deplorable system.

Madam President, I urge my colleagues to support the McCain-Feingold legislation and begin the process of restoring a sense of integrity and confidence to our democratic process.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Washington is recognized.

Mr. GORTON. Madam President, I note that at least two Senators are on the floor who wish to introduce a resolution on another subject, a subject that I think is appropriate. At this point, I yield to the Senator from Missouri.

Mrs. BOXER. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Missouri, I be granted time to express my support for what he is about to do.

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

The Senator from Missouri is recognized.

RECOGNIZING MARK MCGWIRE OF THE ST. LOUIS CARDINALS FOR BREAKING THE HISTORIC HOME RUN RECORD

Mr. BOND. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 273.

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

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 273) recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Madam President, it is a great honor and with pleasure that I introduce this resolution for myself, Mr. ASHCROFT, the Senator from California, and others who may wish to join us.

Yesterday, I was on this floor describing a very difficult predicament that Major League baseball was encountering. It seemed, as of early yesterday morning, that the Internal Revenue Service might say that a fan who caught a historic home run ball hit by Mark McGwire and turned it back to him might be liable for \$150,000 or more

in gift taxes on that ball. We pointed out that that made no sense. I am proud to say that we had bipartisan support for that proposition, Madam President. There are very few things that have brought this Chamber together more than that one simple proposition.

I was very pleased yesterday afternoon to have a call from Commissioner Rossotti of the IRS, who understood the magnitude of the problem this could cause. He advised me that he has issued a release from the IRS saying that, while resolving gift tax issues is as difficult as figuring out the infield fly rule, it made sense that we congratulate a fan who returns the baseball rather than hit him with taxes. That is particularly good news to Deni Allen, a 22-year-old marketing representative from Ozark, MO, Mike Davidson, a 28-year-old St. Louis native, and Tim Forneris, a 22-year-old from Collinsville, IL, a member of the St. Louis grounds crew. They all just wanted to give Mark McGwire the baseball and didn't want to be taxed on it. Thanks to the support of this body and the action of the Commissioner, they will not be taxed. I am very pleased with that.

I was also pleased to join many friends and colleagues last night in rooting for the historic home run hit by Mark McGwire. Mark McGwire's achievements are there for all to see on television, or to read about in the sports page, because this is one tremendous athlete. He hit home run ball No. 62 in his 144th game of the season.

The purpose of our resolution is to recognize that historic contribution to baseball. But I also want to just spend a minute on Mark McGwire, the person. I have in my hand a copy of Sports Illustrated, which features a picture of Mark McGwire and his son, Matt McGwire. The article is entitled "One Cool Dad." I think a lot of people who watched Mark McGwire in the year he has been in St. Louis, and probably before that in California, know that he is a dedicated father and he is a community leader. He has shown his willingness to serve his community by his generosity.

This man is a great role model for young people in our country today, and the way he approached this record-setting mark, with due recognition for Roger Maris—also a tremendous athlete, one I greatly respected, who held the record prior to him—reflects extremely well on Mr. McGwire. I hope that I will have many cosponsors who will join in this resolution. I see several colleagues on the floor who want to discuss it, but suffice it to say that Mark McGwire has made a historic contribution to baseball. He has brought the country together. The only thing we are talking about in Missouri is Mark McGwire, not a lot of the other problems. His dedication to leadership and family values, his spirit of community contribution and leadership mark him as an outstanding gentleman who

I trust all of us in this body are willing to recognize.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I thank the Senator from Missouri for his eloquent remarks, and I thank both Senators for introducing this resolution.

I rise to salute a native son of California, a man who grew up in the playing fields of southern California, a graduate of California public schools and honed his skills at the University of Southern California and developed into a mature professional in Oakland, CA, where I saw him play many a game; a man who has since settled in Missouri, but will always remain a favorite son of California; a man who brought immense talent, hard work, energy, enthusiasm and, above all, dignity and grace to one of America's most revered institutions.

I grew up, when I was a kid, six blocks from a Major League ballpark. I heard the sound of those home runs all through the years I was growing up. I went to many a game and sat in the bleachers. I am a baseball fan. Yet, I haven't seen such excitement in so many years that we have seen in the last month or so.

This man has really helped reinvigorate the game of baseball, further enshrining it as our national pastime. He has thrilled countless lifelong fans of baseball, and he has made millions of new fans who knew very little about the game. This is a man who has put us in touch with baseball heroes of the past, and he has inspired baseball heroes of the future—a giant of a man, playing a game that we learned to love as children, and who has made us all feel like little kids again at a time when we need that every once in a while. Of course, I speak of Mark McGwire.

I think it is also important to recognize the Cubs' Sammy Sosa. Both of these men have pursued Babe Ruth's and Roger Maris' home run records, and they did it under intense pressure, but with grace and joy, rooting for each other, appreciating their fan support, and infecting us all with good humor, poise and good sportsmanship.

Today is a day of heroes—one particular hero, Mark McGwire. I wanted to say on behalf of all of California—and I know Senator FEINSTEIN joins me in this—that we are very proud of Mark McGwire.

In closing, I want to say that it is hard to join a nexus between one thing and another here. But I have two heroes here today on the floor of the Senate—RUSS FEINGOLD and JOHN MCCAIN—because I am really proud of the way they have pursued their goal, a goal that I think will make this democracy stronger, a goal of good, solid campaign finance reform.

On the one hand, we laud the baseball heroes. I wanted to laud a couple of Senate heroes of mine on campaign finance reform.