in a moment, but I thank my colleague from Missouri for adding me as a cosponsor of the resolution. As is obvious to my colleagues, I am neither from Missouri nor California, so my claim to being added is my status as a baseball fan. And even though my colleagues may think I am reaching, the fact is that when Roger Maris set the record I was in college together with the junior Senator from Missouri. So it gives me some standing.

I do want to identify myself with his comments just to stress the obvious personal achievement here that has inspired the country, and also the way in which Mark McGwire did it. It was an act of fate, but somehow so correct, that he tied the record at the 61st homer on the day of his father's 61st birthday, because baseball, in my experience in this country, is very much a matter of one generation passing on the experience to another.

My own memories of baseball, first memories, come from my dad taking me to games, and they are cherished memories. I can tell my colleagues—I hope I am not violating her privacy—when my youngest child was 4 days old, in March, I held her up to a TV set and said, ''Sweetheart, this is baseball, and you're going to love it.'' Fortunately, for me, she has, and we have shared that experience. As Senator ASHCROFT indicated, Mark McGwire beautifully continued that with his son there as a batboy.

The second is the obvious rapport between Mark McGwire and Sammy Sosa, as they compete for this but do it with extraordinary mutual respect. To make the point that is obvious but maybe still worth making, here we have one person whose family has been in this country a long time, from a family of relative success and comfort, another a new American born in poverty in another country, coming here, joined together in this remarkable American game to I think this year break records that were previously thought to be impossible.

And a final word about Roger Maris, who did set the record in the younger days of both my life and Senator ASHCROFT's life. I felt that Mark McGwire probably brought the whole country to give more tribute to Roger Maris than he ever had before, and we owed it to him. So I am proud to be added as a cosponsor.

Did the Senator from Missouri wish to add anything before I proceed to the topic of campaign finance reform?

Mr. BOND addressed the Chair.

Mr. LIEBERMAN. If so, I yield the floor.

Mr. BOND. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 273) with its preamble reads as follows:

S. RES. 273

Whereas, since becoming a St. Louis Cardinal in 1997, Mark McGwire has helped to bring the national pastime of baseball back to its original glory;

Whereas, Mark McGwire has shown leadership, family values, dedication and a love of baseball as a team sport;

Whereas, in April, Mark McGwire began the season with a home run in each of his first four games which tied Willie Mays' 1971 National League record;

Whereas, in May, Mark McGwire hit a 545-foot home run, the longest in Busch Stadium history;

Whereas, in June, Mark McGwire tied Reggie Jackson's record of thirty-seven home runs before the All Star break;

Whereas, in August, Mark McGwire became the only player in the history of baseball to hit fifty home runs in three consecutive seasons;

Whereas, on September 5, Mark McGwire became the third player ever to hit sixty home runs in a season; and

Whereas, on September 8, 1998, Mark McGwire broke Roger Maris' thirty-seven year old home run record of sixty-one by hitting number sixty-two off Steve Trachsel while playing the Chicago Cubs: Now, therefore, be it

Resolved, That the Senate recognizes and congratulates St. Louis Cardinal, Mark McGwire, for setting baseballs' revered home run record, with sixty-two, in his 144th game of the season.

Mr. BOND. I thank the Chair, and I thank all of my colleagues for their courtesy in allowing me to proceed.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, if I may continue the stretch to link the two subject matters, baseball and campaign finance reform, may I say that unlike the Brooklyn Dodgers of old, those of us who support McCain-Feingold are not willing to wait until next year, and since McGwire and Sosa are setting the standard for doing what we thought was impossible, we hope they are an eye-opener for those who think adopting campaign finance reform is impossible for this Chamber this year.

I make the comparison without wanting to set it too closely, but wouldn't it be great when this is over if we could refer to McCain-Feingold as the legislative equivalent of McGwire and Sosa?

I will cease and desist and proceed with my remarks.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3554

Mr. LIEBERMAN. I rise to speak on behalf of McCain-Feingold, the amendment offered, to thank my two colleagues for the extraordinary, principled, persistent, and practical leadership that they have given this critical effort, and to urge my colleagues to support the cloture motion that comes up tomorrow.

Madam President, we have a cherished principle in this country that every person gets one and only one vote, that a citizen's influence on our government's decisions rests on the power of his or her ideas, not the size of his or her pocketbook. The campaign finance system we have on the books protects this privilege. May I repeat, the campaign finance system we have on our law books protects this principle. It imposes strict limits on the amounts individuals can contribute to parties and to campaigns. The law prohibits unions and corporations from making most contributions or expenditures in connection with elections to Federal office, and it requires disclosure of money spent in advocating the election or defeat of candidates for Federal office.

That is what the campaign laws as they are on the books today require. But as we learned sadly during the 1996 campaigns and the various investigations that have followed, those laws appear to be written in invisible ink, which is to say that they have been honored, if one can use the term satirically, only in the breach. They have largely been evaded.

It has been several months since the Governmental Affairs Committee's investigation into the 1996 campaigns ended, but none of us who were part of that investigation will forget, nor I hope will others forget, what we learned there or our feeling of outrage and embarrassment upon learning it. We learned not only of hustlers like Johnny Chung, who saw the White House like a subway—put some money in and the gates will open, he said—or of opportunists like Roger Tamraz, who used big dollar donations to gain access that was originally denied to him by policymakers at the same time he declined even to register to vote because he saw the vote which generations of Americans have fought and died to protect as a meaningless exercise, a process which would gain him no real power, particularly not when compared to the power that $300,000 would give him.

We also learned in the Governmental Affairs hearings last year of something that was in its way even more disturbing because it was more pervasive and had a far greater effect on our elections and on our government. We learned that we no longer have a campaign finance system, that the loopholes have become so large and so many that they have taken over the entirety of the law, leaving us with little more than a free-for-all money chase in its place. We learned last year that it was somehow possible, for example, for wealthy donors to give hundreds of thousands of dollars to finance campaigns, even though the law was clearly intended to limit their contributions to a tiny fraction of those sums. That is what the

law on the books says. It was possible for corporations and unions to donate millions of dollars to the parties at the candidate's request despite the decades-old prohibition on those entities' involvement in Federal campaigns. That is clearly on the law books. It was possible for the two Presidential nominees to spend much of the fall shaking the donor trees, even though they had pledged under the law, in this case the Presidential campaign finance law, not to raise money for their campaigns after receiving $62 million each in taxpayer funds. It was possible for tax-exempt groups to run millions of dollars worth of television ads that clearly endorsed or attacked particular candidates, even though they were just as clearly barred by law from engaging in such partisan activity.

Madam President, the disappearance, if I may call it that, of our campaign finance laws, which is to say the evasion of the clear intent of those laws, has serious consequences that none of us should overlook. Because our current system effectively has no limits on it, our political class, if you will, lives in a world in which a never-ending pursuit for money is often the only road—the only perceived road to survival. With each election cycle the competition for money gets fiercer and fiercer, the amounts needed to be spent get bigger and bigger, and consequently the amount of time Presidential candidates, national party leaders, fundraisers—all of us need to raise for our parties gets greater and greater.

In the 1996 election cycle the national parties raised $262 million in so-called soft or unregulated money, 12 times what they raised in 1984. And what about the current cycle, the 1997–1998 cycle? National party committees in the first 18 months of the 1998 election cycle have raised almost $116 million in soft money, more than double the $50 million raised during a comparable period by national party committees in 1994, which was the last non-Presidential election cycle.

Let none of us deceive ourselves that this unrelenting and ever-escalating money chase has no impact on the integrity of our Government and the impression our constituents have of our Government and those of us who serve in it. That clearly is the sad story, told by the Governmental Affairs investigation last year, and by the host of other investigations, journalistic and otherwise, that have been done of that 1996 election. Our country is focused at this moment in our history on the misconduct which our President acknowledged in his statement on August 17. The consequences of that misconduct were great, but that was the failure of one person. The failure that we speak of today, on the other hand, if we do not act to correct it, belongs to us all. It is systemic, and none of us should doubt that it will get worse unless we do something to change it.

Senator MCCAIN was right, the Senator from Arizona, when he said a while ago that probably the biggest scandal in Washington today is the current state of our campaign finance laws. How can any of us justify a system in which our elected officials repeatedly appear at events exclusively available only to those who can give $50,000 or $100,000 or more, amounts that are obviously out of reach for the average American and above the annual incomes, in fact, of so many of our citizens—the annual incomes of so many of our citizens. How can any of us justify a system in which we, public servants, must divert so much of our time from the people's business to the business of fundraising? How can we justify a system that has so disenchanted our constituents that, according to an October 1997 Gallup survey, only 37 percent of Americans believe that the best candidate wins elections; 59 percent believe elections are generally for sale; in which 77 percent of Americans believe that their national leaders are most influenced by pressure from their contributors, while only 17 percent believe we are influenced by what is in the best interests of our country? That is a searing indictment of what we are devoting our lives to—public service, the national interest; and it comes, I believe, directly from the way in which we raise money for our campaigns, certainly at the Presidential and national level.

How can any of us justify not taking action, some action, to reform our campaign finance system this year, in this 105th session, after all of the time and energy and resources Members of both sides of the aisle have spent investigating, in effect denouncing, the conditions that prevail under the current system? The fact is, I respectfully suggest, that we cannot justify such a system and we cannot justify inaction.

In the additional views that I was privileged to submit to the Government Affairs Committee report on its investigation of the 1996 campaigns, I wrote that I came away from that year-long investigation with an overarching sense that our polity has fallen down a long, dark hole into a place that is far from the vision of values of those who founded our democracy. I find it hard to see how others can come away from that experience, or any other experience which allows them to examine what has become of our campaign finance laws, without reaching a similar conclusion. We no longer live in a system in which every citizen's vote counts equally, or anywhere near equally. Instead, we live in a system in which what seems to matter most is how much money we can raise.

It is time to act to restore a sense of integrity to our campaign finance system, to restore the public's trust in it and us. This is not a radical idea. All we are really asking is to restore our system to what it was meant to be, to what in fact the letter of Federal law is today: a system where individuals can participate in our political system, but they are limited in their ability to use their incomes to influence their Government; where only individuals, not corporations and unions, may use their money to directly influence our elections, and where we all know, through disclosure, who it is that is contributing and the public may judge to what extent those contributions are influencing our actions and our votes.

Madam President, I hope that our colleagues will do what most observers seem to think we will not, which is to vote for cloture tomorrow to take up this bill and to clear this cloud from over our political system.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, we have heard a good deal in this debate about people buying access to politicians. Indeed, there has been a tremendous amount of time and printer's ink and television signals spent on debating how you buy access to a politician. I want to turn this debate around, for the sake of looking at it from a different point of view. It may take me some time to do this because there has been so much expenditure in one direction, but I think the core of this issue requires us to look in another direction, and that is not access to the politician, but access to the voters.

Let me develop this for just a minute. We live in a democracy. Ultimate power in a democracy lies with the voters. Madam President, when you and I wished to become an elected official, in order to get here we have to have access to the voters, and this whole political process is about that challenge—how does the Presiding Officer gain access to the voters of Maine in order to get her message across?

How do I get access to the voters of Utah in order to convince them that I am a better person than others who are seeking this opportunity? That is the focus that has never come into this debate. It is always assumed that the politicians are the constant and the voters somehow are the variable. It is, in fact, the other way around. The voters will always be with us in a democracy. It is the politicians who come and go and who are variable, and the question of how a politician becomes an officeholder depends entirely on how effectively the politician can get his or her message across to the voters so the voters can then make a choice.

What I am about to say for the next half hour to 45 minutes, will be focused in a whole new direction than the direction that we have been having in this debate.

I begin, Madam President, by going back to a historical review of the whole issue of money in politics. For this, I am dependent on a number of sources. One is the Wilson Quarterly published in the summer of 1997, with the cover article being entitled ''Money In Politics, The Oldest Connection.'' This gives us a historic point of view that will start us off in this direction that I think we ought to explore.

In this particular article, it points out that in the beginning of our Republic, a politician had access to the voters because he knew them all. They all lived in his neighborhood. George Washington was personally known to the people who voted to put him in Virginia's House of Burgesses. Thomas Jefferson was personally known to the people who he would turn to for political support. He had no problem gaining access to the voters.

I find it interesting, out of this Wilson Quarterly article, that even then, however, the subject of money did come up. If I can quote from the article:

> George Washington spent about 25 pounds apiece on two elections for the House of Burgesses, 39 pounds on another, and nearly 50 pounds on a fourth, which was many times the going price for a house or a plot of land.

Interestingly, many times the price of a house for a seat in the State legislature. Oh, what fun we could have with the rhetoric about that in this Chamber when we are saying that a seat in the House was up for sale.

Quoting from the article again:

> Washington's electioneering expenses included the usual rum punch, cookies and ginger cakes, money for the poll watcher who recorded the votes, even one election-eve ball complete with fiddler.

An interesting footnote about that appears in the article later relating to one of Washington's fellow State members, James Madison. Quoting again from the article:

> James Madison considered ''the corrupting influence of spiritous liquors and other treats . . . inconsistent with the purity of moral and republican principles.'' But Virginians, the future president discovered, did not want ''a more chaste mode of conducting elections.'' Putting him down as prideful and cheap, the voters rejected his candidacy for the Virginia House of Delegates in 1777. Leaders were supposed to be generous gentlemen.

Madison decided to enforce his own form of campaign finance reform, refused to treat the voters in Virginia, and they responded by refusing to send him to Virginia's House of Delegates.

As the country grew, obviously the circumstances changed. We got to the point where no longer could a candidate announce for office and assume he would be known to all the voters. Even if he bought some rum punch or ginger cakes, he still could not sway voters' opinion and, as the article says, quoting again:

> Leadership was no longer just a matter of gentlemen persuading one another; now, politicians had to sway the crowd.

As the article goes on to point out:

> In fact, the more democratic, the more inclusive the campaign, the more it cost.

In that one sentence, we have a summary of the challenge of a politician gaining access to the voters. I will repeat it:

> . . . the more democratic, the more inclusive the campaign, the more it cost.

Stop and think of the challenge today in that context where the Senator from New York has to reach millions, tens of millions, the Senator from California even more millions than that, in campaigns this fall. And the more democratic and more inclusive those campaigns are, the more they will cost.

Cost to do what? To gain access to the voters; to get your message across to the voters. The cost is directly connected with how democratic, how inclusive, and in the case of the larger States, how big the electorate is going to be.

We come into the present century, and we find things are getting worse in terms of the high cost of reaching the voters. One of the things, paradoxically, that has driven the cost of campaigns through the roof has been the cause of campaign finance reform. The reforms themselves have added to the burden of cost on a candidate who is seeking to have access to the voters.

Again from the article:

> Some reforms, such as the push for nomination of presidential and other candidates by primaries, made campaigning even more expensive. Ultimately, the reformers' decades-long efforts to improve the American political system did at least as much harm as good. They weakened the role of parties, lessened faith in popular politics, and hastened the decline of voter participation.

I find that very interesting. A historical analysis of America's politics written in an outstanding academic journal says that it has been the reformers' efforts that have ''weakened the role of parties, lessened faith in popular politics and hastened the decline of voter participation.'' We heard on this floor this morning the statement that voter participation is going down, and the reason is because we do not have campaign finance reform; indeed, that the more money we put into politics, the less people vote and the lower the level of participation and that there is a direct correlation between the money chase and the voters being turned off.

We were told that in the State of Arizona, they just had a primary that set an all-time low for voter participation in this era when we have an all-time high in spending.

Madam President, I offer the case of my own State and what happens with respect to voter participation and money. If I can go back in my own political career, the one career I know better than any other, I can tell the Members of the Senate that the highest voter participation in history in a primary in the State of Utah occurred in 1992 when I was running for the Senate.

We had an open seat for the Senate, and originally five candidates on the Republican side and two on the Democratic side. We had an open seat for Governor, and originally there were five candidates for Governor on the Republican side, and I believe three on the Democratic side, plus an independent thrown in who ran on a third party ticket.

By virtue of the Congressman in the Second District in Utah challenging for the Senate seat, we had an open seat in Salt Lake City, the media center of the State. So even though it was not a statewide office, it nonetheless called for purchase of statewide media.

We had the largest spending amount of money in the history of the State as we went through that primary.

In the Senate primary alone—there were only two candidates, I say, because under Utah's law a convention eliminates all but two—we had the highest expenditures in the State's history. My opponent spent $6.2 million in the primary in the State of Utah, setting an all-time record for money spent per vote. I struggled by with second place in spending with $2 million, which would have beaten the previous high if it had not been for the amount of money my opponent was spending. So that is over $8 million spent on a Senate primary in the State of Utah that has fewer than 1 million voters.

At the same time, we had a heated race for Governor with primaries in both parties. Fortunately, the gubernatorial candidates did not spend in the millions that the senatorial candidates did, but they spent a lot of money for a primary. And we had spending in the House race in the Second Congressional District.

If we believe what we were told on the Senate floor this morning, that should translate into the lowest voter turnout in history, people turned off by the money chase. But in fact it produced, as I said, the largest voter turnout in the history of the State.

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

Mr. BENNETT. I am happy to yield to my friend from Kentucky.

Mr. MCCONNELL. Following the astute observations of the Senator from the State of Utah, in fact that is where the correlation is, is it not? Year after year after year, we see that there is a direct correlation between spending and turnout, a fact that makes good sense. If there is a contested election, with two well-financed candidates, the turnout goes up. If very little money is spent, very little interest is generated and turnout goes down.

So I ask my friend from Utah if the Utah experience that he related to us is not almost always the case?

Mr. BENNETT. It is my understanding that it is, Madam President. And I would like to underscore that point by going to the primary in 1998. In 1998, there were no Senate candidates on the primary ballot from either party, I having eliminated my challenger within the party within the convention, and my Democratic opponent having had no challenger in his convention. We did not have a gubernatorial race. There was no challenge in the Second Congressional District, which is in the large media market.

But there was a primary in the Third Congressional District, where the incumbent Congressman was challenged by a gentleman who made it very clear that he not only would not accept PAC

money, he would not accept party contributions, he would not accept individual contributions. He said, ''I will take my message directly to the people without accepting any money''—as he put it, in biblical terms—''gold and silver, from anyone.'' And the result of that primary was the lowest turnout that anyone can recall.

His opponent did not spend any money. I talked to his opponent, the incumbent Congressman. I said, ''Aren't you going to spend anything?'' He said, ''I'm nervous it will look like overkill if I do.'' He did spend a little money on a get-out-the-vote campaign, but he did not buy any ads. There were no television broadsides and no radio ads. Most of the people in the district, by virtue of the lower spending, did not know an election was going on, and you had the lowest turnout in Utah history in that district.

So I submit, Madam President, that at least on the basis of the anecdote with which I am the most familiar, the more participation that you want, the more money you had better be prepared to spend. And if you are in fact decrying the low level of turnout and the low level of participation and you want to do something about that, then you defeat this amendment, because this amendment would take us down the road to further lowering the ability of candidates to access the voters and thereby let the voters know that an election is going on.

If I may go back to the historic pattern that I was outlining as to what has happened in this century, I would refer once again, Madam President, to the quote that I gave from the article in the Wilson Quarterly that ''the reformers' * * * efforts to improve the American political system did at least as much harm as good * * * and hastened the decline of voter participation.''

The article goes on to say:

> Twentieth-century politicking would prove to be far more expensive than 19th-century . . . politics . . . And as the century went on, politicians increasingly had to struggle to be heard above the din from competing forms of entertainment . . .

That is a very interesting way of putting it, Madam President. Politicians had to compete with the din of competing forms of entertainment. If you read the history books, there was a time when politics was the leading form of entertainment in this country. If you were going to have a rally, a bonfire, something to do, you went out and got involved in politics. As other forms of communication and entertainment came along, it became increasingly difficult.

I have a personal experience I can share on this which is perhaps not political but which makes the point. I served as a missionary for the church to which I belong in the early 1950s. And I served in the British Isles, where one of the great traditions of the British Isles is what is known as a street meeting. You stand on a street corner, you talk as loud as you can, and you hope somebody stops and listens to you.

On a good evening in the summertime, when the weather is fine, you could almost always draw a crowd. I would go down to the city square in Edinburgh, and the Salvation Army would be on that corner, and the Church of Scotland would be on that corner, and the Scottish nationalists would be over here, and I and my companions would be here.

The square would be filled with people, and you would compete with each other to see who could draw the biggest crowd and then who could hold the crowd as the other orators were speaking on their issues—the Scottish nationalists demanding that Scotland separate itself from the British tyranny, the Salvation Army putting forth—they were unfair in my book because they had a band. We did not have a band, we just had our own voices to carry it on. It was a great British tradition and still, presumably, goes on in some parts of Hyde Park in London, but I think only rarely now.

What happened to dry up the crowds that would show up and listen to the orators on politics and religion and everything else? Television. As soon they could stay home and watch television, they were not interested in coming down to the city square in Edinburgh to listen to a tall bald kid from America. However entertaining that may have been in an earlier time, all of a sudden there was competition. Politicians used to be at that square. Politicians have discovered, in the words of the article, that they have to ''struggle to be heard above the din from competing forms of entertainment.''

And how are they heard? They buy an ad. They go on television themselves. They go on radio themselves. How are they going to get access to the voters? They are going to have to compete in the same places where the voters are. It makes you feel wonderful to stand on a street corner and give an absolutely brilliant speech, if there is anybody listening.

But I can tell you from real experience, it makes you feel quite foolish to stand on a street corner and give an absolutely brilliant speech to a group of pigeons that keep flying in and out. If you are going to get access to the voters, you have to go where the voters are, and the voters are by their radio sets and in front of their television sets, and that is where you have to be, however much you might not like it.

Back to the article:

> By letting politicians appeal directly and ''personally'' to masses of voters, television made money, not manpower, the key to political success. Campaigns became ''professionalized,'' with ''consultants'' and elaborate ''ad-buys,'' and that added to the cost. So did the fact that as party loyalties diminished, candidates had to build their own individual organizations and ''images.''

I go back to the question of, Why did the party loyalties diminish? Because the reformers showed up and said, ''Parties are evil.'' It was the reform movement that diminished the power of parties, so that it did not make enough difference for an individual to win his party's nomination, he had to have his own organization, his own campaign consultants, and his own ad-buys.

Again, if I can give a personal anecdote to demonstrate this, my first experience with politics was in 1950 when my father ran for the U.S. Senate. Who managed his campaign that first year? It was the Republican State Party chairman who showed up when dad won the nomination and said, ''OK, we have a party organization in place and we are going to run your campaign.'' When my father ran for his last term in the U.S. Senate in 1968, I am not sure I remember who the Republican State chairman was, because by that time we had created our own organization—Volunteers for Bennett, Neighbors for Bennett, our own door-to-door system of handing out information. We had our own advertising budget and our own advertising program. We had to take it all over ourselves if we were going to get access to the voters in a meaningful way. And all of that costs money. It was the cost of the politicians gaining access to the voters that was going up and that was what was driving the fundraising challenge.

Then we got to what is considered the great watershed in American campaign finance problems, Watergate. The article addresses that, as well. If I might quote once again:

> Yet for all the pious hopes, the goal of the Watergate era reforms—to remove the influence of money from presidential elections—was hard and inescapable fact, ridiculous. Very few areas of American life are insulated from the power of money. Politics, which is, after all, about power, had limited potential to be turned into a platonic refuge from the influence of mammon. The new Puritanism of the post-Watergate era often backfired . . . Tinkering with the political system in many cases just made it worse.

I can offer anecdotes about that, as well. Let me give one. We heard in the hearings to which the Senator from Connecticut referred in the Thompson committee with respect to campaign finance reform, we heard there about a campaign that many can argue changed the course of American history. It was the McCarthy campaign in New Hampshire in 1968. Eugene McCarthy, a distinguished member of this body, decided against all political wisdom that he was going to challenge an incumbent President within his own party over an issue he considered to be a moral issue, the Vietnam war. Conventional wisdom said a sitting Senator does not do that to an incumbent President. The sitting Senator does not take on an incumbent President of his own party. But Eugene McCarthy did. He went to New Hampshire. He did not win, but he came close enough to scare Lyndon Johnson and his advisers so badly that within a relatively short period of time after the McCarthy challenge, Lyndon Johnson announced that

he would not run for reelection as President of the United States.

Now, we heard in the Thompson committee this bit about the McCarthy campaign. He went to five individuals, individuals of wealth, and said, ''I want to challenge Lyndon Johnson on the basis of principle; will you support me?'' And each one of those five said yes. Each one gave him $100,000. So he went to New Hampshire with a war chest of half a million dollars—which at the time was sufficient for him to gain access to the voters.

Again, the theme that I am trying to lay down here, the whole issue is not access to the politician; the issue is access to the voters. Eugene McCarthy could not have had access to the voters without that $500,000. We would, perhaps, not have had history changed the way it was as a result of the McCarthy campaign if those five men had not put up $100,000 apiece.

Now, someone connected with the McCarthy campaign testified before our committee and he gave this very interesting comment. He said those who signed the Declaration of Independence were so concerned about their Government that they were willing to pledge, in the words of that declaration, ''their lives, their fortunes and their sacred honor.'' Then he said, in today's world it would say, ''your lives, your fortunes and your sacred honor, just as long as it does not exceed $1,000 per cycle.''

Now, I think the McCarthy campaign and the result of that demonstrates how the reforms of the Watergate era have backfired, how they have made it impossible for many people who would otherwise have a message worth hearing, to gain access to the voters.

Let me give an example out of the last campaign. One of the more energetic of America's politicians is a former Member of the House, former member of the Cabinet named Jack Kemp. He brings to politics the same enthusiasm that he used to display on the football field. Sometimes he has the same suicidal motives that he seemed to have on the football field, but he plays the game with that kind of zest. Jack Kemp dearly wanted to run for President in 1996. He had run once before and he still had it in his blood and he was ready to go. I talked to Jack Kemp and said, ''Are you going to do it?'' And he said, ''No.'' I said, ''Why not?'' He said, ''I can't bring myself to go through the agony of raising the money.''

This is not cowardice on his part. If there is anything Jack Kemp is not, it is a coward. This is not lack of enthusiasm on Jack Kemp's part. It was a recognition of the fact that the so-called reforms out of Watergate meant that he could not do what Eugene McCarthy did. He could not go to five individuals and say, ''Give me $100,000 a piece to get me started.'' He had to do it $1,000 at a time. He said to me, ''BOB, I would have to hold 200 fundraisers between now and the end of the year to do it, and I simply cannot eat that much chicken.''

Mr. MCCONNELL. Will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator.

Mr. MCCONNELL. The Senator's point, I gather, is that the last reform of the mid-1970s has, in fact, secured the Presidential system to favor either the well-off, for example, Steve Forbes; or the well-known with a nationwide organization, for example, Bob Dole, to the detriment of every other dark horse who might have a regional base or some dramatic issue that they cared about, like Eugene McCarthy.

In fact, is the Senator's point that regional candidates or candidates with a cause are now out of luck as a result of the last reform?

(Mr. GORTON assumed the chair.)

Mr. BENNETT. The Senator is entirely correct. That is my point. If, indeed, we want to increase the amount of public confidence in the system and candidate participation in the system, we should remove the restrictions that now make it virtually impossible for anybody other than the well-known or the well-funded.

I used Jack Kemp as an example. The Senator from Kentucky has mentioned Steve Forbes. It is widely assumed—I have not discussed it with him directly, but I think it is probably accurate—that Steve Forbes would have backed Jack Kemp in the last election if Kemp had been able to run. It is widely assumed —and I think it is correct—that if Jack Kemp, pre-Watergate reforms, had gone to Steve Forbes and said, ''Steve, give me $1 million,'' Steve Forbes would have done it. But because he can't do it under the Watergate reforms, Steve Forbes ends up getting in the race himself because the only way he can make his money available to his causes is to spend it on himself.

The reforms we have make it impossible for him to spend it supporting anybody else, unless, of course, he does it in the terrible, dreaded form of soft money. And I will talk about that in a minute. But right now I want to focus again on the historic fact that, in the name of campaign finance reform, we have restricted rather than expanded the opportunities of politicians to get their message across. We have made it more difficult for a politician to gain access to the voters than it used to be before we had all of these reforms.

Back to the article for just a moment. A summary of this point, and one other aspect of it:

> In an age of growing moral relativism, reformers raised standards in the political realm to new and often unrealistic legal heights. Failure to fill out forms properly became illegal. This growing criminalization of politics, combined with the media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government.

We are all familiar with that, Mr. President. Failure to fill out forms properly—oh boy, what a terrible sin that is, and how dearly we pay for it. I have remained silent on my own experience with the Federal Election Commission, but I suppose the time has come now for me to confess my sins. My campaign in 1992, staffed primarily by volunteers, failed to fill out some forms properly—indeed, they failed to fill some of them out on the proper timeframe. They filled them out properly, they just didn't submit them in the proper timeframe. And for that, after spending about $50,000 in legal fees to convince the Federal Election Commission that I was not some kind of an ax murderer, we finally achieved an out-of-court settlement that cost me another $55,000.

In the negotiations between my campaign and the Federal Election Commission, my attorney made it very clear. He said, ''You will settle at the amount they know is below what it would cost you to litigate this issue.'' It has nothing to do with what constitutes an illegitimate penalty; it has to do with how much they know they can get from you because you would rather spend money to have this thing over than you would spend it for legal fees. As I say, I spent about $50,000 in legal fees. The settlement figure was $55,000. It is clear that it would have gotten to more than $55,000 if I had to go to litigation, and so financially I made the decision to settle. That is another one of the fruits of reforms.

In the words of the article, ''Criminalization of politics, combined with media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government.''

All right. I started this by saying the focus of this is on access to the voters. All of the debate we have had has been on how we must somehow deal with access to the politicians. Let's talk about access to the politicians for just a minute before we come back to the main theme. We are told again and again that the only reason people give any money, the only reason people make any contribution is because they want access. I will again refer to the article, but I will have other references out of a more current publication:

> Wealthy people who purchase status with payoffs to museums are admirable philanthropists. When they plunge into public service, they risk being called ''fat cats'' who want something more in return for their generosity than advancement of their notion of the public good and something more sinister than status by association. Donors are ''angels'' if they champion the right candidate or the right cause, but ''devils'' if they bankroll an opponent.

In this week's issue of Fortune Magazine, Mr. President, there is an article on money and politics that brings up to date that observation from the article I have been quoting. It talks about fundraisers for campaigns and makes this point in concert with the point that was just made:

> Conspiracy theorists will be disappointed to learn that the majority of money raisers don't seek quid pro quos. Most have made

their fortunes and dabble in politics because they are partisans and get a kick out of it.

That has been my experience. The people who give really big money—Rich DeVos of Amway, for example, for the Republicans, and a gentleman I believe named DeMont, who gave over $2 million to George McGovern and the Democrats, were not expecting an ambassadorship and not expecting to be appointed to the Cabinet. They made their fortunes; they are partisans and they get a kick out of it.

What they really crave is status and minor celebrity in the Nation's Capitol. The nastiest battles between fundraisers are often over who gets to sit next to the President or Presidential ''wannabes.'' It may seem absurd to the uninitiated, but among fundraisers, top pols are the rock stars of the beltway. In some ways, the real scandal of the White House coffees and overnights that got President Clinton in such pre-Monica trouble is that many sophisticated people were willing to raise or give so much to be little more than Washington groupies.

Buying access? It is not automatically the motive on the part of those who give. They give because they believe that this is good for the country. They believe in the cause. In this same article in Fortune, there is a specific example of one of these gentlemen—Arnold Hiatt. He is highlighted in the article. Mr. Hiatt believes in many things in which I do not believe. He is of the opposite political persuasion than I, and the article reports that:

In 1996, Arnold S. Hiatt, 71, was the second-largest individual contributor to the Democratic Party. His $500,000 gift was second only to the $600,000 given by Loral's Bernard Schwartz, who is now better known for his Chinese missile connections.

According to the article, Mr. Hiatt has decided not to give any more money to the Democrats. He gave $500,000 a month before the November 1996 election, specifically to help unseat 23 vulnerable House Republicans and return the House to Democratic control. Quoting the article:

It was the failure of his money to produce that result—not just a fit of conscience—that spawned Hiatt's change of heart. Asked why he decided to stop contributing to politicians so soon after giving so much, he admits that it was because his Democrats didn't win.

He gave the money for what he believes is a public-spirited reason, and he stopped giving to the parties because he didn't get the result that he wanted. Being a good businessman—he is the former CEO of Stride Rite, the company that makes Keds—he discovered he wasn't getting a return on his investment—not a return in corruption, not a return in access—I am sure he still has access to all the Democrats he wants—but a return on his ideological investment. He wanted the Democrats to control the House. He gave money to the Democratic National Committee. The Democrats didn't control the House so he decided to do something else.

What is he going to do? He is going to give his money directly to special interest groups. Now, according to the article, he doesn't believe that the groups to which he gives money are special interest groups; it is the groups he opposed that are the special interest groups.

The article says:

Hiatt then having gotten religion, has changed tactics. Rather than relying on the Democrats to press his agenda, he is now giving heavily to organizations like the Washington based public campaign which lobbied for publicly financed elections. Since the business interests that Hiatt so dislikes tend to have more money than the green groups he backs, Hiatt believes taxpayer funded elections would curtail the clout of the bad guys. Both the House and Senate would be controlled by the voters and less by special interests, Hiatt insists. But what he means is that Congress would be controlled by the people he agrees with.

Once again, Mr. President, the issue is access to the voters. Mr. Hiatt thought he could help get his agenda if he gave money to the Democrats. It didn't work. So he is seeking access to the voters through special interest groups. He has decided that the parties are not able to help him advance his agenda, and he is going to fund other groups to help advance his agenda. He has every right to do that. I applaud his willingness to get engaged and involved in American politics. But, if we pass the amendment that is before us, he will be curtailed, and the groups to which he contributes will be curtailed in their effort to gain access to the voters.

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

Mr. BENNETT. Yes. Certainly.

Mr. MCCONNELL. Mr. President, over the last decade, the Senator from Kentucky asked numerous witnesses at hearings on campaign finance to define what a special interest is. I say to my friend from Utah that I have not yet gotten a good answer. So I have concluded—and I ask the Senator from Utah if he thinks this is a good definition of a special interest—I say to my good friend from Utah that I have concluded that a special interest is a group that is against what I am trying to do. Does the Senator from Utah think that probably is as good a definition of special interest as he has heard?

Mr. BENNETT. Mr. President, I say to the Senator from Kentucky that is what I have heard referred to as a good working definition.

I might add to that a comment that came out of the Thompson committee hearings from my friend from Georgia, Senator CLELAND, when he talked about tainted money and the definition of tainted money in Georgia. He said, ''Taint enough; taint mine.''

Yes. Every man's special interest is the other man's noble cause.

Mr. MCCONNELL. Mr. President, in fact, I ask the Senator from Utah, was it not envisioned by the framers of our Constitution and the founders of this country that America would, in fact, be a seething caldron of interest groups, all of which would enjoy the first amendment right to petition the Congress; that is, to lobby, to involve themselves in political campaigns, and to try to influence, in the best sense of the word, the Government? And in today's America where the Government takes $1.7 trillion a year out of the economy, I ask my friend from Utah, is it not an enduring and important principle that the citizens should be able to have some influence on the political process and the government that may affect their lives?

Mr. BENNETT. Mr. President, the Senator from Kentucky is now getting into grounds that I love but that some others have sometimes scorned in this debate; that is, the basis of the free speech position of the Constitution of the United States.

If I may respond to the Senator from Kentucky by quoting from James Madison and the Federalist Papers that support exactly what he said, they didn't use the term ''special interest'' back in Madison's century. The term of art then was ''faction.''

This is what James Madison had to say:

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens.

That sounds like the definition of a special interest group to me.

Madison goes on to say:

There are . . . two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire.

Certainly we do not want to eliminate air that we cannot breathe in the name of stopping a fire that might occur, and we do not want to eliminate liberty.

So Madison makes that point.

Referring to the second, giving everyone the same opinions, passions, and interests, Madison says:

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed.

Absolutely the Founding Fathers created the Constitution for the sole purpose of protecting the rights of every one to have his own special interest, belong to his own faction, and hold his own opinion. An attempt on the part of the Senate of the United States to destroy that right is clearly going to be held unconstitutional as it has been again and again, as my friend from Kentucky has pointed out so often on the floor.

Mr. MCCONNELL. Mr. President, I ask my friend further is it not the case that the underlying amendment which we have been debating seeks to make it impossible for groups of citizens to criticize the politician by name within

60 days of the election? Is that the understanding of the Senator from Utah?

Mr. BENNETT. Mr. President, it is my understanding that is the way the bill is written. I think James Madison would be turning over in his grave, although I think he would take comfort from the fact that the institution he helped create—the Supreme Court—would clearly strike it down.

Mr. MCCONNELL. I say to my friend, so if you have the situation that on September 3rd of a given year a group of citizens could go out without registering with the Federal Election Commission, without subjecting themselves to that arm of the Federal Government, and criticize a politician by name, but then on September 4th, I ask my friend from Utah, that would become illegal. Is that correct?

Mr. BENNETT. It is my understanding that the bill would make that illegal and improper.

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

Mr. BENNETT. Yes.

Mr. FEINGOLD. Does the Senator realize that under the Snowe-Jeffords amendment, which is included in the version of McCain-Feingold that is before the Senate, at this time there is no restriction on individuals such as Mr. Hiatt? Are you aware that was the rule by a majority vote of this body?

Mr. BENNETT. I was unaware that Mr. Hiatt would be allowed to spend his soft money for a faction. I think it is still true that he would not be able to spend his soft money for a party. Is that not the case, I ask my friend?

Mr. FEINGOLD. As I understand it, he would still be able to do it for the types of ads the Senator was indicating. The question that I would ask is, if you have a concern with regard to the bill at this point concerning individuals and groups that are not corporations or unions, the whole purpose of the Snowe-Jeffords amendment was to make it clear. And in the spirit of compromise that it would not affect what the individuals have been able to do in the past in that area, I just wanted to make sure the record is clear, because much of the comments of the Senator from Utah have to do with individuals who are not restricted in the way that the Senator has suggested.

Mr. BENNETT. Mr. President, I would suggest that individuals are seriously restricted under this bill because they cannot exercise their constitutional privilege of giving the money to a political party. Mr. Hiatt has made the choice not to give the money to the political party, if the article is to be believed solely on the basis that it didn't work, not because he was motivated by some other higher spirit. He decided to give the money directly to a faction because he thought it would be more effective.

If this bill passes, as I understand it, Mr. Hiatt would be prohibited from changing that decision. That is, if he were to decide that, ''Gee, I could make things better if I gave it directly to the political party, I want to go back to what I was doing before,'' he would be prohibited from doing that on the grounds that this is soft money, and he is forced by the law to give his money to a special interest group rather than to a political party or to a political candidate.

This puts us in the position of paradoxically strengthening the hands of special interest groups at the expense of political parties and political candidates. This puts us in the position of saying that eventually political discourse in this country will go the way that it is going in California. I lived in California for long enough to know that the California pattern of putting issues directly on the ballot with no spending limitation whatsoever eclipses elections for candidates. The amount of spending that went on in the last California election on the various referenda vastly outstripped and eclipsed the amount that any candidate was able to spend. And if we get to the point where political candidates are squeezed out of access to the voters by groups funded by people like Mr. Hiatt who have unlimited amounts to spend, we are going to be in great difficulty.

Mr. FEINGOLD. Mr. President, I have a question about that very point. Mr. President, I thank the Senator from Utah. Many of his remarks were devoted to the proposition that Mr. Hiatt couldn't give to various groups; independent groups.

Mr. BENNETT. I didn't say he couldn't give to various groups.

Mr. FEINGOLD. I believe I heard several comments to the effect that he would be prevented from doing that. I just want the record clear that the only concern the Senator from Utah has at this point in light of the effect of the Snowe-Jeffords amendment is the amendment's effect on what he can give to parties.

Mr. BENNETT. Exactly.

Mr. FEINGOLD. I want that clear for the record.

Mr. BENNETT. Sure.

Mr. FEINGOLD. Because I was not certain in light of your remarks.

Mr. BENNETT. That is not the only effect. If I can repeat once again, this bill, in light of the Snowe-Jeffords amendment, would hasten the day when people would abandon candidates and abandon parties and give their money directly to special interest groups, as Mr. Hiatt has voluntarily decided to do in this situation, and I think that would be tremendously deleterious to the cause of worthwhile political discourse in this country.

I pause at this example. Let us suppose that in the State of Utah the Sierra Club were to decide that their No. 1 goal was to drain Lake Powell. Indeed, they have announced many places that that is soon to be their No. 1 goal.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now begin 30 minutes of debate on the motion to proceed to S. 1301, which the clerk will report.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to finish my thought.

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

Mr. FEINGOLD. Mr. President, reserving the right to object, I ask that I be given the opportunity to respond briefly to the Senator's remarks.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. I withdraw my request and suggest the absence of a quorum.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. BENNETT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

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

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

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 394, S. 1301, a bill to amend title XI, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The PRESIDING OFFICER. Time for debate between now and 5 p.m. will be equally divided between the Senator from Iowa and the Senator from Illinois, Mr. DURBIN.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume from my portion.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I want to say a few words today before we have our cloture vote on S. 1301, and that is the Consumer Bankruptcy Protection Act. That is going to occur, as stated by the Chair, at 5 o'clock. We are going to vote at that time on whether we can even consider this very important piece of legislation that is called the Consumer Bankruptcy Protection Act.

As I said yesterday, I think the necessity of having a cloture vote and the objection to taking this bill up was a desperation tactic. If the opponents of reform want to fight reform, let's have a fight about the merits of bankruptcy reform. I would like to get to the bill. I would like to have everybody vote for cloture on the motion to proceed, and then we are there debating this legislation. When we get to the bill, I want to