

funded by small donors are not more democratic and that, in fact, large donors are healthier for the system. Mr. Smith has also argued that the perception that money buys elections is incorrect and that rather than corrupting the system, limiting money corrupts the system by entrenching the status quo, favoring wealthy individuals, and making the electoral process less responsive to public opinion.

Let me categorically state for the record that I could not disagree more with Mr. Smith's positions and his writings when it comes to campaign finance. It is clear to me that money plays far too great a role in campaigns today. I could not disagree more that limits on contributions are not only constitutional but necessary for our form of democracy to survive.

There is no doubt in my mind that money corrupts, or has the appearance of corrupting our system, and this perception threatens to undermine our electoral system and jeopardize the confidence in our form of democracy.

I could not disagree more with Mr. Smith's conclusion that Congress needs to reverse course and loosen campaign finance regulations. It is past time for this Congress to pass comprehensive campaign finance reform, which I have consistently supported and will continue to support.

That is what the debate in the Senate is about today—whether or not this Congress will act on the will of the people and bring this system of campaign finance loopholes and the money chase to a close. My support for such action could not be more clear.

Notwithstanding my strong disagreement with his views, I am not going to oppose this nomination of Mr. Smith for the following reasons: Traditionally, there is a heightened level of deference given to the President's nominees, particularly when the position is designated to be filled by one party. That is particularly the case with nominees to the FEC, who by statute are to be the representatives of their political parties on that commission. Moreover, in performing our constitutional responsibility to provide advice and consent to the President's nominations, the Senate should determine whether a nominee is qualified to hold the office to which he or she has been nominated.

Mr. President, it is clear to me that Mr. Smith is qualified to hold this office. He is clearly intellectually qualified for the position. He is a recognized, although controversial, scholar on election law and the Constitution. He is bright, articulate, and anxious to serve. Again, I could not disagree with him more, but to say he is not qualified to serve is not to have spent time reading his writings or listening to him. You can disagree with him—and I do vehemently—but he is certainly qualified to sit on the FEC. Most impor-

tantly, he has appeared before the Senate Rules Committee and testified under oath that if confirmed, he will uphold the Constitution of the United States and the election laws of the land.

During Rules Committee consideration of this nominee, I asked Mr. Smith if, notwithstanding his personal views, was he prepared to enforce the election laws founded on the congressional belief that political contributions can corrupt elections and need to be limited, as allowed by law and the Constitution. Mr. Smith responded that he would "proudly and without reservations" take that oath of office.

Finally, this Senate, and the Rules Committee in particular, have an obligation, in my view, to fill vacancies on the Federal Election Commission. Otherwise, we face gridlock and inaction by our agencies. The FEC is simply far too important, in my view, to be hamstrung by refusing to confirm a controversial but otherwise well-qualified nominee.

My vote in favor of this nomination should not be read as an endorsement of his views. Nothing could be further from the truth. It is an endorsement of the process that allows our political parties to choose nominees who hold views consistent with their own. I regret that the majority party here—at least a majority of the majority party—embraces the views they do, and nobody holds them more strongly than my friend and colleague from Kentucky. I think he is dead wrong in his views on these issues, but he represents the views of the majority party on this issue. They have made a choice that Bradley Smith reflects their views well on this issue. Therefore, they have the right, in my view, to have him confirmed to the seat, assuming that he is otherwise qualified to sit on the Commission. I would not vote for him if it were strictly a case of endorsing his views as opposed to mine. But the FEC has never been a body where that has been a litmus test applied to Presidential nominees.

Whether or not this nominee is confirmed will not determine the real issue for Congress—and that is whether we will pass meaningful campaign finance reform laws to restore the public's faith in our elected system of Government.

The fundamental problem we face is not whether Bradley Smith is on the FEC, but whether or not this body, before we adjourn this Congress, is ever going to address the fundamental campaign laws that some of us would like to see modified, including the McCain-Feingold legislation, which has been before this body in the past.

It is time, in my view, to confirm these nominees to ensure that this agency has a full complement of dedicated, talented Commissioners sworn to uphold the laws on the books.

It is time to get on with the work of the Senate to reform our campaign finance laws and give the FEC the resources it needs—both financially and statutorily—to restore the public's confidence in our electoral system.

I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly to the ranking member of the Rules Committee, I listened carefully to his statement. I thank him very much for respecting the process by which we have selected our nominees for the Federal Election Commission. He made it clear that, had the choice been his, he would not have picked Professor Smith. I will make it clear a little later that had the choice been mine, I would not have picked Commissioner McDonald. This is the way the FEC is supposed to work. I thank my colleague for honoring that tradition.

The PRESIDING OFFICER. Under the previous order, the Senate is to recess at 12:30.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at that point to use such time as I am allotted.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:49 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Today we are debating a nomination that may be just as important to the cause of campaign finance reform as any bill that has been considered by the Senate in recent years. Tomorrow's vote on the nomination of Brad Smith may be just as significant for campaign finance reform as any of the votes we had on those bills.

The issue here is the nomination of Brad Smith to a 6-year term on the Federal Election Commission, and I oppose that nomination.

Like other speakers, I take note of the photograph of Brad Smith's family shown today on the floor only to make a point that this nomination is certainly not analogous to treatment that