

Last week the AFL-CIO, which in the past had endorsed a ban on soft money contributions, announced that it has serious misgivings about other provisions of the McCain-Feingold bill. Limiting "issue ads" that criticize candidates by name—even if not calling specifically for their defeat—in the period before an election would inhibit its ability to communicate freely with union members, the memo said. Other sections would make it impossible for labor to coordinate its voter-turnout efforts with those candidates it supports. None of these concerns is trivial. But they point up some of the very same constitutional objections Mr. McConnell and other opponents—including a variety of conservative groups and, yes, the American Civil Liberties Union—have made for years.

Lastly, Mr. President, I would like to refer to another article by Professor Kathleen Sullivan, professor of constitutional law and dean of Stanford Law School. This article is entitled "Sleazy Ads? Or Flawed Rules?" and appeared on March 8, 2000 in the New York Times. In this article, Professor Sullivan notes the controversy that surrounded the running of television ads last year by supporters of then-candidate George W. Bush. She explains why the real problem with today's campaign finance system is the quarter-century-old contribution limits, and that real reform would be to raise these limits, bringing them into the 21st century. Specifically, Professor Sullivan notes:

Many have professed to be shocked, shocked that recent television commercials attacking Senator John McCain's environmental record turned out to be placed by Sam Wyly, a wealthy Texas investor who has been a strong supporter of Gov. George W. Bush.

Predictably, many have called for more campaign finance reform to stop such stealth politics, and Senator McCain filed a formal complaint on Monday with the Federal Election Commission, alleging that the ads, though purportedly independent, were in reality a contribution to the Bush campaign that exceeded federal contribution limits.

Such calls for greater regulation of campaign donations, however, ignore the real culprit in the story: the campaign finance laws we already have. Why, after all, would any Bush supporter go the trouble of running independent ads rather than donating the money directly to the Bush campaign? And why label the ads as paid for by Republicans for Clean Air, rather than Friends of George W. Bush?

The answer is the contribution limits that Congress imposed in the wake of Watergate and that the Supreme Court has upheld ever since. The court held that the First Amendment forbids limits on political expenditures by candidates or their independent supporters, but upheld limits on the amount anyone may contribute to a political campaign.

The result: political money tries to find a way not to look like a contribution to a political campaign. Unregulated money to the parties—so-called soft money—and deceptive independent ads are the unintended consequence of campaign finance reform itself.

This result is not only unintended but undemocratic. Contribution limits drive political money away from the candidates, who are accountable to the people at the voting

booth toward the parties and independent organizations, which are not.

If Governor Bush places sleazy ads misleading the voters about Senator McCain's record on clean air, voters can express their outrage through their votes. No similar retribution can be visited on private billionaires who decide to place ads themselves.

The answer is not to enlist the election commission to sniff out any possible "coordination" between the advertisers and the official campaign, or to calculate whether the ads implicitly supported Mr. Bush.

It is unseemly in a democracy for government bureaucrats to police the degrees of separation between politicians and their supporters. And it is contrary to free-speech principles for unelected censors to decide when an advertisement might actually incite voters to vote. What else, after all, is political speech supposed to do?

The solution is simple: removal of contribution limits, full disclosure and more speech. If it had been clear from the outset that the dirty ads on dirty air had come from Mr. Wyly, a principal bankroller of the Bush campaign, the voters could have discounted them immediately—with vigorous help from the vigilant press and the McCain campaign. A requirement that political ads state their sources clearly is far less offensive to free-speech principles than a rule that the ad may not run at all.

Better yet, the removal of contribution limits would eliminate the need for stealth advertising in the first place. If Mr. Wyly could have given the money he spent on the television spots directly to the Bush campaign, the campaign alone would have been held responsible for any misleading information that might have been put out. And such accountability would have made it less likely that such ads would have run at all.

As it turned out, Senator McCain was able to use the Wyly commercials to attack Governor Bush's campaign tactics. So, in the end, who gained more from the flap? All Mr. McCain really needed to preserve his competitive edge was the First Amendment, which protects his right to swing freely in the political ring. The people are far more discerning than campaign finance reformers often give them credit for; they can sift out the truth from the cacophony.

Mrs. MURRAY. Mr. President, I rise to indicate that if I were present last Friday, March 23, I would have voted "yes" on the motion to table amendment No. 141, to the campaign finance reform bill, offered by Senator JESSE HELMS of North Carolina.

I was unable to participate in Friday's session because I flew home to Seattle to attend the funeral services for Grace Cole. Grace served on the Shoreline School Board for 13 years and represented North Seattle in the Washington House of Representatives for 15 years.

Grace was my mentor and led the way for advocates like me to follow her from the local school board to the Washington State legislature. Grace made a difference for thousands of families throughout our State by standing up for education, the environment and social justice.

Mr. ALLARD. Mr. President, I would like to announce that I was unable to cast a vote on rollcall vote No. 47, due to unavoidable airline delays. If I was present, I would have voted "no."

#### MORNING BUSINESS

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

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

#### RESPONSE TO PRESIDENT'S PROPOSAL TO CUT FUNDING FOR CHILDREN'S PROGRAMS

Mr. DODD. Mr. President, I rise to discuss an issue that came to light at the close of business last week in an article that appeared in the New York Times by Robert Pear, "Bush's Budget Would Cut Three Programs to Aid Children." It goes on to describe child care, child abuse programs, early learning programs, and children's hospitals that would receive significant cuts in the President's budget proposal when that proposal arrives.

We haven't seen the budget yet. My hope is that maybe the administration might reconsider these numbers that we are told are accurate. I tried to corroborate this story with several sources, and while no one wants to step up and be heard publicly on it, no one has also said that the numbers are wrong. I suspect they are correct.

The President campaigned on the promise to leave no child behind. If we heard it once, we heard that campaign slogan dozens and dozens of times all across the country. I don't recall seeing the President campaigning when he didn't have that banner behind him saying: Leave no child behind.

Those of us who took the President at his word were shocked, to say the very least, by the news on Friday that the President intends to cut funding for critical children's programs, programs that address basic survival needs of these young people and their families.

Certainly his actions beg the question, when he pledged to leave no child behind, which children did he mean? Apparently not abused and neglected children, since he would cut funding for child abuse prevention and treatment by almost 20 percent.

Almost 900,000 children are victims of child abuse each year in America. Is the President going to ask those children to choose amongst themselves which 20 percent of them shouldn't have their abuse investigated? Is he going to ask them to decide which 20 percent are going to have their abusers brought to justice?

When the President promised to leave no child behind, he must not have meant sick children. The President would cut funding for children's hospitals by some unspecified "large" amount. I am quoting from the story. This funding, which supports the training of doctors who care for the most seriously ill children in our country, had

tremendous bipartisan support when it was first appropriated last year. A cut in this program of any size would be a huge step back for chronically ill children and their families.

When the President promised to leave no child behind, he must not have meant the thousands of children who are warehoused every year in unsafe child care settings. He is proposing to cut child care funding by \$200 million and to cut all \$20 million for the funding of the new early learning program sponsored by Senator STEVENS of Alaska and Senator KENNEDY of Massachusetts. If the President's proposed cuts prevail, 60,000 families with babies and toddlers will be denied child care assistance. At a time when our goal is to give low-income working families the support they need to stay off welfare, such a proposal is unfathomable in my mind.

The President justifies these cuts by saying that instead families will get tax breaks. Allow me to point out a few reasons why I find this justification wrongheaded.

First, this answer conveniently ignores the fact that 43 percent of the tax cut, as we all know, goes to the top 1 percent of the wealthiest families in America, not usually the families who have the biggest problem finding affordable child care or getting good health care when their children are sick.

Secondly, while tax cuts when done in a fair and responsible way can be helpful, they are not the panacea for children's needs. The last time I checked, tax cuts didn't prevent child abuse or make child care safer or make sick children well. The last time I checked, there were proven programs in place, enacted with bipartisan support in this body and the other Chamber, that were addressing those very problems. Yet these are the very programs the President has decided apparently to cut.

The President described himself as a compassionate conservative. Yet every day, with every action over the past 2 months, the evidence seems to be mounting that while he is long on conservatism, he seems a little short on compassion at this point.

Next week the Senate will take up the budget resolution, our blueprint for spending for next year. It is my fervent hope and my intention that these are the kinds of issues we will air and that, with the choices I will be asking us to make, we will have a chance to restore some of this funding when those proposals come up. If they are presently included at the levels that have been suggested, I will be offering appropriate language to address them.

I can't help but notice the presence of my friend from Pennsylvania on the floor, who I know is here to address the matter before the Senate, the Hollings proposal. I thanked him in his absence,

and I thank him publicly. It was the Senator from Pennsylvania who last year, when the child care funding levels were going to be raised to full funding of \$2 billion, made that happen.

He and I have worked on these issues for 20 years together, from the days when we first identified the issue and then crafted the legislation. In fact, Senator HATCH, who will be coming to the floor shortly, was the original cosponsor with me of the child care development block grant program.

When I express my disappointment, I don't do so in a partisan way because I have worked closely over the years with Members who understand the value of decent child care and the value of children's hospitals, the value of early learning, as Senator STEVENS of Alaska has, as champion of that particular issue.

My hope is that the administration, in the days remaining before they submit the budget to Congress, will listen to some of us who urge them to take a second look at these issues before sending us a budget proposal that sets the clock back at a time when we need to be doing more for families who are struggling to hold their families together to make ends meet.

I didn't mean to raise the name of the Senator from Pennsylvania particularly, but I saw him and I wanted to thank him for the tremendous work he has done on these issues over the years.

I ask unanimous consent to print in the RECORD an editorial entitled "The Mask Comes Off," by Bob Herbert.

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

[From the New York Times, Mar. 26, 2001]

THE MASK COMES OFF

(By Bob Herbert)

Is this what the electorate wanted?

Did Americans really want a president who would smile in the faces of poor children even as he was scheming to cut their benefits? Did they want a man who would fight like crazy for enormous tax cuts for the wealthy while cutting funds for programs to help abused and neglected kids?

Is that who George W. Bush turned out to be?

An article by The Times's Robert Pear disclosed last week that President Bush will propose cuts in the already modest funding for child care assistance for low-income families. And he will propose cuts in funding for programs designed to investigate and combat child abuse. And he wants cuts in an important new program to train pediatricians and other doctors at children's hospitals across the U.S.

The cuts are indefensible, unconscionable. If implemented, they will hurt many children.

The president also plans to cut off all of the money provided by Congress for an "early learning" trust fund, which is an effort to improve the quality of child care and education for children under 5.

What's going on?

That snickering you hear is the sound of Mr. Bush recalling the great fun he had play-

ing his little joke on the public during the presidential campaign. He presented himself as a different kind of Republican, a friend to the downtrodden, especially children. He hijacked the copyrighted slogan of the liberal Children's Defense Fund, and then repeated the slogan like a mantra, telling anyone who would listen that his administration would "leave no child behind."

Mr. Bush has only been president two months and already he's leaving the children behind.

There are many important reasons to try to expand the accessibility of child care. One is that stable child care for low-income families has become a cornerstone of successful efforts to move people from welfare to work.

Members of Congress had that in mind when they allocated \$2 billion last year for the Child Care and Development Block Grant. That was an increase of \$817 million, enabling states to provide day care to 241,000 additional children.

Now comes Mr. Bush with a proposal to cut the program by \$200 million.

Is that his idea of compassion?

The simple truth is that the oversized tax cuts and Mr. Bush's devotion to the ideologues and the well-heeled special interests that backed his campaign are playing havoc with the real-world interests not just of children, but of most ordinary Americans.

Mr. Bush is presiding over a right-wing juggernaut that has already reneged on his campaign pledge to regulate carbon dioxide emissions (an important step in the fight against global warming); that has repealed a set of workplace safety rules that were designed to protect tens of millions of Americans but were opposed as too onerous by business groups; that has withdrawn new regulations requiring a substantial reduction in the permissible levels of arsenic, a known carcinogen, in drinking water; and that has (to the loud cheers of the most conservative elements in the G.O.P.) ended the American Bar Association's half-century-old advisory role in the selection of federal judges, thus making it easier to appoint judges with extreme right-wing sensibilities.

The administration of George W. Bush, in the words of the delighted Edwin J. Feulner, president of the conservative Heritage Foundation, is "more Reaganite than the Reagan administration."

Grover Norquist, a leading conservative strategist, said quite frankly, "There isn't an us and them with this administration. They is us. We is them."

Mr. Bush misled the public during his campaign. He eagerly donned the costume of the compassionate conservative and deliberately gave the impression that if elected we would lead a moderate administration that would govern, as much as possible, in a bipartisan manner.

Last October, in the second presidential debate, Mr. Bush declared, "I'm really strongly committed to clean water and clean air and cleaning up the new kinds of challenges, like global warming."

And he said, as usual, "No child should be left behind in America."

He said all the right things. He just didn't mean them.

#### ADMINISTRATION DECISION REGARDING THE AMERICAN BAR ASSOCIATION

Mr. KERRY. Mr. President, I am disturbed by the Bush Administration's announcement last week that he will