



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Tuesday, March 27, 2001

The Senate met at 9:15 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, bless the Senators today. You are the Potter; they are the clay. Mold them and shape them after Your way. Americans have prayed for Your best for this Nation, and You have answered their prayers with these women and men, chosen by You because they are people open to Your guidance. Meet their personal needs today so they can be Your instruments in meeting America's needs. Give them peace of mind, security in their souls, and vigor in their bodies so they can lead with courage and boldness. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The bill clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

Hagel amendment No. 146, to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits.

### AMENDMENT NO. 146

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Hagel amendment No. 146. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the remaining time on the proponent side of the Hagel amendment is how much?

The ACTING PRESIDENT pro tempore. Eighty minutes.

Mr. MCCONNELL. I expect Senator HAGEL to be here momentarily. I yield myself 5 minutes of the Hagel proponent time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. MCCONNELL. Mr. President, I never thought I would be putting a Richard Cohen column in the CONGRESSIONAL RECORD for any purpose on any issue, and certainly not on campaign finance reform. But I think this liberal columnist of the Washington Post must have had an epiphany. His column this morning I think is noteworthy, and I want to read a couple parts of it before putting it in the RECORD.

Richard Cohen said this morning in the Washington Post with regard to

the underlying bill that it would do damage to the first amendment. He said:

There is no getting around that. The AFL-CIO is right about it. The American Civil Liberties Union is right too. Some senators who support McCain-Feingold do not quibble with that assessment; they say only that no bill is perfect. . . .

Further in the article, Cohen says:

The trouble is that the lobbyists on K Street will ultimately figure out a way around any campaign finance reform. This is virtually a physical law in Washington, like water seeking its own level. It happened following the Watergate reforms, and it will happen this time, too.

And so when that happens we will be left with nothing much in the way of reform. But we will be left with a bit less free speech. Specifically, we will be left with severe restrictions on so-called issue advocacy. Sometimes these efforts are scurrilous and underhanded: Remember the scuzzy attack by friends of George Bush on John McCain's record on cancer research? But sometimes such attacks are valuable additions to the political debate. However you judge them, they are speech by a different name, and the First Amendment protects them all.

He goes on to say:

Still, Congress has no business enacting a law—any law—that contains provisions it knows will not pass constitutional muster. . . .

So there is a great desire to do something—almost anything, it seems, to convince the public that not all Washington is for sale. Much of the Washington press corps, symbiotically tied to government for its sense of importance, also cries out for reform. But this particular reform comes at a steep price, even the criminalization of what heretofore was free speech.

No doubt the power and wealth of special interests pose a problem for the political system. But worse than the ugly cacophony of a last-minute smear campaign is the chill of any government-imposed silence. That's not reform. It's corruption by a different name.

I ask unanimous consent that the Richard Cohen column be printed in the RECORD.

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

[From the Washington Post, Mar. 27, 2001]

. . . PRESERVE FREE SPEECH  
(By Richard Cohen)

To tell the truth, I had no intention of ever writing about campaign finance reform, as in

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.