



**REMARKS OF U.S. SENATOR RUSS FEINGOLD DURING
TODAY'S DEBATE ON THE MCCAIN-FEINGOLD CAMPAIGN
FINANCE REFORM BILL**

March 20, 2002

MR. FEINGOLD: Mr. President, on September 7, 1995, six and one half years ago, the senior Senator from Arizona and I introduced the first version of the McCain-Feingold campaign finance reform bill. It was a different bill from the bill we are about to pass today, but it was a different world then. The Senate that year was controlled by the Republican party. The Majority Leader was Bob Dole. The occupant of the White House was a Democrat, Bill Clinton, still in his first term. Still far in the future, unimaginable to any of us then, were an impeachment trial, an impossibly close Presidential election, and of course, September 11.

The world of campaign finance was much different too. Still to come was the 1996 Presidential campaign with campaign finance abuses that by now we refer to in shorthand – the White House coffees, the Lincoln Bedroom, the Buddhist temple fundraiser, Roger Tamraz. Still ahead were the extraordinary revelations of the Thompson investigation concerning fundraising abuses by both political parties. Still in the future was the explosion of phony issue ads by outside groups and by the political parties – hundreds of millions of dollars spent to influence elections through a loophole that assumes that the advertising is not meant to influence elections.

Most amazing, as I look back, is the growth since then of the soft money outrage, which has become the central focus of our campaign finance reform effort over the past several years. When we introduced our first bill, soft money was still in, if not

its infancy, then at most its adolescence.

When we introduced the 1995 bill, banning soft money was actually the sixth component of the bill that I mentioned, coming after, believe it or not, reforms to the congressional franking privilege. I noted in that speech with some sense of "outrage" that the political parties had raised— I kid you not — "tens of millions of dollars" in 1995 alone.

Well, the soft money loophole surely came of age in the 1996 elections, and has only kept growing since then. In the 1992 election cycle, the parties raised a total of \$86 million. In 1996, that number more than tripled to \$262 million. And in 2000, soft money receipts nearly doubled again to \$495 million, nearly half a billion dollars.

As the world of campaign finance has changed, so has the McCain-Feingold bill. In late 1997, in the wake of the Thompson investigation, we reluctantly concluded that we first needed to focus our efforts on closing the biggest loopholes in the system — soft money and phony issue ads. But narrowing the bill obviously did not make it easy to pass. As those two loopholes have grown in importance, and more and more money has flowed through them into our elections, the commitment of the major players in the political system to protect them has only increased. Indeed, there was a time when even the opponents of campaign finance reform called soft money "sewer money" and proposed banning it in their own alternative bill. Now they champion soft money as essential to the health and stability of the political parties and protected by the First Amendment.

A few things haven't changed a bit since Senator McCain and I began this journey together. One is our commitment to bipartisan reform. Both Senator McCain and I mentioned this in our first speeches in 1995. We knew then that a partisan effort on this issue was doomed to failure. In my speech, I noted that we were both speaking to members of both parties about our bill, and that "we are not dividing up the Senate because this has to be a product of the Senate."

That hope was put to the test last year when this body engaged in an extraordinary two week floor debate on campaign finance reform, with an open amendment process and a vote on final passage for first time since 1993. We had 27 roll call votes in that debate. Thirty-eight amendments to the bill were offered, and 17 were

adopted. This bill is truly the work product of the Senate as a whole. That is a major reason why it will soon be headed to the President for signature.

Another thing that hasn't changed since 1995 is the need for reform. If anything, it has increased as much as the amount of soft money contributed to the parties has increased. In 1995, I noted that the public had reason for concern when big money was being poured into legislative efforts such as the telecommunications bill and regulatory reform legislation. Since then, the list of legislative battles where money has seemed to call the shots has gotten longer and longer. The bankruptcy bill, product liability legislation, the tobacco wars, financial services modernization, the patient's bill of rights, China MFN. I could go on and on.

I have called the bankroll here on this floor more than 30 times since June 1999. These days major legislation almost never comes to this floor without interests, often on both sides, who have made major soft money contributions to the political parties. We need look no further than the work we do on this Senate floor to see the appearance of corruption that justifies banning soft money.

A few years ago, an advocacy group unveiled a huge FOR SALE sign and held it up for an afternoon on the steps on the East Front of the Capitol. We've seen similar images for years in political cartoons. A constituent once wrote to me that perhaps Senators should wear jackets with corporate logos on them, like race cars. We laugh at these images. But inside we cringe. Because this great center of democracy is truly tainted by money. Particularly after September 11, all of us in this chamber hope the public will look to the Capitol and to the Senate with reverence and pride, not with derision. Our task here today is to restore some of that pride. I believe that we can undertake that task with our own sense of pride, because we know it is the right thing to do, and we know it has to be done.

Another thing that hasn't changed since we first introduced the McCain-Feingold bill in 1995 is the determination of the opposition to defeat reform. Early in 1996, when we were approaching our first vote on the McCain-Feingold bill and the first filibuster against our bill, a coalition began to meet to plot our defeat. The Washington Post described the coalition as "an unusual alliance of unions, businesses, and liberal and conservative groups."

I call them the Washington gatekeepers. The major players in politics and policy in

this town for whom campaign money is the currency of influence. The National Association of Business PACs even began to run ads against House members who cosponsored the bill, and threatened to withhold financial support in the next election. So even before our bill had seen its first debate, the status quo had organized to kill it. And their efforts have continued unabated throughout the last six and a half years.

This opposition has plainly made our task more difficult, but it also now makes our victory more satisfying. Because as we stand on the verge of enacting this major accomplishment, we in the Congress who have supported this effort know we have acted not out of self interest, and not for the special interests, but for the public interest. This bill is for the American people, for our democracy, and for the future of our country.

Mr. President, when a previous effort to reform the campaign finance system failed in an end of session filibuster in late 1994, then Majority Leader George Mitchell said on this floor: The fact of the matter is, Mr. President, every Senator knows this system stinks. Every Senator who participates in it knows this system stinks. And the American people are right when they mistrust this system, where what matters most in seeking public office is not integrity, not ability, not judgment, not reason, not responsibility, not experience, not intelligence, but money.

Mr. President, this bill won't fix every problem in our campaign finance system. This bill won't miraculously erase distrust and suspicion of the Congress overnight. It won't completely end the primacy of money in politics that so disturbed Senator Mitchell. But this bill is a step in the right direction. It's a big step in the right direction. After so many years of effort, and so many disappointments, the public has reason to be gratified by what we are about to do, and to look with hope to what we can accomplish together with the monkey of soft money finally lifted from our backs.

As elated as we are about finally finishing this long battle for reform, I cannot leave the floor without noting that the war is not over. We must be vigilant as the Federal Election Commission promulgates regulations to implement the legislation. And of course, we face a certain court challenge by opponents of reform who will argue that it violates the Constitution.

I want to assure my colleagues of two things. First, we have had one eye on the eventual court challenge ever since we started this process. This bill has been carefully crafted to take account of the Supreme Court's decisions in this area. Can I guarantee that every provision will survive a court challenge? Of course not. But I can tell you that we have done our very best to design these reforms in a constitutional manner. Second, we plan to be active participants in the legal fight that will undoubtedly end in the Supreme Court of the United States, perhaps as early as a year from now.

We will be similarly active in pressing the FEC to promulgate regulations that fulfill, not frustrate, the intent of the Congress in passing this bill. The Senator from Arizona and I did not fight for six and a half years to pass these reforms only to see them undone by a hostile FEC. The role of the FEC is to carry out the will of the Congress, to implement and enforce the law, not to undermine it. I call on each of the Commissioners, regardless of political party or personal views on our reform effort, to be true to that role, and to the oaths of office they took. And I urge my colleagues to join with us in overseeing the crucial work of the FEC and participating in its rulemaking proceedings where appropriate.

In addition, even after we have enacted this law, there will be other reforms to do. We need to look at the cost of broadcast advertising and consider whether those who have a license to use the public airwaves ought to be required to provide free airtime to promote democratic discourse during election campaigns. And, in my opinion, we need to again consider public funding for congressional elections, following the very successful experience with clean money systems in Maine and Arizona. Finally, of course, we must remain vigilant to guard against the next abuse of the campaign finance system when it comes, as it surely will.

Mr. President, I want to thank all of my colleagues for their patience and their support. I know that this battle has been difficult for many of them. The pressure to preserve the status quo is intense. Inertia is a powerful force against change. We have all compromised at least a little in order to achieve this final result. Many members have cast difficult votes, and they have sometimes followed Senator McCain and me down a path without knowing exactly where it would lead. I am grateful for the trust they have shown in us, and I thank them from the bottom of my heart.

Before I close, I want to especially pay tribute to my partner in this effort, the senior Senator from Arizona. When Senator McCain called me shortly after the 1994 elections and asked me to join with him in bipartisan reform efforts I could never have imagined that we would be standing together here today on the verge of a great victory for the American people. I truly believe that his courage and dedication, demonstrated in so many ways over so many years, are the reason that the Bipartisan Campaign Reform Act of 2002 will soon become the law of the land. My respect for him has grown with every challenge we have faced together. He is a great legislator, a great leader, and, above all, a great friend. Our work on this bill has been the highlight of my professional life, and his friendship means more to me than he will ever know. John, thank you.

I yield the floor.

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