

When I asked Dr. Aaron a question at his confirmation hearing about the caustic nature of some of his comments, he alluded to writings for newspapers and op-eds as avenues in which inclusion of politically charged rhetoric is the “coin of the realm.”

That may very well be the case, but that doesn't mean there is a place for it on the Social Security Advisory Board. I have serious concern about Dr. Aaron's ability to keep such rhetoric in check as he chairs the board that is by statute intended to exhibit impartiality.

Once again, our Social Security system faces a number of fiscal and structural changes and challenges. If we are going to address these challenges, we need serious discussions that will lead to serious solutions, not more partisanship.

Dr. Aaron has not convinced me that he is the one to help lead these types of discussions. For these reasons I intend to vote against this confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRUZ. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 remarks of Mr. CRUZ pertaining to the introduction of S. 2779 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. CRUZ. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

CONSTITUTIONAL AMENDMENT

Ms. WARREN. Mr. President, I rise today to support an independent constitutional amendment offered by Senator UDALL of New Mexico which would restore to Congress and the States the authority to rein in the enormous sums of money that are flooding into our political process.

As they built our democracy, the Founders feared the impact of concentration of power. John Adams, a Massachusetts native and the author of our State Constitution, expressed this ideal well. He said:

Power must be opposed to power, force to force, strength to strength, interest to interest, as well as reason to reason, eloquence to eloquence, and passion to passion.

Balance, said Adams, was critical.

But in Washington power is not balanced. Instead, power is concentrated all on one side. Well-financed individuals and corporate interests are lined up to fight for their own privileges and to resist any change that would limit their special deals.

I saw this up close and personal following the 2008 financial crisis when I fought hard for stronger financial regulations, and the biggest banks in this

country spent more than \$1 million a day to weaken reforms. But there are many more examples.

Big corporate interests are smart. They fight every day on Capitol Hill, every day in the agencies, every day in the courts, always with the same goals in mind—to bend the law to benefit themselves. The U.S. Supreme Court is doing all it can to help them.

Three well-respected legal scholars, including Judge Richard Posner of the Seventh Circuit Court of Appeals, a widely respected and conservative Reagan appointee, recently examined almost 20,000 Supreme Court cases from the past 65 years. The researchers used multivariate regression analysis to determine how often each Justice voted in favor of corporate interests during that time. Judge Posner and his colleagues concluded that the five conservative Justices currently sitting on the Supreme Court are in the top 10 most procorporate Justices in more than half a century—and Justice Alito and Justice Roberts No. 1 and No. 2.

Perhaps the most egregious example of this procorporate shift is the Citizens United decision. In this new Citizens United era, the Supreme Court has unleashed a flood of secret corporate money into our political system and emboldened a powerful group of millionaires and billionaires who can toss out checks for millions of dollars to influence election outcomes.

Earlier this year the Supreme Court gave them even more room to operate. Congress had long ago put limits on how much money one rich person could contribute to a candidate, a party, or a political action committee in an election. These commonsense limits were intended to preserve the integrity of our democracy and to prevent corruption or even the appearance of corruption, but the Supreme Court struck down those limits.

As Justice Breyer noted in his dissenting opinion, the Court's decision “will allow a single individual to contribute millions of dollars to a political party or to a candidate's campaign.”

The impact of this line of judicial decisions is powerful. In 2012, about 3.7 million typical Americans gave modest donations, \$200 or less, to President Obama and Mitt Romney. These donations altogether added up to about \$313 million. In that same election, 32 Americans gave monster donations to super PACs. Thirty-two people spent slightly more on the 2012 elections than 3.7 million typical Americans who sent in modest dollar donations to their preferred Presidential candidate. When 32 people can outspend 3.7 million citizens, our democracy is in real danger.

This is an extraordinary situation. The Supreme Court overturned a century of precedent, voiding campaign finance restrictions passed by Congress and making it far easier for millionaires, billionaires, and big corporations to flood our elections with massive amounts of money. The Supreme Court is helping them buy elections.

We are here to try to reverse the damage inflicted on our country by these decisions. We are here to fight back against a Supreme Court that says there is no difference between free speech and billions of dollars spent by the privileged few to swing elections and buy off legislators.

We are here to fight back against a Supreme Court that has overturned a century of established law in an effort to block Congress from solving this problem.

I support a constitutional amendment only with great reluctance. Our Constitution sets forth the fundamental structure of our government, the scope of that government's power, and the critical limits on that power. Any change to its text should be measured, should be carefully considered, and should occur only rarely. But there are times when action is required to defend our great democracy against those who would see it perverted into one more rigged game where the rich and the powerful always win.

This is the time to amend the Constitution. I urge my colleagues to support this effort. We were not sent to Congress to run this country for a handful of wealthy individuals and powerful corporations. We were sent here to do our best to make this country work for all our people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I chair the Senate judiciary subcommittee entitled the Subcommittee on the Constitution, Civil Rights and Human Rights. Obviously, the most serious charge of the subcommittee is to consider proposals to amend the Constitution. S.J. Res. 19, the democracy-for-all amendment, was the first amendment considered by the constitution subcommittee since 2009, when I became its chair.

The U.S. Constitution and the wisdom of its Framers has endured for generations. I have established—and so have many of my colleagues—a very high bar for suggestions to amend that Constitution. That is the way it should be. That is why Majority Leader REID, Chairman PATRICK LEAHY of the Senate Judiciary Committee, and I were committed to ensuring this proposal would be thoroughly vetted and that it move through the Senate by regular order.

It is important to recall that until the early 20th century most Americans were not allowed to vote. Even after the franchise was legally expanded, a violent racist campaign prevented many African Americans from voting.

Six constitutional amendments, landmark civil rights legislation, and

Supreme Court decisions helped make the promise of one person and one vote a reality. We must, in our time, in our generation, be constantly vigilant against threats to these victories which were won through the blood, sweat, tears, and even the lives of many Americans. That is why we are engaged in this debate today, because the right to vote is under siege. It is in peril. A well-funded, coordinated effort has made it harder for millions of Americans to vote and at the same time unleashed a tidal wave of special interest and corporate money into elections to drown out the voices of average Americans.

Opponents of our amendment say, oh, they are just trying to repeal the First Amendment. They have it backwards. Our efforts would protect and restore the First Amendment.

The amendment before the Senate would begin to undo the damage done by five activist, conservative Supreme Court Justices who have rewritten and distorted the First Amendment. With decisions like *Citizens United* and *McCutcheon*, these five Justices overturned a century of legal and constitutional precedent to give a privileged clique and corporate titans the power to drown out the voices of ordinary Americans—and that is exactly what is happening.

Big-money donors—and their names are familiar to those who follow the world of politics; the Koch brothers, Sheldon Adelson, and the corporate interests they represent—certainly deserve a seat at the policymaking table. But the size of their bank accounts does not entitle them to buy every seat at the table, control the agenda, and silence their critics. Unfortunately, this is exactly what we are seeing across the Nation being played out, even as I speak, in this current election campaign. Big-money campaign donors and special interests, emboldened by the Supreme Court, have flooded our elections, unfortunately, to a great degree with secret contributions.

Listen to these statistics: Spending by outside groups has tripled since the last midterm election. They spent \$27.6 million in 2010 compared to \$97.7 million so far this year. In 2006, before this awful decision in *Citizens United*, these groups spent \$3.5 million. And now the running total for this year: almost \$100 million from outside special interest groups and well-heeled individuals.

In 2012, super PACs spent more than \$130 million on Federal elections, and 60 percent of all super PAC contributions that year came from an elite class of 159 people. In North Carolina, that elite group had just one member, that State had just one person. Seventy-two percent of all outside spending in 2010 in North Carolina came from one man, Art Pope, a millionaire, conservative, rightwing activist.

As I stand and speak, there is a super PAC on the air attacking me in my home State. As best we can trace it, it is to one individual who so far appar-

ently has spent \$700,000 in negative ads against me on radio and television. Perhaps more will follow. That is the nature of the world we live in.

Members of Congress who run for office, for election and reelection, abide by strict rules on disclosure, money raised, how much is being spent. But when it comes to these individuals, since *Citizens United*, all bets are off.

Although some of the biggest and most frequent spenders are on the Republican side of the aisle, the influx of secret money from super PACs and wealthy donors is happening on the right and on the left. Many have created super PACs on the other side as a defense. Unfortunately, it is a tactic or strategy that has been dictated by the Supreme Court decisions. Sadly, all of this money fight is eroding our democracy and drowning out the voices of everyday citizens.

One year ago, in the Shelby County decision, the same five Justices gutted the Voting Rights Act, civil rights legislation that had protected the constitutional rights of average Americans for 50 years. Emboldened by the Shelby County decision, more Republican-dominated State legislatures followed suit by pursuing legislation to restrict the right to vote. It is no coincidence that these laws have a disproportionate impact on minority, young, and low-income voters.

During his confirmation hearings, Chief Justice John Roberts of the Supreme Court said this of the right to vote. It was “the right preservative of all other rights.” And he pledged to be a neutral umpire, calling balls and strikes when it came to issues such as the right to vote. But because of the judicial activism of Chief Justice Roberts and his four conservative allies, the right to vote of average Americans is now at greater risk than any time since the Jim Crow era.

Two years ago I decided to take my subcommittee for hearings in the States of Ohio and Florida. In both of those States, the Republican-dominated legislatures, inspired by a group known as ALEC that is not a lobbying group but creates so-called model legislation, had dreamed up ways to restrict the opportunity to vote. How did they do this? Some of them called for the presentation of identification cards when you vote. Others said: We will limit the time that you can vote—no early voting. We will restrict the opportunities for people to vote.

My first table of witnesses consisted of a bipartisan gathering of election officials in both Florida and Ohio, States that had passed these restrictive voting laws. I asked the first panel, under oath, a basic question: Tell me about the incidents of voter fraud and voter abuse in your State which led to these changes in the legislature. There were none.

Tell me the number of individuals who had been prosecuted for voter fraud in Ohio and Florida that led to these changes in State legislation.

There were virtually none. One said he could remember maybe one case or two in the course of years.

I think it is pretty clear. These efforts to restrict the right to vote have nothing to do with the integrity of elections. There isn't a single one of us in either political party who condones voter fraud and voter abuse, period. But to restrict the right to vote of millions of Americans in the name of stopping voter fraud that doesn't exist—well, it is time to ask the more basic question: What is the real reason? The real reason is to restrict the right to vote.

It is hard to believe that Republicans in State legislatures, and even some in this Chamber—the party of Abraham Lincoln, for goodness' sake—is party to this effort to restrict the right to vote across America. For goodness' sake, I have been involved in election campaigns which I have won and those which I have not won. I always felt, if it was a fair election, so be it; let the people speak. That is what a democracy is all about. But when you start playing with the rules, when you start saying, well, we are going to try to make it tougher for people to vote—even those who are legally entitled to vote—I frankly think we have crossed a line which we should not ever cross in this country. Fire hoses, growling dogs, and insidious poll taxes have now been replaced with a well-funded campaign denying millions their right to vote and a flood of special interest money drowning out the voices of average Americans.

Is that your vision of America? Is that your vision of this country in the future, where your opportunity to vote is now restricted more and more, even without any indication of voter fraud or voter abuse, when your opportunity to be informed about the candidates and their positions is in fact overwhelmed by those who come in—such as the Koch brothers and those on the left, too—to spend millions of dollars?

I introduced a bill a few years back for public financing and campaigns. There was one valiant Republican who stood, who agreed to cosponsor my bill, and only one: Arlen Specter, a Senator from Pennsylvania, a Republican Senator. What happened to him? I can tell you what happened. The late Arlen Specter was challenged in his Republican primary by one of those on the far right in his party. He couldn't win as he looked at the polls. He switched parties and became a Democrat. I lost my only Republican on public financing when he joined us on this side of the aisle. He lost the Democratic primary, went on and finished his term and passed away. But he was the only Republican with the courage to stand for public financing to change this mess we have.

I can tell you we are reaching a point where mere mortals—individuals who don't happen to be multimillionaires—want nothing to do with this political business. It has become the hobby of

high rollers. The two candidates for the highest offices in my home State now are multimillionaires playing with their own money now, putting millions into their campaigns.

I am not envious of their wealth. I have said it publicly and I will say it again: I am only one Powerball ticket away from matching their wealth. So I am not jealous of them, but it says something about the political process, doesn't it, that someone could put in \$10 or \$12 million of their own money and the Supreme Court can say, well, they are just exercising their right to free speech. Really? I didn't see the word "cash" in the First Amendment. I didn't even see the word "money" in the First Amendment. That is what we are up against.

S.J. Res. 19, which is before us, is a constitutional amendment. It is narrowly tailored and it is a proposal to protect and restore the First Amendment. It empowers Congress and State legislatures, the elected representatives of the American people, to set reasonable, content-neutral—let me underline that—content-neutral limits on the amount of money wealthy individuals and special interest donors can give to candidates. It overturns Citizens United by authorizing Congress and State legislatures—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. I thank the Senator from Texas.

It overturns Citizens United by authorizing Congress and State legislatures to prohibit corporations and unions from spending money from their treasuries to influence elections. Our amendment will ensure that elections are contests for the best ideas, a contest where mere mortals—the group I mentioned earlier—have the same chance to succeed as multimillionaires. That is why our amendment is supported by 60 diverse advocacy organizations and the majority of the American people. Politicians may not get it, but the American people do. They could see what is happening to this bidding war we now call elections. They understand the flood of television.

We have one Senatorial candidate on our side, who she has been subjected to \$15 million in independent expenditures, negative ads in her State. That has been going on for almost 1 year. She is going to weather the storm and be reelected, incidentally. But imagine that \$15 million of special interest groups just showering her with hate and venom for month after weary month. Is that what our political process has come down to?

Opponents of our amendment argue that any limit whatsoever on election spending violates the First Amendment. Just as there is no constitutional right to buy an election, free-

dom of speech doesn't give anyone the right to violate or overwhelm the constitutional rights of others. Apparently five conservative Supreme Court Justices believe the wealthy and elite have a greater right to free speech because they have more money.

Our opponents also argue that corporations are people. Give me a break. Corporations are granted the advantages of perpetual life, property ownership, and limited liability to enhance their efficiency as an economic entity, according to Justice Rehnquist in one of his opinions, but he went on to say in the same opinion, "Those properties so beneficial in the economic sphere pose special dangers in the political sphere."

That was Justice Rehnquist speaking about giving powers to corporations which exceed the obvious. While some First Amendment protections have rightfully been extended beyond everyday Americans to corporations, Citizens United went way too far. Living, breathing Americans face challenges these legally created entities will never face. Corporations never get married, they don't raise kids, they don't care for sick relatives, and they cannot vote in elections or run for office. Corporations have the right to be heard, for sure, but the right to control an election with their bank account? There is something wrong with that decision.

Our amendment restores the basic longstanding principle that corporations shouldn't be able to wield their enormous economic power to sway Federal elections. Our amendment restores and protects the First Amendment for all Americans. I encourage my colleagues to vote for S.J. Res. 19, and I expect a strictly partisan vote. I am sorry if that happens, but I expect it.

When we brought up the issue of disclosure, to disclose who was giving to campaigns, we couldn't get the Republicans to give us support. Just disclose who is giving the money. Nope. Keep it secret. That was their position. Now they not only want to keep it secret; they want to make sure those who are abusing the process by sending in huge sums of money on behalf of corporations and individuals are going to be protected. They may protect the special interests, but they will do it at the expense of average Americans who are losing their faith—losing their faith in this process and in the institutions it creates.

Restore that faith. Support S.J. Res. 19. Let's amend the Constitution and make Citizens United a vestige of a wrong-headed decision by the Supreme Court.

I yield the floor.

I again thank my colleague from Texas.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I am glad I got to catch a few of the tail-end remarks of my colleague from Illinois. I didn't realize what this debate was truly all about, but he made that clear.

This is all about public financing of elections, according to him, because anybody contributing any of their hard-earned money to support a candidate whom they happen to believe in or someone espousing or advocating for the principles they believe in—there is something inherently wrong with that according to the distinguished majority whip, the Senator from Illinois, because to him the only answer is let's take your money and use that to finance an election perhaps to benefit a candidate who doesn't agree with anything you believe in. Is that what this is all about, public financing of elections?

He said something else I don't think I ever heard anybody have the audacity to say before. He said voter fraud doesn't exist. I am sure in Chicago they have had a few instances of voter fraud. We have unfortunately had some in Texas, some that resulted in the nomination of Lyndon Johnson to be Democratic nominee for President of the United States in box 13 in Duvall County, TX, and there have been a number of other instances investigated and found cases of voter fraud that have been found to exist.

What is the problem with issuing or requiring somebody to have a photo ID to vote? In Texas to get a voter ID, for which the Attorney General has sued the State of Texas, saying somehow it is discriminatory to require somebody to have a voter ID to prove they are who they say they are so they can then cast their vote, even though it takes a photo ID to get into the Department of Justice—you cannot go see Eric Holder or anybody at the Department of Justice unless you have a photo ID. Oh, by the way, you cannot buy tobacco products, you cannot buy alcohol, you cannot fly on an airplane without a photo ID, and if for some reason you don't have one in the State of Texas, well, you get one for free. How does that possibly burden the right to vote?

It is no surprise that 70 percent of the respondents in most of the polling I have seen—Independents, Democrats, and Republicans alike—say they think voter ID is a good idea, because what does it do? It protects the integrity of the ballots for people who are qualified to vote and doesn't permit illegal votes to dilute those votes.

We spent the last several weeks back home meeting with our constituents. I know some people like to call it recess. I know it doesn't feel like recess, at least not in the elementary school sense of the word, because most of the time this is a period during which we get to travel our States and interact with our constituents and do something we need to do more of, which is to listen to what they have to say and what their concerns are, and I did that in Texas.

My constituents did not say the most important thing we can do is pass a constitutional amendment gutting the First Amendment, the right to free speech. That didn't come up one time.

What did come up were their concerns about the economy, about the access to health care, about immigration, about the challenges imposed by radical Islamic terrorists and the Russian strongman Vladimir Putin. All of those came up. Not a single time did my constituents say: We want you to go back to Washington, DC, and vote to gut the First Amendment right to free speech. At this time of high unemployment and stagnant wages, with the labor participation rate at historic lows—that is, the percentage of people actually in the workforce looking for jobs is at a historic low—and millions of Americans concerned about losing their health insurance or facing higher deductibles or premiums, with a crisis on the southwest border which has not gone away with this wave of unaccompanied minor children coming across from Central America, with terrorists on the march in the Middle East, with Russian military forces continuing a full-blown invasion of Ukraine, despite all that, the majority leader in his wisdom has decided to bring up this amendment because he thinks the most urgent order of business is to replace the current First Amendment which has stood the test of time for lo all these many years since our country's founding and replace it with one that empowers incumbent politicians to control who has access to the resources in order to get their message out.

Now everyone is entitled to their priorities, but it is painfully clear the majority leader's priorities have everything to do with November 4, the coming midterm elections, so it is all politics all the time, no matter what. I am embarrassed, frankly, to confront my constituents when they say: What are you going to be doing when you return to Washington, DC? Are you going to be dealing with jobs or the energy sector—which is a very bright spot in our economy—or what are we going to do to make sure the millennials—the young adults—can actually find jobs so they can pay down their college loans and so they can get to work? What are you going to do to keep the promises the President made on health care; that if you like what you have you can keep it, the premiums for a family of four are going to go down by \$2,500, and you can keep your doctor if you like your doctor—what are you going to do to make sure those promises are kept?

Instead of dealing with all of those very important issues, it is embarrassing for me to tell my constituents that, look, the majority leader is the one who controls the agenda in this Senate. He is the traffic cop, and an individual Senator—and certainly not one in the minority—doesn't have any ability to control the agenda of the U.S. Senate.

So this is all Senator REID's choice as the majority leader, and he claims this proposed constitutional amendment is all about getting so-called dark money out of the political system. In reality, if that was all this was about, we might

have a good debate and a vote. But in reality what he is concerned about is opposition—political support that is going to make it more likely that Republicans regain the majority of the Senate and Democrats become a member of the minority. That is what is motivating this vote. In reality what this amendment would do would be to undermine some of our most cherished, most fundamental, and most important liberties.

If this proposed amendment ever becomes law, State and Federal lawmakers would suddenly have vast new powers to regulate or even criminalize political speech. So to state the blindingly obvious, the Founding Fathers proposed and readopted the First Amendment precisely because they saw how dangerous it was to let politicians restrict the exercise of free speech. The Founders understood that without the First Amendment we could end up with a never-ending cycle of elected officials shrinking the boundaries of permissible speech. A political system such as that would be totally incompatible with the principles and values of a free society. Yet that is exactly the type of political system we would have if this constitutional amendment being proposed ever were to take effect.

I heard the majority whip saying this isn't about political speech, this is just about the money, but that argument quickly falls apart.

For starters, my colleagues amendment would allow Congress to restrict freedom of assembly and freedom of petition as well, both of which are essential to safeguarding political speech. While the amendment might not give Congress the power to curtail freedom of the press per se, it would give Congress the power to curtail political speech by individuals and activists, which begs the question: Why should the political speech of newspapers and magazines be any different from the political speech of you and me? Why should theirs be carved out and unrestricted in terms of the financial resources that could advance those points of view in newspapers and magazines? Yet our ability to communicate about the things we care about the most would be restricted by limiting the amount of money we could spend to advocate those points of view.

After all, when newspapers publish editorials about public policy, they are trying to persuade politicians and other elected officials to adopt a given position, and that is an important part of our system.

I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER (Mr. KING). Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Newspapers are trying to persuade voters all the time to elect a given candidate because they endorse those candidates.

I remember when I ran for my first public office as a district judge in Bexar County, San Antonio, TX, one of

the most important things I sought was the endorsement of the editorial board of the local newspaper. I knew that even if nobody knew anything else about me, if the newspaper editorial board thought I was a credible candidate, that might help in my election.

Neither Federal nor State lawmakers should have the power to decide what type of political speech is permissible. Free speech is free speech. The solution to speech is more speech, not less speech.

For 225 years the First Amendment has served as the guarantor of American democracy. It was designed to protect all speech, not just speech we happen to agree with or that supports our particular point of view. A recent Supreme Court decision put it this way: "There is no more basic right to our democracy than the right to participate in electing political leaders."

Unfortunately, this amendment would undermine that right, and it would roll back perhaps the most elemental freedom of our founding document by creating a system in which vital, indispensable liberty would be contingent on the ever-shifting tides of partisan politics. These efforts should not only be not supported, they should be repudiated firmly, loudly, and unapologetically, nothing less than the very bedrock of American democracy is at stake.

As I close, I wish to add that the Founders wisely put the process by which the Constitution can be amended in our Constitution. Two-thirds of the House and two-thirds of the Senate must vote for a constitutional resolution and then it goes to the States where three-quarters of the States must ratify this constitutional amendment. I can tell you that there is no doubt in my mind that this would ever happen with this amendment.

Why is the majority leader bringing this up now, less than 60 days before the midterm elections? Perhaps it is to motivate his own political base in the hope that will mitigate some of the losses in the November 4 election. But it certainly cannot be without any hope or pipedream that it would ever become the law of the land, and for the reasons I have stated it should not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I say to my good friend the Senator from Texas that there are very important reasons for bringing up this issue now, and it is because of the elections that are going on. He makes it sound as though this is some kind of a political process. What is going on in our elections right now—and here are the nine top Senate races in the country. The blue on this chart indicates partial or nondisclosed money. This is the dark money. Nobody knows where this money is coming from. It could be billionaires or large corporations. It could be almost anyone with a secret agenda.

As an example, more than half the money in this race in Arkansas is dark money. In Georgia we can see that almost all of the money is in this category of partial or nondisclosure. In Kentucky and North Carolina almost half the money is in the category of partial or nondisclosed money, and there is a significant amount of partial or nondisclosed in the other nine States. This issue has to do with what is happening right now in our elections.

Just 6 months ago I went over to the Supreme Court and listened to the McCutcheon argument and the ruling—well, I went over there longer than 6 months ago. They made the ruling about 6 months ago. That ruling said one individual can give \$3.6 million, and that is what this is about. We are trying to get to the bottom of what is happening in our elections and how our elections are being taken away from us and how they are being influenced in terms of dark money. This is a very good time to have this debate.

I will also say to my friend from Texas, this is a bipartisan amendment. This amendment started back in 1983 with Ted Stevens, a Republican. Ernest Hollings could not be more of a bipartisan figure in the Senate, and he picked it up. From 1983 to today, we have had 11 Republicans either vote for the amendment or a similar amendment or beyond the amendment. This is not anything that should be partisan. This dark money and the impact it is having is something the American people are very worried about. I will come back to this chart in a minute.

This is a crucial period in our history. Americans will go to the polls and vote. It is our heritage, it is something to celebrate, and it is something to protect. The integrity of our elections is crucial, but our campaign finance system is under siege, drowning in cash and record amounts of money. Much of the money is from outside groups and much of it is hidden. Our elections should not be for sale to the highest bidder. Money has poisoned our political system. The American people have lost faith in us as they have watched this merry-go-round and constant money chasing from special interests and very little has been getting done.

Folks want Congress to get to work and work together so we can find real solutions to real problems and spend our time raising hopes instead of raising cash. That is why Senator BENNET and I have introduced our constitutional amendment and that is what I wish to talk about today.

Total spending on Federal elections was over \$6 billion in 2012. That is double what was spent in 2000, just 12 years before. That is a lot of money. Where does it come from? Most of it comes from a tiny fraction of the population, and there are billionaires and special interests writing checks—often in dark corners with a lot of the dark money, as I talked about at the beginning of

my speech. Nobody knows who is behind that dark money, and that dark money is in our elections in a big way.

There are basically two questions: How did we get into this mess and how do we fix it? First, we need to look at the history, which is important to understand because folks can change the subject, but they cannot change the facts and the facts are very clear. Our campaign finance system is being destroyed by misguided Supreme Court decisions, one after another with narrow 5-to-4 decisions, giving a hammer to big money and chipping away at our democracy.

Normally the tradition in the Supreme Court has been that of Justices deciding on issues with a vote of 9 to 0 or 8 to 1 after trying to work things out, but these are narrow 5-to-4 decisions which are dividing the country and dividing the Court.

We can go all the way back to a Supreme Court decision back in 1976 in a case called *Buckley v. Valeo*, when the Court said money and free speech are the same thing. Four years ago in a case that involved *Citizens United*, the Court said corporations are persons and they can spend all they want.

Basically the Supreme Court put a for sale sign on elections. These elections and decisions opened the door and allowed a flood of money. They ignored political reality and drowned out the voices of ordinary Americans.

Most recently the McCutcheon decision knocked down aggregate contribution limits. What we are talking about in that case is that one person can dole out \$3.6 million directly to candidates and parties in all 50 States. Let's put that in perspective for the average American working full time and making minimum wage. He or she would have to work 239 years to make that much money. Because of the McCutcheon decision, one person can dole out \$3.6 million directly to candidates and parties in all 50 States. It would take the average American, working full time and making minimum wage, 239 years to make that much money. Look at the imbalance and inequality there.

Supreme Court Justice Ruth Bader Ginsburg said in a recent interview in the *National Law Journal*:

I think the biggest mistake this Court made is in campaign finance. . . . It should be increasingly clear how [money] is corrupting our system.

Justice Ginsburg is right. It is clear to most Americans, which is why opponents of reform either change the subject or muddy the water, which I will get into in a minute. But the point must be made that the five conservative Justices on the Supreme Court are not done. If left unchecked, the hammering will continue and the destruction will go on.

Chief Justice Roberts made a troubling statement in the McCutcheon decision. He said preventing bribery is the only basis, the only justification for Congress to pass campaign finance laws.

What does this mean? It means more bad decisions from the Court, the floodgates stay open, and the money keeps pouring in. Short of prohibiting out and out bribery, Congress is powerless to act and the American people must step aside. Billionaires will stay at the front of the line. All of this, folks, defies common sense.

Senator McCain said after the ruling on McCutcheon: "There will be scandals involving corrupt political officials and unlimited, anonymous campaign contributions that will force the system to be reformed once again."

I am afraid my friend is right. There will be scandals. We are setting the stage for scandals. Just look at the millions of dollars of undisclosed money pouring into our elections.

How can there be reform? The Court has tied the hands of Congress. Until the Constitution is amended, we cannot enact real reforms—reforms such as McCain-Feingold. The Court will just strike them down. We are headed back to the pre-Watergate era.

In 2012 outside groups spent \$450 million to influence Senate and House races. In 2008, before *Citizens United*, they spent \$43 million. That is a tenfold increase. There is an obvious trend and it is deeply troubling. Much of that money is hidden.

According to a recent report by the Brennan Center, over half the money spent in this year's top nine Senate races is not fully disclosed. So in 2 months we will know the outcome of these elections, but we won't know who paid for them.

This chart is a great indication. We have the top-most contested Senate races, and here in the red we have full disclosure of the money. So the red shows us what people know and that they know who the contributors are, but the blue, which is more than half if we average it through all of the elections, represents partial or absolute nondisclosure.

This clearly shows we have a broken system. There are only two ways to fix it. The Court can reverse itself—that is unlikely—or we can amend the Constitution, making clear in the Constitution that people have the right to regulate campaign finance. Until then, we will fall short of real reform. That is why a constitutional amendment is essential—because the time has come to give power back to the elected representatives of the people.

Opponents say this is just an election year stunt, but, again, this ignores history. Our amendment is similar to other bipartisan amendments introduced in nearly every Congress since 1983 when Ted Stevens—a Republican—was the lead sponsor. Many prominent Republicans cosponsored and voted for these amendments over the course of three decades, people such as John Danforth, Strom Thurmond, Nancy Kassebaum, Arlen Specter, JOHN MCCAIN, and THAD COCHRAN. This was always a bipartisan effort. And this was before *Citizens United*, before

McCutcheon, when things went from bad to worse.

It is not a radical idea. In fact, it is pretty simple. It would give back power to Congress to regulate campaign finance at the Federal level and to States at the State level. That is it, period. We do not dictate specific reforms. We can debate the specifics, and we should, but Congress has a duty and a right to enact sensible campaign finance reform.

The American people support reform because they know a basic truth: No matter how hard some may try to obscure it, when the Court says money is free speech, there is a great risk that special interests can drown out the voices of everyone else because we know we don't get something for nothing. Folks writing those checks want something in return. Whether they are Democratic billionaires or Republican billionaires, they want value for their money, which usually means less compromise and which usually means less compromise and more gridlock.

Opponents of reform are in full throttle by ignoring history and torturing logic. But let's be clear. Here is the bottom line: They oppose any limits, they oppose any restrictions on how big the checks are or even saying which billionaires are writing them. It is hard to defend that. Instead, they change the subject and talk about threats to free speech, which goes something like this: If Congress can regulate campaign finance spending, then it can also regulate free speech. I think this is a straw man argument not supported by history, logic, or the law. It isn't persuasive, and it is basically a scare tactic.

Congress has a long history of regulating campaign finance, often in the wake of scandal. Since 1867 Congress has been in the business of regulating campaign finance by banning solicitation of campaign funds from naval yard government employees. We have had the Pendleton Act, the Tillman Act, the Federal Corrupt Practices Act of 1925, the Hatch Act, the Federal Campaign Election Act of 1974, and the Bipartisan Campaign Act of 2002.

First scandal and then reform—that is the unfortunate pattern. Every generation has faced that challenge for ethical government, for standing up to the power of big money, and the Congress has acted. It has not banned books, suppressed preachers, or stopped printing presses. Reform has been modest, reasonable, and responsive, sensible enough to pass both Houses of Congress and get the signature of the President. We have to answer to our constituents, unlike Supreme Court Justices.

Further, our amendment does not give Congress free rein. There is still a reasonableness requirement in the Court's interpretation of any constitutional amendment. If Congress did pass extreme laws, the Court could still overturn them as unreasonable. The First Amendment is in full effect. So in

the classic example, we protect free speech, but we cannot yell "fire" in a crowded theater. "Reasonable" is not a complicated idea—except maybe here in Washington or to billionaires who demand their way or the highway.

Opponents also argue that our amendment protects incumbents. This, again, misses the point. If anything, the current system favors incumbents. Raising \$10 million, \$15 million, or \$20 million for a Senate seat is a tall order—one many qualified candidates will decline. If a person is elected, it is just the beginning of this endless campaign cycle to compete, to keep up, to raise more money. Every Member in this body can speak to the hours on the phone dialing for dollars when our time could be better spent meeting the real needs of our constituents and serving the folks who sent us here in the first place.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. UDALL of New Mexico. I ask unanimous consent for 1 more minute to sum up.

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

Mr. UDALL of New Mexico. Mr. President, this is not about free speech, and the American people know it. It is about the wealthiest interests trying to buy elections in secret, with no limits, period. That is it.

Let me finally say that I have had a great group of Senators working with me on this amendment over the years. One of them we are going to hear from right now—Senator BERNIE SANDERS from Vermont. All of us—Senator LEAHY, Senator DURBIN on the Judiciary Committee—have worked and refined this amendment to do everything we can to make sure that it is responsive to the American people and that it will make us responsive to the American people in terms of having a good, solid electoral system other than the one the Supreme Court is leading us down the path with.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by thanking Senator TOM UDALL for his extraordinary work over the years in calling attention to this disastrous Supreme Court decision called Citizens United which is doing so much to undermine the foundations of American democracy. It has been a pleasure working with him, and we will continue to fight.

My colleagues may not know it by reading the newspapers or watching TV, but this week we are going to be having a debate on what I consider to be the most important domestic issue facing the United States of America; that is, whether this great country retains its democratic foundations—one person, one vote—or whether we move into an oligarchic form of society where a small handful of billionaires is able to control not only the economic life of our Nation but the political life as well.

Whether one is a Democrat, whether one is a Republican, or whether one is—as the Presiding Officer and I are—an Independent, the overwhelming majority of the American people do not believe free speech has anything to do with billionaires being able to buy elections.

The Washington Post reported earlier this week that one family, the Koch brothers—a family worth \$80 billion—has already put on the air some 44,000 ads, and this campaign has 2 months left to it—44,000 ads. America is supposed to be about debates on issues. It is not supposed to be a process where a billionaire can come into a small State such as Maine or Vermont and plop \$50 million down or \$20 million down to elect candidates whose sole job in life is to represent the wealthy and the powerful.

Men and women have put their lives on the line and died to defend American democracy—the right for all of us to be involved in the political process, not to create a situation where a handful of superwealthy families can elect the candidates they want.

I think some people, when they hear about Citizens United, say: Well, it is kind of an esoteric issue; it is not really relevant to my life.

Those who believe that are dead wrong. If people are concerned about the collapse of the middle class; if people are concerned about the fact that more people today are living in poverty than at any time in American history; if people are concerned about the fact that we have more wealth and income inequality in America today than any other major country on Earth; if people are concerned that we are the only major country on Earth without national health care, guaranteeing health care to all people; if people are concerned about the crisis of global warming and many other issues, people have to be interested in the issue of Citizens United and how we elect Members of the House and Senate and Governors, and so forth and so on, because ultimately what this is about is whether the wealthy can determine the agenda of the House and the Senate, whether they can say to candidates: Here it is—we are going to put \$50 million into your campaign, and all you have to do is support us on A, B, C, D, and E. You have to make sure the rich get more tax breaks—despite the fact that the wealthy are doing phenomenally well. You have to make sure we cut food stamps or education or we eliminate the Environmental Protection Agency. That is why we are giving you the money we are giving you.

People do not spend hundreds of millions of dollars on campaigns for fun, for the hell of it; they are spending money because they have an agenda. And the billionaire agenda is not the agenda of the American people.

I wish to read for a moment exact language from the 1980 Libertarian Party, whose Vice Presidential campaign and major funder was one David

Koch—one of the two Koch brothers. What I am going to read to my colleagues today is what I believe remains their agenda today because I see no evidence that it has changed.

When we turn on the TV and we see an ad coming from one of the Koch brothers' organizations, know what they stand for.

"We favor the abolishment of Medicare and Medicaid programs."

That doesn't mean cutting them; that means ending them.

"We favor the repeal of a fraudulent, virtually bankrupt and increasingly oppressive Social Security system."

That does not mean they are opposed to raising the minimum wage, which many of us want to do; they want to do away with Social Security entirely—not cut Social Security but do away with it.

"We support repeal of all laws which impede the ability of any person to find employment, such as minimum wage laws."

What that means in English is that while we are trying to raise the minimum wage, they want to abolish the concept of the minimum wage. So in high-unemployment areas, an employer can pay a worker \$3 an hour or \$4 an hour.

This is also from the Koch brothers' platform: "We oppose all government welfare, relief projects, and aid to the poor programs. All of these government programs are privacy-invading, paternalistic, demeaning, and inefficient. The proper source of help for such persons is the voluntary efforts of private groups and individuals."

That means goodbye to good jobs, nutrition programs, Federal aid to education, and goodbye to unemployment insurance.

This is not a conservative agenda. This is not a small-government agenda. This is an extremist agenda designed to eliminate virtually every piece of legislation passed by Congress in the last 80 years which protects the middle class, working families, low-income people, seniors, and the system. That is their agenda.

I am not saying every Republican adheres to every aspect of this agenda, but these guys are pouring hundreds of millions of dollars into the political process for a reason, and that reason is to make the wealthiest people in this country even wealthier while they do away with all legislation that protects working families.

Citizens United is one of the worst decisions in the history of the U.S. Supreme Court. I hope every Member of the Senate votes this week to start the process for a constitutional amendment to overturn Citizens United.

The PRESIDING OFFICER. The Senator from Georgia.

REMEMBERING TRUETT CATHY

Mr. ISAKSON. Mr. President, today the State of Georgia lost a great citizen and America lost a great patriot.

Truett Cathy, 93 years old, the founder of Chick-fil-A restaurants, passed away this morning. One of the great entrepreneurs of all time, Truett Cathy started a restaurant called the Dwarf House in College Park, GA, years and years ago. He turned it into the Chick-fil-A restaurant, which now has over 1,800 restaurants in 40 States and the District of Columbia. It is a family-owned business. It is not a public corporation. It is a business that is built on the principles that Truett Cathy believed in and believed in to this day. Truett Cathy's stores are never open on Sunday. He is a devout Christian and believes Sunday is a day of rest. So he operates 6 out of the 7 days. Everybody who competes with Truett Cathy operates for 7 days. But everybody who competes with Truett Cathy finishes second in gross sales, second in quality, and second in the line.

Truett Cathy was an extra-special man whose life has been a great tribute to all the right things in life that all of us believe in.

Truett Cathy also gave back to his community probably more than any other person I know of. He founded WinShape Homes, WinShape to build boys, WinShape to take children who could not find a foster parent, put them in a home and turned their life around. He was a prolific writer of book after book after book about his belief in life. His greatest book is one I gave to each Member of the Senate about 5 years ago: "It's Better to Build Boys than Mend Men." Because he knew the citizens of our country would be better if we had good foundations from the beginning. So he tried to make sure all those who were less fortunate, who did not have the advantages he or others had, had a chance to grow up in a home with a warm and nurturing environment, a Christian environment, an environment that was dedicated to the principles of this country, and freedom and democracy.

Atlanta and Georgia will miss Truett Cathy. He is irreplaceable. It is said that nobody is irreplaceable. Truett Cathy is. But the legacy and the legend he built and his restaurants will go on as a flagship for everything that is right about free enterprise and about the United States of America.

On this day on the floor of the Senate, to his family and to his legion of friends and to all he stood for and stands for, I mourn the loss of Truett Cathy, a great American and a great citizen.

I urge everybody, when they get the chance, to read the story of his life, because it is the story of the American way of life. It is the story of principles you are committed to, vision you hope for, taking a risk to try and create a reward, and giving back to the community when you earn the money from that reward, to see to it you leave this world a better place than you found it.

For America and Georgia today, Truett Cathy has left us. He has gone to a much better place. But he has left

our city, our State, and our country a better place than what he found. May God bless the life of Truett Cathy.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. NELSON pertaining to the introduction of S.J. Res. 42 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas.

CONSTITUTIONAL AMENDMENT

Mr. ROBERTS. This evening the Senate will vote on whether it should proceed to the consideration of a constitutional amendment that would, of all things, alter the Bill of Rights. Specifically, it seeks to amend the First Amendment to permit this Congress to regulate the speech and political activity of American citizens.

As written, the First Amendment does not permit regulation of the sort the majority wishes to impose, so they have decided to rewrite it. This is incredible and a sad demonstration of the lengths to which this majority is willing to go in its quest to retain power.

It is particularly sad when you realize that in just over 2 weeks we will be celebrating the anniversary of the Senate action that made ratification of the First Amendment possible. It was on September 25, 1789, that this body passed the first 10 amendments to the Constitution of the United States. That was 225 years ago. The ratification process was completed when Virginia became the 11th State to approve the amendments on December 15, 1791.

Since then, for over two centuries, the First Amendment has guaranteed all Americans will have the right to express themselves and participate in the political process without fear of government reprisal. While other nations have struggled to build and sustain democracy, the liberties guaranteed by our Constitution have given us a stability that allowed the United States of America to grow, to prosper, and to become a beacon of freedom around the globe.

Our Founders knew that the free expression of ideas was essential to the life and health of our democracy. Many other nations have yet to learn this lesson and still punish and imprison their citizens for daring to speak out and challenge those in power.

That does not happen here because of the system our Founders gave us. It does not happen because of the First Amendment. These things should be obvious. We might even call them self-evident. One would think that even in these polarized times we would have a consensus or could have a consensus on the wisdom of the Founders on this point.

You would think that Senators on both sides of the aisle would recognize and agree that the First Amendment, which has preserved our liberty, must itself be preserved.