

is vigorous and unfettered. Throughout even the darkest of chapters in our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny. Our political future relies on the protection of free speech.

The Supreme Court has consistently held that the first amendment protects the right of individual citizens and organizations to express their views even through issue advocacy and even if its aimed at an individual. The Court has consistently maintained that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not in express terms advocate the election or defeat of a clearly identified candidate. As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his views. While these holdings may not always be welcome to those of us running campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech. We talk about how much money is spent that way for advocacy, but we are just guessing. We are jumping to the step of precluding that right of free speech talking about how much the cost of campaigns have gone up, but we don't even have a mechanism for reporting that in any meaningful way. That should be the first step. We need quick and complete disclosure of all funds spent in a campaign, directly and indirectly. That means hard money and soft. We need to know from where and whom it comes and for what it was spent. Obviously we need to know how the money got there. We need to know that the laws on collecting it apply to everyone. That's a simpler step than what is proposed and more constitutional too.

These unconstitutional restrictions of this bill would increase the power of the media elites at the expense of the average American voter. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit one segment of our society from entering into public discourse on issues that greatly affect them.

I commend the sponsors for eliminating from the most recent version of their legislation the provision that forced businesses to give away their product in the form of free broadcast time. I also appreciated them taking out the complicated funding formulas. Nonetheless, I still cannot support legislation that stifles the free speech of the American citizens and gives expanded new powers to a Washington bureaucracy. For these reasons, I must oppose the revised McCain-Feingold legislation. I ask my colleagues to join

me in paying trouble to the first amendment and opposing the McCain-Feingold legislation.

I thank the Chair and yield the remainder of my time.

Mr. MCCONNELL. I thank the Senator from Wyoming for his important contribution to this debate. We have 25 speakers in opposition to McCain-Feingold, and a growing number of our Members want to speak out in opposition to this piece of legislation.

I think a very encouraging thing happened this morning that I would like to report to my colleagues right before the vote.

I had an opportunity to attend an announcement of a new organization called the James Madison Center for Free Speech. What the James Madison Center for Free Speech is going to do is handle litigation all across the country in cases involving political speech. We have heard it announced that the forces of reform who want to shut Americans out of the political process and being frustrated in Washington are taking their cases out around America. There have been various State laws and referenda that have passed—all of them, so far, struck down in the Federal courts. But the James Madison Center is going to be there to represent litigants all across America who stand up for first amendment free speech.

I think that is an important announcement. The proponents of campaign finance reform have said they are not going to go away. The opponents are not going to go away. The James Madison Center is going to be there every time free speech is threatened anywhere in America.

Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

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

**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, J. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher Dodd, Kent Conrad, Robert Torricelli, Charles Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

**CALL OF THE ROLL**

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

**VOTE**

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elec-

tions, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida, [Mr. MACK] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 273 Leg.]

**YEAS—52**

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

**NAYS—47**

Abraham	Faircloth	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
D'Amato	Inhofe	Thomas
DeWine	Kempthorne	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	

**NOT VOTING—1**

Mack

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, D. Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry Craig, Strom Thurmond, Gordon Smith, Jesse Helms, Kay Bailey Hutchison, Christopher S. Bond, Bill Frist, Charles Grassley, Thad Cochran, Rick Santorum.

**VOTE**

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on amendment No. 1258 to S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.