

July 15, 1999.

Representative RANDY "DUKE" CUNNINGHAM, *House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the thousands of men battling prostate cancer and their families, I want to express our sincere appreciation to you and your colleagues for introducing the "Stamp Out Prostate Cancer Act of 1999".

Our primary goals at the National Prostate Cancer Coalition (NPCC) are to make prostate cancer a national health priority while finding a cure for his deadly disease. In order to accomplish these goals, we must increase awareness of the disease and increase funding for prostate cancer research. Your bill takes great strides forward in both areas.

In 1999, one cancer case in every six will be prostate cancer. About one in four prostate cancer cases strikes a man during his prime working years, under the age of 65. Regrettably, prostate cancer took the lives of about 100 men yesterday. Congressman Cunningham, we know that you are aware of the terrible toll which prostate cancer takes on Americans. We salute you for your playing a role in finding a cure of this disease.

We look forward to working with you to increase the opportunities for new and accelerated research and treatment for prostate cancer. The NPCC stands ready to assist you as your legislation moves through Congress. Sincerely,

BILL SCHWARTZ,
Vice-Chairman and CEO,
National Prostate Cancer Coalition.

CAMPAIGN FINANCE REFORM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1999

Mr. DELAY. Mr. Speaker, our Founding Fathers recognized that restricting the free exchange of ideas in the political arena is the tool of tyranny. The First Amendment ensures that a free exchange of ideas, not the forceful will of the government, will always dominate the political landscape.

Currently, there are those who would obliterate the First Amendment in the name of "campaign finance reform." Reforming our campaign finance system by limiting the ability of individuals and groups to express their views on issues and candidates is like trying to make a car run better by removing the engine.

Time and time again, the Courts have held that the First Amendment protects the right of individuals and groups to speak freely about issues and candidates, free from the heavy hand of government regulation and restrictions.

The American people do not need government speech police dictating what, where, when and how they can speak about issues that are important to them. The "big brother" reforms that are being proposed will trample on the fundamental rights of individuals in order to protect the interests of incumbent politicians.

I commend the following piece by Mr. James Bopp, published by the Heritage Foundation, to my colleagues' attention. Mr. Bopp clearly explains the need for true reform that is constitutional and strengthens, rather than destroys, the ability of the American people to have a voice in their government.

[From the Heritage Foundation, July 19, 1999]

CAMPAIGN FINANCE "REFORM": THE GOOD, THE BAD, AND THE UNCONSTITUTIONAL
(By James Bopp, Jr.)

Campaign finance reform soon will be debated in the U.S. Senate. The problems with the current campaign financing system that are identified by the most vocal reformers, however, are not real problems for Americans who want more of a say in who is elected and what policies public officials pursue. And although incumbent officeholders in Washington, D.C., may feel threatened by negative advertising and want to manipulate the campaign rules to their advantage, this does not justify imposing further restrictions on the freedom of speech and association. The U.S. Supreme Court already has addressed the remedies proposed by the "reformers" and found them unconstitutional under the First Amendment.

The Supreme Court and numerous federal courts following it have struck down almost all laws that attempt to restrict campaign spending or campaign advertising by individuals or organizations (including corporations, unions, political action committees [PACs], and political parties). Pursuant to the First Amendment, the Supreme Court limits the regulation of political expression to a very narrow class of speech: explicit or express words advocating the election or defeat of clearly identified candidates—such as "vote for" or "elect." But not every type of express or explicit appeal for votes is subject to regulation. For example, the Supreme Court has held that:

A political candidate has an absolute First Amendment right to spend an unlimited amount of his own money expressly advocating his own election (unless he voluntarily waives that right in order to receive public financing).

Individuals and organizations also have an absolute First Amendment right to spend an unlimited amount of their own money expressly advocating the election or defeat of particular candidates so long as there is no coordination between the individual or organization and the candidates. And governments may not presume that there is coordination under certain scenarios—unless there really is some.

In addition, all other election-related speech that discusses candidates and issues (including their voting records or positions) but does not explicitly call for the election or defeat of particular candidates is protected as "issue advocacy." Although it undoubtedly influences elections, issue advocacy is absolutely protected from regulation by the First Amendment. Consequently, "reforms" that attempt to redefine "express advocacy" to include types of issue advocacy, or to create new categories of speech subject to regulation, or that effectively would ban issue advocacy by corporations and labor unions are doomed to a court-ordered failure. So is legislation that effectively would require any group engaging in issue advoca-

cacy to register and report as a PAC or that would impose burdensome disclosure requirements on issue advocacy.

Political parties enjoy the same unfettered right to receive contributions for and to engage in issue advocacy. And there are even fewer reasons to fear their exercise of this important right because political parties have an interest in a broader array of issues than narrow interest groups do, and their donors know they exist to advance those issues. The Supreme Court also has found that proposed bans on political parties receiving and spending soft money cannot be justified on the ground that it might prevent corruption. Instead, the Supreme Court has determined such a goal is insufficient to restrict the discussion of candidates and their positions on issues.

To adopt true reform, Congress first needs to recognize that today's perceived abuses are simply the predictable result of past "reforms" in which the suppression of free speech was the principal focus. Today's complex laws cause wasteful distortions in the electoral process and lessen transparency and public accountability. There are, however, constitutional measures that would correct these flaws. Specifically, raising or eliminating contribution limits, which have been eroded by inflation, would allow elected officials to concentrate more on their public duties than on raising funds, make the flow of campaign money more transparent, and improve public accountability. And removing barriers that prevent political parties from exercising a moderating influence on political campaigns would serve to reduce the weight of narrow interests.

These reforms would encourage more direct citizen participation in campaigns, thereby reducing the incentive for indirect involvement through independent expenditures and issue advocacy. Such true reforms not only are constitutional, but they also reinforce the sovereignty of the people over government officials and decrease the threat of corruption by making it more likely that any influence will be exposed. Bearing this in mind,

Congress should not rush to pass measures that would cause uncertainty in the short run and inevitably be struck down as unconstitutional. Because Members of Congress take an oath to support and defend the Constitution, they should pay special attention in the legislative process to any constitutional defects in pending legislation.

Congress should not try to challenge the Supreme Court's rulings on the First Amendment, especially when the people's freedom to speak is at stake and Members self-interest in retaining office conflicts with those rulings.

Instead, to enhance political participation and improve transparency and accountability in the process, Congress should:

1. Raise the individual contribution limit to at least \$2,500, indexing it for inflation; raise the aggregate individual contribution limit; and raise the individual and PAC contribution limits to political parties from \$20,000 and \$15,000, respectively, to at least \$50,000.
2. Remove the limits on coordinated expenditures by political parties with their own candidates.