portrayed it; it is an affront to Buckley, which was wrongly decided. Senator HOLLINGS' Amendment is restorative: it returns First Amendment jurisprudence to what it was before the ill-conceived Buckley decision.

In holding that limitations on campaign expenditures violate the First Amendment, Buckley mistakenly equates money and speech. But, as Justice Stevens pointed out recently in *Nixon* v. *Shrink Missouri Government PAC*, 528 U.S. 377 (2000), money is not speech; money is property.

Professor Dworkin's article shows that the mistaken factual premise in Buckley is rooted in a fundamental misconception of First Amendment jurisprudence. Senator HOLLINGS' effort to make clear that reasonable limits can be imposed constitutionally on campaign expenditures would restore that jurisprudence by overturning Buckley.

The First Amendment and most of the important decisions interpreting it presuppose a democracy in which citizens are politically equal, not only as judges of the political process through voting, but also as participants in that process through informed political discourse. Reasonable regulations on campaign expenditures would enhance speech and contribute to a more rational political discourse. Professor Dworkin illustrates this point through a historical and philosophical analysis of First Amendment precedent and the threat that unrestricted campaign expenditures pose to the values underlying the First Amendment. Treating money as speech debases genuine democratic dialogue.

Justice Brandeis made this point in another way in his justly famous dissent in *Whitney* v. *California*, 274 U.S. 357, 375 (1927):

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty; . . . [They believed] that the greatest menace to freedom is an inert people; that public discourse is a political duty; and that this should be a fundamental principle of the American government.

The damage that unrestricted campaign expenditures has done to our public discourse is clear. If money is speech, then inevitably one will need money, and large amounts of it, to speak politically. The result, in Professor Dworkin's words, is that our last two presidential campaigns were ''as much a parody of democracy as democracy itself.''

I will not repeat Professor Dworkin's analysis of the legal precedents interpreting the First Amendment and Buckley's distortion of them, except to point to the oddity that Buckley at times recognizes the constitutional jurisprudence it undermines. It does so in holding that, in contrast to campaign expenditures where any limit purportedly violates the First Amendment, Congress may constitutionally place limits on campaign contributions. The latter holding, as Professor Dworkin points out, is premised on a principle deeply rooted in First Amendment jurisprudence: reasonable restrictions on activity in the political realm, like contributing money, may be erected to protect core First Amendment values, like equality of political discourse. That is all that most proponents of campaign reform want to do, and that is all that the Hollings Amendment will do.

AMERICAN PRISONERS OF THE HOLOCAUST

Mr. HOLLINGS. Mr. President, in September of 1944, the 106th Infantry Division embarked for Europe and soon joined heavy fighting at the Battle of the Bulge. But one member of the division, the Academy Award-winning filmmaker Charles Guggenheim, was left behind in Indiana due to a minor illness. His connection with this brave group and the 350 American soldiers taken prisoner after the battle and sent to a Nazi camp in Berga, Germany led Mr. Guggenheim to undertake a new documentary, which is the subject of an excellent New York Times article by Roger Cohen. So that more Americans can be educated about the events leading up to the Holocaust and the unspeakable horrors inflicted upon Americans as well as Europeans, I ask that Mr. Cohen's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 17, 2001]

WHERE G.I.'S WERE CONSUMED BY THE HOLOCAUST'S TERROR; A FILMMAKER HELPS THAW MEMORIES OF WARTIME GUILT

(By Roger Cohen)

BERGA, Germany. Four plain wooden crosses stand in the cemetery above this quiet town in eastern Germany. One of them is inscribed ''Unknown Allied Soldier.'' He is unlikely to be an American, because the G.I.'s who died here were exhumed after World War II and taken home. But the mystery of this soldier's identity is only one of many hanging over Berga and its former Nazi camp.

On a cold, late March day, with snow falling on the graves, a thin, soft-spoken American stands filming in the cemetery. He has hired some local volunteers, one of whom is portraying a Nazi guard, as two others turn the earth in preparation for the burial of the simulated corpses whose limp feet dangle out of sacks. The scene has an eerie luminosity in the silence of the snow.

The weather is cinematographically perfect. It is also unseasonably cold and infernally damp. The American, Charles Guggenheim, shivers as he says: ''This is a slow business, filming something like this. Sort of like watching grass grow.''

But for him the fate of the American soldiers imprisoned and worked to death more than a half-century ago in Berga has become something of an obsession.

Time may be needed for an obsession to take hold, time for the half-thoughts, nagging regrets and suppressed memories to coalesce into a determination to act. Mr. Guggenheim, a documentary filmmaker who has won four Academy Awards, waited a long time to embark on this movie. His daughter, Grace Guggenheim, has a theory as to why. ''This is sort of a survivor's guilt story,'' she said.

In September 1944 Mr. Guggenheim, now 77, was with the American 106th Infantry Division, preparing to go to Europe. But when the other soldiers embarked, he was immobilized with a foot infection. He remained in Indiana while his fellow infantrymen were plunged, within weeks, into the Battle of the Bulge; two regiments were lost. Thousands of American soldiers were captured, and several hundred who were Jewish or who ''looked'' Jewish ended up in Berga. Up to now their fate has received relatively little attention, partly because the surviving soldiers long tended to repress the trauma.

''I could have been among the captured or the killed,'' Mr. Guggenheim mused. ''I never wished I had come to Europe. Anyone in the infantry who wishes for war has something wrong with them. But I've thought a lot: why in the hell am I here and they not? Perhaps in the next life they'll get even. I'm trying not to believe in a next life.''

Even this life seems incredible enough when gazing at little Berga, a place outside time. It was exploited by the Nazis before being taken over by the Russians, who mined uranium in the area. In 1990 it was made part of a united Germany.

Unemployment here stands at about 24 percent, so Mr. Guggenheim had no problem finding volunteers for his film. To conjure an atmosphere of desolation was not difficult either: beside the unused red-brick textile factory of a vanished Jewish family (named Englander), stray cats wander through junkyards, watched by old men standing huddled against the cold. Germany's ghosts, its myriad secrets, are almost palpable in a place like this.

Among the onlookers near the cemetery is Sabine Knuppel, a municipal worker. She says she has photographs of the ''old days'' in Berga: a lighted swastika glowing among trees heavy with snow. None of the old people in town like to talk about those days, she says, when the Nazis set up a satellite camp to Buchenwald in the middle of town and used the slave laborers imprisoned there to dig tunnels into the rock cliffs bordering the Elster River.

All that, she continues, constitutes a ''lost world.'' But once there were perhaps 1,000 prisoners working in the tunnels, where the Nazis planned to install a factory producing synthetic fuel. But until now, nobody in the town knew there were Americans among the prisoners, Ms. Knuppel says.

After the war the Russians blew up many of the tunnels. In their vestiges bats established a vast colony now officially designated as a German nature reserve. Along the wooded banks of the Elster, a dozen entrances to the tunnels may still be seen; they are barred with steel doors.

Layer upon layer of German secrets: more tangible in a place like Berga than in the west of the country, where postwar prosperity wiped away most traces of tragedy. Mr. Guggenheim, whose award-winning documentaries include ''J. F. K. Remembered'' and an account of the civil rights movement called ''A Time for Justice,'' has been digging into the secrets for two years now. He has interviewed 40 American survivors of Berga for a documentary tentatively titled ''G.I. Holocaust.''

The film, a co-production of Mr. Guggenheim's company and WNET, the public-television station in New York, centers on what happened to a group of American soldiers captured by the Germans after the Battle of the Bulge (which began on Dec. 16, 1944) and later transported to Berga.

This group of about 350 men was selected from among the more than 2,000 American prisoners initially taken to the Stalag 9B prisoner of war camp at Bad Orb, 50 miles north of Frankfurt. Among them was William Shapiro, now a retired doctor living in Florida. A medic attached to the 28th Infantry Division, he was captured on Dec. 17, 1944, the day after the battle began.

''On arrival at the prisoner of war camp, we were interrogated,'' Dr. Shapiro said in a telephone interview. ''With a name like Shapiro, it was quite evident I was Jewish. I was then pushed into a particular barracks, mostly for Jews and other undesirables. Our job was to clean the latrines. We were guarded by the SS with dogs, rather than the Wehrmacht. I'd never even trained with a gun. I thought the Geneva Convention would protect me as a medic. At that time I knew nothing of Auschwitz or the planned extermination of European Jewry, although of course I knew of Hitler's hostility to Jews.''

In the special barracks he was eventually joined by the other 350 Americans who would go to Berga. Their identities had not been as immediately obvious. Many were selected in a grim process recalled to Mr. Guggenheim by several soldiers of his own 106th Division.

They described how prisoners were ordered to stand at attention in the parade ground. The commandant then gave the order for all Jews to step forward. ''Nobody moved,'' said Joseph Littell, one of the survivors. ''He said it again. Nobody moved. He grabbed a rifle butt and hit Hans Kasten, our leader, with a blow you couldn't believe. Hans got up. He hit him again. The commandant said he would kill 10 men every hour until the Jews were identified.''

The group of 350 was eventually assembled of some Jews who identified themselves under pressure; some soldiers, like Mr. Kasten, who volunteered; and some who were picked by the Germans as resembling Jews. Mr. Kasten, an American of German descent, suffered repeated taunts, being told that the thing worse than a Jew was a German who turns against his country. After several weeks the group was loaded into boxcars without food or water, arriving at Berga on Feb. 13, 1945.

The Nazis had a policy, ''annihilation through work,'' and these Americans learned what this meant. Housed in a barracks beside the prison camp, fed only on bread and thin soup, sleeping two to a bed in three-level bunks, deprived of water to wash, urinating and defecating into a hole in the floor, regularly beaten, the soldiers were herded out to work 12 hours a day in the dusty tunnels.

''The purpose was to kill you but to get as much of you before they killed you,'' Milton Stolon of the 106th Division told Mr. Guggenheim. Gangrene, dysentery, pneumonia, diphtheria did their work. In the space of nine weeks about 35 soldiers died.

The persecution of American prisoners at Berga has remained little-known because many of the victims, like Dr. Shapiro, chose not to speak of it for a half-century after the war. With the cold war to fight and West Germany a postwar ally, the United States government had little interest in opening its archives and inflaming conflict between Americans and Germans.

In recent years, however, the research of an Army officer, Mack O'Quinn, who investigated the events at Berga for a master's degree thesis, and a 1994 book by Mitchell Bard, ''Forgotten Victims'' (Westview Press), have thrown light on the treatment of the G.I.'s. Still, many of the soldiers said they spoke about their experiences for the first time to Mr. Guggenheim; the notion that American prisoners of war were persecuted as Jews or Jewish sympathizers has not received broad attention.

Mr. Guggenheim said it was still a shock that this happened to Americans, bringing home the realization that if the Nazis had won the war, ''they would have gotten us, too.''

A descendant of German Jews, he grapples with ambivalent feelings about the country, unable to forget what a ''civilized nation'' did to its Jews even as he is surprised by how civil postwar German society is.

He also grapples with how to find an appropriate treatment of a Holocaust movie, troubled by what he sees as the frequent trivialization of the Holocaust in film. Too often, he said, Hitler's crimes have become a ''quick fix for involvement'' and a good fix for raising money from Jewish families. Like sex and violence, the Holocaust ''demands people's attention, even if they do not feel good about it.''

His answer to the ethical dilemma is the sobriety of his research and treatment: painstaking interviews, careful reconstruction of a little-known chapter in the war, attention to detail. The scenes filmed in Berga will supplement a core of archival film, photography and interviews. ''What is most moving to me is the way the survivors have talked about themselves and about each other, often for the first time,'' he said. ''In many instances they had never talked about this before.''

Dr. Shapiro was among those who suppressed his memories. ''It took 50 years for all of us to begin to come to terms with this,'' he said. In early April 1945, with the American and Soviet armies closing in, the camp at Berga was ordered evacuated, and a death march began for hundreds of prisoners. At least another 50 Americans died in the ensuing days before advance units of the American 11th Armored Division liberated the prisoners on April 22, 1945, near Cham in southeastern Germany.

The rate of attrition—more than 70 American dead in just over two months after arrival at Berga—was among the highest for any group of G.I.'s taken prisoner in Europe. Dr. Shapiro weighed 98 pounds on his liberation; he cannot recall the last days of the forced march despite repeated efforts to do so. ''I had become a zombie,'' he said.

Time has passed, but Dr. Shapiro's voice still cracks a little as he thinks back. Periodic nightmares trouble him. ''I traveled the same road as an American prisoner of war as the Jews of Europe,'' he continued. ''I was put in a boxcar, starved, put on a death march. It was a genocidal type of approach.''

That road might also have been Mr. Guggenheim's. After the war he asked a returning member of the 106th Division about a Jewish soldier he had known and was told the man had died in a German mine. But where, how, why?

The questions lingered in his mind for more than a half-century before taking him where an infected foot prevented him from going in 1944: to a remote town in Germany where the bat-filled tunnels are now sealed and snow falls on a cemetery where an ''Allied Soldier'' lies.

TRIBAL COLLEGES AND UNIVERSITIES

Mr. CONRAD. Mr. President, I would like to engage the Senior Senator from Iowa in a colloquy about funding for the Nation's 32 tribal colleges and universities.

These schools, located in 12 States, serve more than 250 federally recognized tribes nationwide. The colleges serve students older than the traditional college age who are seeking another chance at a productive life. The vast majority of tribal college students are first-generation college students.

However, the States provide little, if any, funding to the tribal colleges and universities because the vast majority of tribal colleges are located on federal trust lands. Additionally, non-Indians account for about 20 percent of tribal college enrollments, although the States do not provide financial support for these students.

Does the Senator from Iowa agree that the Federal Government needs to play a significant role in funding these schools?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota. The Federal Government provides the core operating funds for the tribal colleges and universities. Without this funding, many of them would have to close their doors.

Mr. CONRAD. And is it the view of the Senator from Iowa that this funding has not reached the level authorized by the Tribally Controlled Colleges and Universities Assistance Act?

Mr. HARKIN. The Senator from North Dakota is correct. Although annual appropriations for tribal colleges have increased in recent years, the per Indian student funding is still less than two-thirds the level authorized by law and significantly lower than the public support given to mainstream community students.

Mr. CONRAD. I thank the Senator. I would also like to note that the need for federal funding is especially critical for these schools because most tribal colleges and universities were founded less than 25 years ago and are located in rural and impoverished areas, and they do not have access to alumni-based funding sources and local financial support.

Mr. JOHNSON. Given the circumstances described by the Senator from North Dakota and my own knowledge of the five tribal colleges in my own State, I ask that every effort be made in Fiscal Year 2002 and beyond to fund the colleges at the level at which they are authorized in the Tribally Controlled College and University Assistance Act. Would the Senator from Iowa agree that with respect to the education funding amendment adopted by the Senate that this will be a priority?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota that a portion of the funding provided by my amendment should be used to help close the gap between the level of funding authorized by the Tribally Controlled College and University Assistance Act and the level of funding the colleges are currently receiving. I believe the funding in my amendment is sufficient to meet the needs of the tribal colleges and universities as well as the other educational needs throughout the country.

Mr. CONRAD. I thank the Senator for his remarks. I am pleased that the Senator from Iowa, who is a champion