

## PART THREE

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# Regulation and Proposed Legislation

The documents in this section include a defeated amendment to the Constitution to give Congress the power to regulate campaign spending and contributions, an announcement from the Federal Election Commission on permitted spending in the 1996 presidential campaign, and two documents on the major proposed legislation on campaign finance: the text of the deregulatory and relatively brief Doolittle bill and a summary of the very different McCain-Feingold legislation, calling for greater controls on campaign contributions and expenditures.

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## Attempt to Amend the Constitution

105th Congress

Supreme Court decisions on campaign finance reaffirm that the First Amendment to the Constitution protects freedom of speech, and above all political speech. The Court concludes that Congress thus lacks the power to limit campaign expenditures except through voluntary restraints.

The idea that Congress ought to be able to legislate expenditure controls is in fact popular with the public, at least on first blush. Bills to amend the Constitution to allow such legislation have been introduced in the Congress, most recently as S.J. RES. 18, which was resoundingly defeated in the Senate March 18, 1997, by a vote of 38 for, 61 against. Of the 38, 4 were Republicans.

Here is the text, the vote, and the floor discussion.

**P**roposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

Article

SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

SECTION 2. A State shall have the power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of

expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.

### Rollcall Vote No. 31 Leg.

#### YEAS—38

|                           |                           |                           |
|---------------------------|---------------------------|---------------------------|
| Akaka, Daniel (D, HI)     | Dorgan, Byron (D, ND)     | Levin, Carl (D, MI)       |
| Baucus, Max (D, MT)       | Feinstein, Dianne (D, CA) | Lieberman, Joseph (D, CT) |
| Biden, Joseph (D, DE)     | Ford, Wendell (D, KY)     | Mikulski, Barbara (D, MD) |
| Bingaman, Jeff (D, NM)    | Glenn, John (D, OH)       | Murray, Patty (D, WA)     |
| Boxer, Barbara (D, CA)    | Graham, Robert (D, FL)    | Reed, Jack (D, RI)        |
| Breaux, John (D, LA)      | Harkin, Thomas (D, IA)    | Reid, Harry (D, NV)       |
| Bryan, Richard (D, NV)    | Hollings, Ernest (D, SC)  | Robb, Charles (D, VA)     |
| Byrd, Robert (D, WV)      | Inouye, Daniel (D, HI)    | Roth, William (D, DE)     |
| Cleland, Max (D, GA)      | Jeffords, James (R, VT)   | Sarbanes, Paul (D, MD)    |
| Cochran, Thad (R, MS)     | Johnson, Tim (D, SD)      | Specter, Arlen (R, PA)    |
| Conrad, Kent (D, ND)      | Kerry, John (D, MA)       | Wellstone, Paul (D, MN)   |
| Daschle, Thomas (D, SD)   | Landrieu, Mary (D, LA)    | Wyden, Ron (D, OR)        |
| Dodd, Christopher (D, CT) | Lautenberg, Frank (D, NJ) |                           |

#### NAYS—61

|                           |                           |                              |
|---------------------------|---------------------------|------------------------------|
| Abraham, Spencer (R, MI)  | Gorton, Slade (D, WA)     | McCain, John (R, AZ)         |
| Allard, Wayne (R, CO)     | Gramm, Phil (R, TX)       | McConnell, Mitch (R, KY)     |
| Ashcroft, John (R, MO)    | Grams, Rod (R, MN)        | Moseley-Braun, Carol (D, IL) |
| Bennett, Robert (R, UT)   | Grassley, Charles (R, IA) | Moynihan, Daniel (D, NY)     |
| Bond, Christopher (R, MO) | Gregg, Judd (R, NH)       | Murkowski, Frank (R, AK)     |
| Brownback, Sam (R, KS)    | Hagel, Chuck (R, NE)      | Nickles, Donald (R, OK)      |
| Bumpers, Dale (D, AR)     | Hatch, Orrin (R, UT)      | Roberts, Pat (R, KS)         |
| Campbell, Ben (R, CO)     | Helms, Jesse (R, NC)      | Rockefeller, John (D, WV)    |
| Chafee, John (R, RI)      | Hutchinson, Tim (R, AR)   | Santorum, Rick (R, PA)       |
| Coats, Daniel (R, IN)     | Hutchison, Kay (R, TX)    | Sessions, Jeff (R, AL)       |
| Collins, Susan (R, ME)    | Inhofe, James (R, OK)     | Shelby, Richard (R, AL)      |
| Coverdell, Paul (R, GA)   | Kempthorne, Dirk (R, ID)  | Smith, Bob (R, NH)           |
| Craig, Larry (D, ID)      | Kennedy, Edward (D, MA)   | Smith, Gordon (R, OK)        |
| D'Amato, Alphonse (R, NY) | Kerry, Bob (D, NE)        | Snowe, Olympia (R, ME)       |
| DeWine, Michael (R, OH)   | Kohl, Herbert (D, WI)     | Stevens, Ted (R, AK)         |
| Domenici, Pete (R, NM)    | Kyl, Jon (R, AZ)          | Thomas, Craig (R, WY)        |
| Durbin, Richard (D, IL)   | Leahy, Patrick (D, VT)    | Thompson, Fred (R, TN)       |
| Enzi, Michael (R, WY)     | Lott, Trent (R, MS)       | Thurmond, Strom (R, SC)      |
| Faircloth, D. M. (R, NC)  | Lugar, Richard (R, IN)    | Torricelli, Robert (D, NJ)   |
| Feingold, Russell (D, WI) | Mack, Connie (D, FL)      | Warner, John (R, VA)         |
| Frist, Bill (R, TN)       |                           |                              |

#### NOT VOTING—1

Burns, Conrad (R, MT)

The PRESIDING OFFICE: On this vote, the yeas are 38, the nays are 61. Two-thirds of the Senate voting, a quorum being present, not having voted in the affirmative, the joint resolution is rejected.

MR. MCCONNELL: Mr. President, just a couple of observations about the vote just completed.

The constitutional amendment to strip political speech out of the first amendment and give the Government the power to control said speech was just defeated 61 to 38. We have had previous votes on the Hollings amendment in other years.

I would just like to mention for the benefit of my colleagues this is the biggest vote against the Hollings amendment yet achieved in the Senate. . . . So I think it was a very encouraging indication of the growing support for protecting the first amendment.

I want to thank my colleagues for this overwhelming vote against the amendment.