SENATE RECORD VOTE ANALYSIS

105th Congress | March 11, 1997, 3:56 pm
1st Session | **Vote No. 28** | Page S-2114 Temp. Record

CAMPAIGN 96 CONGRESSIONAL INQUIRY/Scope

SUBJECT: **A resolution authorizing funds to investigate the 1996 Federal elections . . . S. Res. 39. Lott/Thompson/Warner perfecting amendment No. 23.**

ACTION: AMENDMENT AGREED TO, 99-0

SYNOPSIS: As reported with a substitute amendment, S. Res. 39, a resolution authorizing funds to investigate the 1996 Federal elections, will authorize $4.35 million for the Governmental Affairs Committee to investigate illegal activities in connection with 1996 Federal election campaigns. The Committee will have until December 31, 1997 to conduct its investigation and until January 31, 1998 to issue a final report on its findings. The Committee will refer any evidence of illegal activities by a Senator to the Ethics Committee. The resolution will also authorize an additional sum of $450,000 for the Rules Committee to continue hearings on campaign reform.

The Lott/Thompson/Warner amendment would add that the $4.35 million would be authorized to investigate improper as well as illegal activities, and that referrals to the Ethics Committee would be made for improper as well as illegal activities.

Those favoring the amendment contended:

Argument 1:

This resolution, as reported, will authorize funds for the Governmental Affairs Committee to investigate illegal campaign activities of the 1996 elections and will authorize funds for the Rules Committee to examine "improper" activities of those elections. The logic of giving the Rules Committee jurisdiction over improper activities is two-fold. First, the Rules Committee has been holding hearings on changing the campaign finance laws, and is well on its way to building a consensus among Members on which currently legal campaign activities deserve the epithet "improper" and should be prohibited. It would be wasteful of both time and effort to have the Governmental Affairs Committee investigate this same area and issue its report on January 31, 1998 when the Rules Committee

(See other side)

YEAS (99)

Republican (55 or 100%)		Democrats (44 or 100%)	
Abraham	Hutchinson	Akaka	Johnson
Allard	Hutchison	Baucus	Kennedy
Ashcroft	Inhofe	Biden	Kerrey
Bennett	Jeffords	Bingaman	Kerry
Bond	Kempthorne	Boxer	Kohl
Brownback	Kyl	Breaux	Landrieu
Burns	Lott	Bryan	Lautenberg
Campbell	Lugar	Bumpers	Leahy
Chafee	Mack	Byrd	Levin
Coats	McCain	Cleland	Lieberman
Cochran	McConnell	Conrad	Mikulski
Collins	Murkowski	Daschle	Moseley-Braun
Coverdell	Nickles	Dorgan	Moynihan
Craig	Roberts	Durbin	Murray
D'Amato	Roth	Feingold	Reed
DeWine	Santorum	Feinstein	Reid
Domenici	Sessions	Ford	Robb
Enzi	Shelby	Glenn	Rockefeller
Faircloth	Smith, Bob	Graham	Sarbanes
Frist	Smith, Gordon	Harkin	Torricelli
Gorton	Snowe	Hollings	Wellstone
Gramm	Specter	Inouye	Wyden
Grams	Stevens		
Grassley	Thomas		
Gregg	Thompson		
Hagel	Thurmond		
Hatch	Warner		
Helms			

NAYS (0)

Republicans (0 or 0%)	Democrats (0 or 0%)

NOT VOTING (0)

Republicans (0)	Democrats (0)

VOTING PRESENT(1)
Dodd

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

could reach a conclusion much earlier. Second, this arrangement would prevent attempts by Democrats to turn the focus of the Governmental Affairs Committee hearings from the many admittedly illegal activities involving the Democratic party and the Clinton Administration to the general issue of campaign finance reform.

At first glance this divison of authority between the two committees appears to be logical. However, on reflection, we cannot support it because we are concerned that it could be used as a defense by those people who are guilty of illegal acts. By a tortured reading of the law or by an obvious misreading of the law they could assert that they had not technically violated it, and thereby stymie the investigation. Further, even investigations of illegal acts could be blocked unless admissible evidence were first available. For instance, we know that Dick Morris, the mercenary campaign consultant who guided President Clinton's campaign, has written that President Clinton personally edited commercials that were paid for by the Democratic National Committee. If true, it would appear to be a very clear violation of the law, because President Clinton accepted public funds for his campaign and was thereby barred from coordinating expenditures with the DNC's independent expenditures. However, this accusation by Dick Morris could be challenged as inadmissible hearsay if the Committee were only allowed to examine illegal activities.

We do not want to see anyone dodge culpability, so we have offered the Lott/Thompson/Warner amendment to authorize the Governmental Affairs Committee to investigate improper acts as well as illegal acts. The Rules Committee at the same time will continue with its primary responsibility of examining the issue of campaign financing, and will receive additional funds for its hearings. We believe that the focus of campaign finance reform will stay with the Rules Committee; we will resist any efforts by Democrats to turn the Governmental Affairs Committee's hearings into a general forum on campaign financing as a means of glossing over illegal activities.

Clearly the focus of the hearings has to be on the most serious problems of the 1996 elections, and the evidence we have now strongly indicates that most of those problems were with illegal activities by Democrats and by the Clinton Administration in particular. Perhaps, and we hope, that no one in the White House, the Democratic Party, or the Republican Party deliberately violated the law or even deliberately engaged in questionable, though technically legal, campaign activities. Perhaps the investigation will reveal that the most serious problems of the 1996 campaign were improper rather than illegal activities. We do not want a partisan investigation or a partisan cover up; we want a fair, thorough investigation. Adoption of the Lott amendment will move us toward that goal. We urge Senators to vote in its favor.

Argument 2:

We are pleased that the Lott amendment has been offered. This amendment will put to an end an effort to make the Governmental Affairs Committee's hearings a partisan witch hunt. Serious allegations have surfaced regarding campaign financing in the 1996 Federal elections. Our Republican colleagues have focused on allegations of illegalities involving the Clinton campaign. However, from our perspective, other campaign activities, many of which benefitted Republican candidates and many of which are not technically illegal, deserve just as much scrutiny. We are generally concerned that the winning of elections seems to have become a contest over who can raise and spend the most money, and we are particularly concerned about party soft-money and independent expenditures.

At the start of this year, many Senate committees indicated that they wanted to hold hearings on aspects of the 1996 elections over which they had jurisdiction. The Republican leadership instead decided that the Governmental Affairs Committee, which is the primary investigative committee of the Senate, should be the only committee to hold hearings. Democrats agreed with that approach. In a bipartisan fashion, Governmental Affairs Committee members then agreed on the scope of the investigation. They agreed that both illegal and improper activities should be investigated, and they submitted their request for funding to the Rules Committee. On a party-line vote, the Rules Committee then issued this resolution that will give the Governmental Affairs Committee funding to investigate illegal activities only, and that will give itself funding to investigate improper activities. We understand that the Rules Committee has jurisdiction over campaign finance issues, but that does not mean that it is qualified to conduct this investigation. The Governmental Affairs Committee alone has the necessary expertise. In our opinion, the Rules Committee action is an attempt to block any serious investigation of improper campaign activities. It is an attempt by Republicans to focus the Governmental Affairs Committee's investigation solely on illegal activities involving the Clinton Administration. If the Lott amendment had not been offered, the Committee's investigation would have been compromised from the very start. No one would have viewed any of its activities as credible if all it had done was go after the President. Thankfully, our Republican colleagues have decided not to follow the Rules Committee attempt to limit the Governmental Affairs Committee's investigation. They have offered the Lott amendment, which will restore the bipartisan nature of this investigation, and which we hope will lead to real campaign finance reform. We are pleased to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.