

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Senator Mitch McConnell, et al.)	
)	
Plaintiffs,)	Case No. 02-0582 (CKK, KLH, RJJ)
v.)	
)	All consolidated cases.
)	
Federal Election Commission, et al.,)	
)	
Defendants.)	

**DECLARATION OF
SENATOR DAVID BOREN**

The affiant, being duly sworn, deposes and says:

1. My name is David Boren.
 2. From 1979 through 1994, I served as a United States Senator from Oklahoma. In the Senate, I served on the Finance and Agriculture Committees, and was Chairman of the Senate Select Committee on Intelligence. Prior to that time, I served as Governor of the State of Oklahoma. Currently, I am the President of the University of Oklahoma. As a former elected official and as a public citizen, I have knowledge based upon my experience about the electoral process at both the state and the federal level. In part due to my interest in campaign finance reform, I continue to generally follow developments in politics and the campaign finance system.
 3. When I left the Senate in 1994, I left with a sense of gratitude for having had the privilege to serve there, but also in a state of great alarm about its future. Congress as an institution is in trouble, and only a change in the way our campaigns are financed can mend the broken trust between the American people and their government.
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4. During my time in the Senate, I was one of a handful of Senators who did not take any money from PACs. I also tried to minimize the time I spent raising "soft money" for the Democratic Party, and as a result, I received almost no money from the Democratic Party for my campaigns. At the time, the DSCC and other national party organizations kept records, or "tallies" of how much soft money a Senator had raised for the party. The DSCC then gave little money to the campaigns of those Senators who had not raised adequate party funds. In my view, this practice demonstrates very clearly that soft money is not used purely for "party building" activities, but that there is at least a working understanding among the party officials and Senate candidates that the money will benefit the individual Senators' campaigns.

5. Political parties raise soft money in various ways. One very effective fundraising tool were the gala dinners and other functions where big donors purchased "tables" with soft money contributions. Like other Senators, I was expected to "sell a table" and attend these functions, and, from time to time, I did. Sometimes, lobbyists called me or other Senators, offered to buy a "table" for the corporation they represent and then offered to "make sure the donation goes on your tally." At the fundraising dinners themselves, donors could often choose which Senator they would like to have at their table: often the Senator who was a member of the Congressional Committee that mattered to that particular industry.

6. In addition to dinners, the DNC, DSCC, and DCCC organized a variety of other events for large soft money donors, such as breakfasts to talk about policy issues. I also occasionally attended these events. While donors did not necessarily lobby us for specific legislative actions at these events, donors would frequently say "I've been meaning to come by and see you" or "can your scheduler set up an appointment for someone in my firm." Each Senator knows who the biggest donors to his party are. Donors often prefer to hand their checks

to the Senator personally, or their lobbyist informs the Senator that a large donation was just made. Senators play golf with donors at weekend retreats, and attend dinners and briefing sessions together. Through these functions, donors and Members of Congress become part of a small village where everyone knows each other and knows who is providing funding to the party. This creates a tremendous hydraulic: it is extremely difficult to decline to see, and perhaps do favors for, someone who you know personally and who has been generous to you and your party.

7. Donations, including soft money donations to political parties, do affect how Congress operates. It's only natural, and happens all too often, that a busy Senator with 10 minutes to spare will spend those minutes returning the call of a large soft money donor rather than the call of any other constituent. The comments some of my colleagues have made about the system are completely consistent with my own experience. For example, former Rep. Romano Mazzoli (D-Kentucky) has said: "People who contribute get the ear of the member and the ear of the staff. They have the access--and access is it. Access is power. Access is clout. That's how this thing works..." Martin Schram, Speaking Freely, p. 62. Similarly, Rep. Jim Bacchus (D-Fla.) has explained: "I have on many occasions sat down and listened to people solely because I know they had contributed to my campaign." Martin Schram, Speaking Freely, p. 81. Rep. Guy Vander (R-Mich.) has said: "When you're on Ways and Means, money rolls in to you without even trying. . . . My percentage of total funds from [PACs and special interests] was much higher than I believe is healthy I would suspect they are saying, 'Well, we need to have access to him.' It's not healthy." Martin Schram, Speaking Freely, p. 85.

8. As a Member of the Senate Finance Committee, I experienced the pressure first hand. On several occasions when we were debating important tax bills, I needed a police escort to get into the Finance Committee hearing room because so many lobbyists were crowding the

halls, trying to get one last chance to make their pitch to each Senator. Senators generally knew which lobbyist represented the interests of which large donor. I was often glad that I limited the amount of soft money fundraising I did and did not take PAC contributions, because it would be extremely difficult not to feel beholden to these donors otherwise. I know from my first-hand experience and from my interactions with other Senators that they did feel beholden to large donors.

9. Everyone becomes a victim of the system. Many Congressmen vie for positions on particular committees such as Finance and Ways and Means in large part because it makes it much easier for them to raise money. They then spend large amounts of their scarce time raising money for their party from businesses that have specific matters pending before their committees. They know exactly why most soft money donors give – to get access and special influence based on their contributions.

10. Donors also feel victimized. Now that I've left office, I sometimes hear from large donors that they feel "shaken down": because others are making large donations, they also feel pressure to donate or no one on Capitol Hill would be willing to see them or support their interests. Individual Members of Congress and individual donors cannot unilaterally "disarm" by opting out of the system. The soft money loophole has created an arms race that cannot stop until appropriate legislation, such as BCRA, is passed to stop it.

11. The most helpless and most important "victims" of the system, however, are ordinary constituents. I currently teach an "Introduction to U.S. Government" class to freshmen at the University of Oklahoma. Each year, I start the class by showing the students a poll that indicates that when I was a freshman in college, 76% of the American people trusted their government. When I left politics and turned to become President of the University of Oklahoma

in late 1994, only 19% trusted their government, and 57% were dissatisfied with the current political parties. American's trust of government and political parties has fallen precipitously over the years. I then ask the students why they think this is the case. Almost unanimously, they respond that our government has been "purchased" by special interests. They believe that their elected representatives do not represent the interests of their constituents, but pander to large donors instead. This sense of disenfranchisement keeps voters from the polls and undermines our democracy.

12. As a citizen, I believe the soft money system also compromises the federalist system of representation envisioned by the Constitution. I believe that the Constitution created a system where Senators and Representatives from a particular State represent the interests of the people from that State. The rise of the soft money loophole has turned that system on its head.

13. Since leaving the Senate, I have served as the President of Oklahoma University. In that capacity, I spend much of my time speaking to donors and raising money for the university. People sometimes ask me why I don't dislike this as I disliked raising money for my Senatorial campaigns and for the Democratic party. The answer is simple: raising money for a university and a cause I believe in does not cast doubt on my own integrity. When I fundraise for OU, no donor expects to receive special access and special favors in the same way that expectation arises with Members of Congress.

14. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Hon. David Boren

Executed this 26 day of Sept. 2002.