

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SENATOR MITCH McCONNELL, <i>et al.</i>)	
)	
Plaintiffs,)	Civil Action No.
)	02-0582 (CKK, KLH, RJL)
v.)	Consolidated Actions
)	
FEDERAL ELECTION COMMISSION, <i>et al.</i>)	DECLARATION
)	
Defendants.)	
)	

DECLARATION OF SENATOR DALE BUMPERS

Background

1. My name is Dale Bumpers.
2. I served two terms as Governor of Arkansas, from 1971 to 1975. After my service as Governor, I served as a Member of the United States Senate, representing the State of Arkansas, from 1975 to 1999. After I retired from the Senate, I spent one year directing the Center for Defense Information, a nonprofit think-tank based in Washington, D.C. I have also taught classes at the University of Arkansas and other schools.
3. Currently I practice law in Washington, D.C., at Arent Fox Kintner Plotkin & Kahn, PLLC, where I provide strategic counsel and advice to corporations, trade associations, and nonprofit organizations on a broad range of international and government relations issues.

The Role of Political Parties

4. ~~Political parties' primary interest is in supporting and electing their candidates.~~

The parties are money raisers, and they spend the money they raise to assist their candidates in campaigns. Party committees focus their resources on competitive races. Unlike some other groups that are active in the political process, party committees keep information on the opposing party so they can tell their candidates about things like their opponents' legislative votes and public statements, and thereby help them win elections.

5. Political parties do not have economic interests beyond their broad view that the public generally prospers more as a result of the election of that party's candidates.

6. I have never been contacted by the party about any issue, and have never been lobbied by the party to take a certain position on an issue or matter before Congress. In my view, the party is not the leader on policy issues, and it is not very issue-oriented. It is the Members who provide leadership on policy issues, and the party is a follower that promotes those policies in order to elect its candidates. I am not aware that the party has any interest in the outcome of public policy debates that is separate from its interest in supporting and electing its candidates.

7. Parties expect Members to raise money for the party. At weekly caucus meetings, for example, party leaders pressured Members to raise funds. Party leaders would also recognize Members who helped raise significant amounts of money. This money is normally raised from those who are involved in donating to Democratic or Republican causes in the home states of these Members.

Members of Congress and Soft Money Fundraising

8. In my experience, it is a common practice for Members of Congress to be involved in raising both hard and soft dollars for the national party committees, at the parties' request. I have raised hard money for the Democratic Senatorial Campaign Committee ("DSCC") and have attended any number of fundraising functions for both the Democratic National Committee ("DNC") and the DSCC. While I have not raised soft money for the Party, occasionally the Party had asked me whether certain people I knew would be willing to make large soft money donations.
 9. Parties expect Members to call some of the big donors in their home states and, for example, suggest sending the DNC a donation of \$15,000 for a table at a DNC dinner. These are often donors who have previously contributed to the Member's campaign, and some of them may be "maxed out" donors who have already contributed the maximum allowable amount of hard dollars to that campaign.
 10. When a Member raises money for the party, there is a sense on the part of the Member that he or she is helping his or her own campaign by virtue of raising that money. When Members raise funds for the DNC, it helps the DNC perform its function of keeping tabs on statements, policies, and votes of opposition party members and groups.
 11. Members who raise money for the DSCC expect some of that money to come directly back to them. Part of this unwritten but not unspoken rule is that if you do not raise a certain amount of money for the DSCC, you are not going to get any back. The DSCC does not give a candidate the maximum allowed unless he or she has raised at least a certain amount for the DSCC. The last time I ran, I remember that the DSCC
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promised to give every candidate a minimal amount of money regardless of whether he or she did any fundraising for the DSCC. To get more than the minimum, however, you had to raise money for the DSCC. For example, if I had helped the DSCC raise the maximum amount it could legally expend on my behalf, I certainly would have expected the maximum to come back to me.

12. For Members there would not be any real difference if the funds they solicited were for themselves or for the DNC or DSCC, or if they were hard or soft money donations. Members and donors understand that donations to the party committees help Members.

Soft Money Donors

13. People give money to the DNC, DSCC, and the state parties for the same reasons that they give to individual Members. Some feel that they are ingratiating themselves with the Member who is soliciting the donation. Others contribute out of friendship with the Member who is soliciting the donation, or because they are true believers who simply want to support Democratic causes. People will only give money to the parties when they are solicited by a Member they respect, like, or know out of friendship, and I do not think they normally expect to have any say as to how the donation will be spent.
14. Although some donors give to Members and parties simply because they support a particular party or Member, the lion's share of money is given because people want access. If someone gives money to a party out of friendship with a Member, that donor may never ask for anything in return. However, although many people give money with no present intention of asking for anything in return, they know that if they ever need access they can probably get it. Donations can thus serve as a type of insurance.

15. Giving soft money to both parties, the Republicans and the Democrats, makes no sense at all unless the donor feels that he or she is buying access. The business community makes such donations quite often.

16. I believe that, in many instances, there is an expectation of reciprocation where donations to the party are made. Donors also often give large soft money donations when legislation that affects them is being considered in Congress. For example, when the Senate considered the Patients' Bill of Rights, the insurance companies began loading up the Republican Party with soft money.

17. Likewise, I do not think the tobacco industry gives the Republican Party a million and a half or two million dollars because they expect them to take a very objective view on tobacco issues. I think the tobacco industry got what they expected when, after they had given scads of money to both the Republican National Committee and the National Republican Senatorial Committee, a majority of Republicans killed the tobacco bill. You can just look at a series of events: the money is given to the Republicans, the party begins to take a stand, Members of the party start filibustering any efforts by Democrats to bring up the bill. It was the best investment that the tobacco industry ever made. Those things are not written out or spoken, that is just the way it happens.

Effects of Soft Money Donations

18. I doubt there is a politician on Capitol Hill who would deny that soft money donations get people access. The unwritten law in the Congress is that those who have consistently been good party members and good donors can get access. They can get their phone calls returned. I have heard that some Members even keep lists of big donors in their offices.

19. I think a lot of politicians have a little filter in their ears when a legislative vote comes up. ~~They quite often run that vote through their memory filter and determine how~~ the vote will affect jobs in their state, and how it will affect the supply of donations, in terms of who is likely to be offended and who is likely to be helped by the vote. That is just human nature, and there is nothing illegal about it.

20. I think it would be naive in the extreme to suggest that, for example, someone who gave \$20,000 to the DSCC at the solicitation of a Member would not get his or her phone call returned, or have access to the Member who solicited the donation. And you cannot be a good Democratic or a good Republican Member and not be aware of who gave money to the party. If someone in Arkansas gave \$50,000 to the DNC, for example, I would certainly know that. Likewise, if someone gives \$100,000 to the Presidential inauguration committee, that is something politicians and party officials keep in their memory bank.

21. Soft money gives big corporations and the very wealthy an inordinate advantage over others in the legislative process. If these corporations or individuals have given \$100,000 to either or both parties, their chances of securing a change in legislation in Congress is exponentially increased. Often donors seek legislative changes so that they or their business can reap large financial gains.

22. The effect of soft money on the legislative process is sometimes obvious, as with the tobacco legislation or the Patients' Bill of Rights. Other times, however, there are more subtle ways to affect legislation that do not receive media attention. For example, Members may choose to filibuster a bill which would adversely affect an industry that

has given large soft money donations to their party, or a committee chairman may

~~similarly stall a bill.~~

23. Constituents do not distinguish between money that candidates raise for their own campaigns and money they raise for the party committees.

The Burdens of Fundraising on Members of Congress

24. The rise in soft money giving has increased the burden placed on Members to spend time raising funds. The great majority of Members find it anathema to spend such an inordinate amount of their time trying to raise money. But with the rise of self-funded millionaires running for election to Congress, Members do not have a choice but to spend more and more time raising funds.

25. The burdens of fundraising are sometimes a reason that Members choose to retire. For example, I remember when Tom Eagleton made a speech on the Senate floor announcing that he would not be running for reelection. I went up to him afterwards and said, "Tom, why are you doing this? You're a great Senator and we need you." He responded by saying that he was tired of going around with his tin cup out. I, too, detested fundraising, and that was one reason I decided not to seek reelection.

Issue Advertisements

26. Soft money also finds its way into our system through so-called "issue advertisements" sponsored by outside organizations that mostly air right before an election. Organizations can run effective issue ads that benefit a candidate without coordinating with that candidate. They have experienced professionals analyze a race and reinforce what a candidate is saying. These ads influence the outcome of elections by simply stating "tell him [the opponent] to quit doing this." The "magic words" test is
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completely inadequate; viewers get the message to vote against someone, even though
~~the ad may never explicitly say "vote against him."~~

27. Members or parties sometimes suggest that corporations or individuals make donations to interest groups that run "issue ads." Candidates whose campaigns benefit from these ads greatly appreciate the help of these groups. In fact, Members will also be favorably disposed to those who finance these groups when they later seek access to discuss pending legislation.

28. Politicians especially love when a negative "issue ad" airs against their opponents. If these politicians did not feel that the issue ads were helping them, they would call the people sponsoring them and tell them to stop, or they would hold a press conference and angrily denounce the ads. But that rarely, if ever, happens.

29. One of the most insidious things about soft money "issue ads" is that the ordinary viewer doesn't have a clue as to who paid for the ad. I first noticed this problem in 1996, when I saw several issue ads before it ever dawned on me that those ads were not being paid for by the candidate. What caused my curiosity to be piqued was the ending tag lines on those ads: "Call so and so and tell him to quit doing so and so." At first I just assumed that the ads were paid for by the opposing candidates' campaign funds, though I did think it was very strange that the opposing candidates' names were never mentioned. In those ads, everything is honed in on the candidate the ad is trying to defeat. At that time, I did not know that they were soft money spots. Of course it didn't take long for me to inquire and figure out that they were. However, my view is that 95 to 98 percent of the constituents today who watch ads produced by soft money think nothing of the tag

line saying to call someone and never realize those are soft money ads. These ads are clearly election-related.

30. I considered soft money-funded issue advertising in 1996, and I consider it now, to be the most insidious thing going on in politics. Soft money spent on issue ads is a way to circumvent the campaign contribution limits. A thousand dollars is the most a candidate can take from an individual, but you can take a gazillion in soft money and run those kinds of ads, which make a mockery of the campaign finance laws. In this respect, the current system is rotten to the core, and in my opinion, it is awful for the body politic.

Lobbyists and Political Donations

31. As a government relations consultant, I have seen firsthand how campaign finance money affects the legislative process. My clients expect me to advise them on what is likely to happen in Congress and especially what actions they should take when legislation that affects them is at a critical stage. Having spent 24 years in the Senate, I often know exactly what Congress is going to do and why. Oftentimes, campaign finance money is the reason why certain legislation either passes or dies.
32. Like other governmental relations consultants, I will occasionally discuss political donations with my clients. Sometimes I advise my clients to make donations; other times, my clients approach me about political giving. I tell my clients that they should contribute to the Members who can do the most good for them, such as the Chairman or Ranking Member of a committee that has jurisdiction over issues affecting them.
33. From time to time, I will also recommend to clients that they participate in a political fundraiser. Lobbyists often receive invitations for fundraising events to pass on to their clients. In fact, I receive an average of five fundraising invitations per day from
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Members or parties. Both Members and the parties pressure lobbyists and their clients to

~~attend these events and make donations.~~

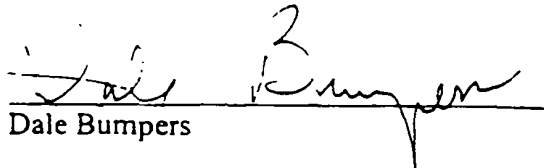
34. Although I am loathe to perpetuate what I see as a corrupt process, I still encourage my clients to attend fundraisers and make donations. The truth is that you cannot be a player in Washington unless you immerse yourself in the current system.

Conclusion

35. I do not accept the specious claim that free speech rights will be infringed by the new McCain-Feingold law. I am a staunch defender of the Bill of Rights, and I fully support the new law.

36. Our current campaign finance system is crass, unholy, and destructive of democracy. People are dreaming if they think a democracy can survive when elected officials and the bills they consider are beholden to big donors. Currently, you can't find a better method of ensuring government help from time-to-time than to make significant soft money donations. The vast majority of citizens do not have the resources to donate soft money, and they are entitled to as much consideration as those that do. James Madison would be whirling in his grave if he saw how corrupt our system has become.

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


Dale Bumpers

Executed on this 1st day of October, 2002