

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SENATOR MITCH McCONNELL, et al.)	
)	
Plaintiffs,)	Civil Action No. 02-0582 (CKK, KLH, RJL)
)	
v.)	
)	<u>CONSOLIDATED ACTIONS</u>
FEDERAL ELECTION COMMISSION, et al.)	
)	
Defendants.)	
_____)	

DECLARATION OF PAUL SIMON

1. My name is Paul Simon. I served as a U.S. Senator from Illinois from 1985 to 1997 and represented the 24th and succeeding Congressional Districts of Illinois in the U.S. House of Representatives between 1975-1985. Before being elected to Congress, I was the Lieutenant Governor of Illinois from 1968 until 1972. I also served in the Illinois House of Representatives from 1954 to 1962, and then in the Illinois State Senate until 1966.

2. Since retiring from the U.S. Senate, I have joined the faculty of Southern Illinois University ("SIU"), teaching courses in political science, journalism, and history. I am Director of SIU's Public Policy Institute, a center that provides objective assessments of public policy. I have also engaged in a number of volunteer activities, including co-chairing committees that monitored elections in countries such as Croatia and Liberia, and assisting the efforts of Alliance for Better Campaigns, an organization that advocates for free broadcast air time for candidates

and for other reforms that reduce the cost and increase the flow of political communication. I was also appointed by President George W. Bush to the Commission on White House Fellows.

3. Though I no longer hold elected office, I am still involved in election campaigns. For example, I appear at a few fundraisers and campaign events for Democratic candidates during election years. I am the honorary chair of the campaign for the 2002 Democratic candidate for Illinois Attorney General. I have made a television commercial for Congressman Rod Blagojevich's campaign for Governor. In addition, I try to facilitate events where candidates from both parties are present.

4. While serving in the U.S. House, I made phone calls to raise money for the Democratic Congressional Campaign Committee (DCCC). I also attended their fundraising events, both in the Washington area and in other cities. After I moved to the U.S. Senate, I did much the same thing, on a larger scale, for the Democratic Senatorial Campaign Committee (DSCC). I have raised both federal or "hard money" contributions and non-federal or "soft money" donations.

5. While some of the party committee events I attended were large affairs, most had 20-25 people and were held in somebody's home. They usually were held for the benefit of a specific Senate campaign as well as for the party committee itself. Each House Member or Senator present would say a few words, as would the Chair of the DCCC or the DSCC, and then we would socialize with the donors. About once a year I attended an all-day conference for major donors where Senators would each speak about legislation we were interested in, and answer questions.

6. Fundraisers today still usually involve about 20-25 people and are held in someone's home. Events where soft money is raised are broadly similar to hard money events,

but important differences are that higher amounts are raised from each attendee, the more powerful elected leaders of the party are more likely to be involved, and the events tend to be more exclusive.

7. While I was in Congress, the DCCC and the DSCC would ask Members to make phone calls seeking contributions to the party. They would assign me a list of names, people I had not known previously, and I would just go down the list. I am certain they did this because they found it more effective to have Members make calls. However, my phone manner is rather low key, lower key than the committees like.

8. I tried to avoid asking donors who had previously given to my campaigns to contribute to the party committees, because I didn't want to overdo my welcome. However, I did co-host party fundraising events in Illinois, where invitations were likely sent to my contributors.

9. If this were a DSCC event, the money raised would be credited to Senate candidates based on the DSCC's tally system, both hard and soft money. Donors would be told the money they contributed could be credited to any Senate candidate. The callers would make clear that this was not a direct contribution, but it was fairly close to direct. So contributors would have the sense that this would benefit my campaign, if they contributed to the party.

10. While I don't believe we were given a specific fundraising goal, we know how much hard money the DSCC could contribute in Illinois, which in my campaigns was a little more than \$1,000,000. It was recognized that the closer you came to that with your hard money tally, the more likely you were to get the full \$1,000,000. There was also an expectation with respect to the soft money that you raised for the party that some of that money would be spent to help with your campaign.

11. With regard to the Illinois Democratic Party, my own experience was that I more frequently got requests from them for money than the other way around. I sometimes made phone calls for them, or they would request a check for \$5,000 to help with get out the vote activities, or a gubernatorial race. I may also have appeared at fundraising events for the State Party.

12. When I last ran for re-election in 1990, some people who had contributed the maximum amount to my campaign then made an additional donation to the Illinois state party thinking that it would help my campaign. However, I generally did not work closely with the State Party on anything, because I never regarded them as major players. This has been true historically in Illinois, although it may be different in other States. It may also be different in Illinois, with regard to state races. But they were not a significant factor in my Senate races. I understand that with the explosion of soft money in the 1990's, the national party committees now transfer significant amounts of soft money to state parties that are then used to help with federal candidate campaigns.

13. It is not unusual for large contributors to seek legislative favors in exchange for their contributions. A good example of that which stands out in my mind because it was so stark and recent occurred on the next to last day of the 1995-96 legislative session. Federal Express wanted to amend a bill being considered by a Conference Committee, to shift coverage of their truck drivers from the National Labor Relations Act to the Railway Act, which includes airlines, pilots and railroads. This was clearly of benefit to Federal Express, which according to published reports had contributed \$1.4 million in the last 2-year cycle to incumbent Members of Congress and almost \$1 million in soft money to the political parties.

14. I opposed this in the Democratic Caucus, arguing that even if it was good legislation, it should not be approved without holding a hearing, we should not cave in to special interests. One of my senior colleagues got up and said, "I'm tired of Paul always talking about special interests; we've got to pay attention to who is buttering our bread." I will never forget that. This was a clear example of donors getting their way, not on the merits of the legislation, but just because they had been big contributors. I do not think there is any question that this is the reason it passed.

15. This type of distortion of the legislative process is more likely to occur if large soft money donations are permitted. When people have donated \$50,000 or \$100,000, they are going to want their pound of flesh after the election. I believe people usually contribute to party committees on both sides of the aisle for the same reason that Federal Express does, because they want favors. There is an expectation that giving to party committees helps you legislatively.

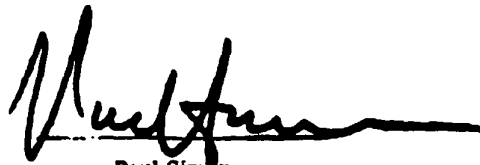
16. Giving to party committees also helps you gain access to Members. While I realize some argue donors don't buy favors, they buy access. That access is the abuse, and it affects all of us. If I got to a Chicago hotel at midnight, when I was in the Senate, and there were 20 phone calls waiting for me, 19 of them names I didn't recognize and the 20th someone I recognized as a \$1,000 donor to my campaign, that is the one person I would call. You feel a sense of gratitude for their support. This is even more true with the prevalence of much larger donations, even if those donations go to party committees. Because few people can afford to give over \$20,000 or \$25,000 to a party committee, those people who can will receive substantially better access to elected federal leaders than people who can only afford smaller contributions or can not afford to make any contributions. When you increase the amount that people are allowed to give, or let people give without limit to the parties, you increase the danger

of unfair access. People who are unemployed or can't pay their hospital bills do not have the same access.

17. The fact that big donors have access gives them a huge leg up in the process. In a very real sense, we are going through the old fight between Thomas Jefferson and Alexander Hamilton: should propertied interests have preference in what goes on in government? And our answer, with our present system of financing campaigns, is yes, people with money are going to be given greater influence, because their names are going to be recognized. They are going to have greater access than those who did not contribute. The soft money system is the most egregious part of the abuse of political contributions resulting in preferred access.

18. I never promised anyone a thing for a campaign contribution. There is a problem, however, when it appears that people are buying influence. Sometimes people who had contributed to my campaign or to the Democratic party at my behest came to see me on a particular bill. Even if I agreed with them on the legislation without regard to the donation they made, it may have appeared to that person and to others that I was taking the position because they had helped my campaign and my party. The larger the amounts that people are allowed to give, the greater is the appearance that influence has been bought.

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


Paul Simon

Executed on this 4th day of October, 2002