

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

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

DECLARATION OF PAT WILLIAMS

1. My name is Pat Williams.

2. I served as a Member of the United States House of Representatives from the State of Montana from 1979-1997. I also served two terms in the Montana State Legislature from 1967-1969. Prior to serving in Congress, I was a teacher, an administrator and member of the teachers union. I was active in the union and volunteered as union negotiator. Since leaving Congress, I have been teaching at the University of Montana in the O'Conner Center for the Rocky Mountain West, a humanities study center. I teach in the political science, environmental studies, and forestry departments.

3. I provided a declaration in *Federal Election Commission v. Colorado Republican Federal Campaign Committee*, Civil Action No. 89 N 1159, in the United States District Court for the District of Colorado. In that declaration, I detailed some of my experiences in federal

campaigns and as a legislator. The statements I made in that declaration are reproduced in Exhibit A. I reaffirm that those statements are true and correct.

4. In my years in Washington, and in the years since then, I have observed the system become awash in ever growing amounts of soft money. I have also seen firsthand that when significant legislation comes before Congress, money from industries that would be affected starts to flow into the system. In 1993, for example, when the Clinton health care proposal was before Congress, I was chairman of the House Education and Labor Committee's Subcommittee on Labor-Management Relations. That subcommittee had significant responsibility for the health care plan, and I began to experience a lot of kindness and offers of support from HMOs—organizations that didn't know who Pat Williams was before that time. I observed health care-related industries, such as insurance companies and HMOs, unleash a flood of money of biblical proportions.

5. When the Clinton health care plan was before my Subcommittee, I became very concerned about the terrible appearance brought about by the money that was coming into the system for the single policy purpose of killing or shaping that legislation. As a result, I decided not to raise or accept money from health care-related industries during my next campaign, even though that campaign was very competitive. I made that decision because I thought it was the right thing to do and because I hoped to benefit politically by distancing myself from the spectacle of industry contributions that were clearly tied to that industry's policy objectives. By refusing to accept what I saw as tainted money from the health care industry, I estimate that I lost the opportunity to raise between \$100,000 to \$150,000 in hard and soft money for my campaign and for the party.

6. Groups that cannot make large donations do not have the same voice in Congress as do the moneyed interests. At one time, I was chairman of the legislative committee that dealt with disabled education. The disabled education community did not make significant political contributions, and it lacked corresponding political muscle compared, that is, to the very large contributors of, for example, the energy industry.

7. Based on my experience raising soft money for the party, I believe that the soft money system can cause individuals to disengage from participating in the political process. For example, at fundraisers in Montana I typically could raise \$30,000 or \$40,000 from my labor friends and supporters. These friends and supporters would attend and bring large checks from the national or international unions, but those supporters would seldom contribute individually. These individuals were not opposed to contributing themselves, but their union money donations obviated any responsibility they felt. In short, another entity was taking their place as a contributor to the system.

8. While I was in Congress, I observed that soft money was used in significant part to fund election-oriented attack ads, which I believe undermine the political process and discourage citizens from voting. Although these negative ads are effective in influencing elections, they also appeal to the darkest aspect of American history with respect to politics. I believe politicians should not sink to that level by encouraging their parties or outside interest groups to run these ads, which can be the functional equivalent of a campaign contribution. When I raised soft money for my party, I always told the party that I did not want any funds I raised to be used for these negative "issue ads." The party abided by my requests by not sponsoring these types of ads in my district.

9. The rise of soft money in our system has led the national political parties to engage in a bloodless, high-tech, clicking, clacking, and keypunch operated pursuit, rather than the older but better process of having people on the street talking up their candidate and actually engaging citizens in policy discussions. On the other hand, I have observed state parties use soft money for get-out-the-vote efforts and voter registration activities, and I believe that these types of activities by state parties can enhance citizen participation in the system.

10. After spending the better part of five decades in and around Washington, D.C., I have come to my own unalterable conclusion that some of the uses of soft money have denigrated the political system in America, to the point where people have become so embarrassed by the system that they are dropping out by the thousands and turning away from engagement in the political process. That is a serious problem for this country.

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


Pat Williams

Executed on this 1st day of October, 2002

ATTACHMENT A

1. My name is Pat Williams. I served as a Member of the U.S. House of Representatives from the State of Montana from 1979-1996 and also served two terms in the Montana State Legislature, from 1967-1969.

2. Throughout my time in Congress, my campaign committees worked very closely with both the State and local Democratic Party committees. It was a systemic, almost familial relationship -- in fact, staff occasionally moved from one such committee to another, although not in the course of a campaign. My staff was always familiar with the party committee's efforts, and the party committee knew in great detail what my congressional campaigns entailed.

3. We kept in close touch with these party committees with regard to campaign ads, announcements, ongoing debates, or any turning of the campaign, such as from one campaign theme to another. We also coordinated with them the scheduling and timing of events, which is critical in a state the size of Montana. Finally, the party committees conducted voter registration and get-out-the-vote drives aimed at those who would support the entire Democratic ticket.

4. The Democratic Congressional Campaign Committee also supported my campaigns, primarily with infusions of cash. They also provided various services, the most important of which was the Harriman television recording studio on Capitol Hill.

5. However, the same was not generally true of the Democratic National Committee, perhaps because I held what was considered a safe seat. There was, however, one major exception: the hotly-contested race in 1992, when Montana went from two congressional House districts to one. The DNC provided all I could have expected in terms of significant financial

and other assistance. I personally appealed to them for help on several occasions, and they were always very responsive.

6. I attended many meetings at which Members were asked to help the DCCC. Former Rep. Beryl Anthony and I did help raise money for the DCCC by starting golf fundraising tournaments, which are still held today.

7. In fact my ability to raise money for the party was somewhat limited, compared to other Members, because the committees I served on in the House and the issues I was associated with were not tied to big money interests. I did try to raise money from my friends and allies in organized labor and other contributors to my own campaign. As far as I know, contributors to the DCCC were never told their contributions would directly help me.

8. While no party committee ever asked me for anything in return for their support, I think access by party committees to their candidates is important because of the ties that bind parties to the American people. Most people don't know the candidates they vote for, but vote for them because of their party affiliation. For this reason, it is important that parties endorse candidates who support the party's platform. Otherwise, the cohesion between the people and their identity of the candidates would disintegrate.

9. Nor has any individual or interest group asked me or any member of my staff, directly, for anything in exchange for their support. However, there is a traditional, natural understanding between special interests and elected officials that, if someone is helping you, or your party, they are helping you because of your voting record and past history. It's also a distinctly human trait that you will speak with and listen to your friends and supporters, rather than your opponents.

10. However, there is undoubtedly the potential for money to buy access; and many people perceive that it does. Every poll shows this to be true, and I've had constituents tell me

this as well. They believe that money is buying access and shifting not just political results, but also legislative and executive results, throughout the country, from the White House down to local aldermen.

11. Most constituents don't realize there are limits on contributions. In general, they do not distinguish between contributions to party committees and candidates, and their perception is that candidates get all the contributions, not parties. Recent events such as the DNC's accepting large contributions and money from foreign nationals has turned their attention to the parties. They also believe the relationship between PAC money to committees and candidates, and access to Members, is stronger than I have found it to be. The appearance, although inaccurate in my experience, that money is changing votes has furthered the lack of trust in government and elected officials -- a very dangerous situation.

12. In my view the problem is much more subtle. Claims to the contrary notwithstanding, the nation is extremely wealthy. Money permeates everything, and is in fact so readily available that it drives our engines of productivity and politics. Politics is so awash in money that it's impossible to be in politics without being surrounded by money.

13. Because of this situation, there are many special interests, and wealthy individuals, where a small change in a piece of legislation or no change at all can mean great ease of operation, or many additional dollars of profit. Since trying to influence or prevent legislation is a part of American life, much of this money has been channeled into the political process.

14. I'm especially concerned about the role of leadership PAC's when they go out to raise money from selected interest groups for Members sitting on certain committees. When you see Members of Congress raising money from certain people in certain regions of the country who have a ticking, identifiable legislative agenda, and the Members of Congress who receive

that money are placed in the position where they can make that ticking agenda come to fruition, and it does come to fruition in the next Congress or so, it seems to me the appearance of a connection between the two is clear. Even more important, my constituents believe there is a connection between the contributions and the legislative result.

15. For example, water is always a big issue in my part of the country. When somebody from the House goes around and collects money from people with identifiable needs for a specific federally-funded project, and then in the next Congress that project is approved, this causes concern among my constituents. While there is no way to prove an actual connection -- it could be coincidental that all the right factors happened to fall into place at that time -- the appearance is certainly there that money bought access and, eventually, action. Given the increasing cascade of money that has entered the political process in recent years, this appearance is likely to increase. The proper reform would go a long way toward restoring trust in the system.