referendum election. In a 5-to-4 decision, Powell wrote for the Republican-appointed majority that corporations had a constitutional right to engage in that political activity.

This outcome can't be found in the Constitution, which provides no political role whatsoever to corporations, but this outcome aligned precisely with the recommendations of Powell's secret report to the chamber. Indeed, it was the heart of his pitch to the chamber. His entire secret plan for corporate political power would fall apart if States could bar corporate influence from elections, even referendum elections. Powell had urged in his secret report that corporate interests not have ''the slightest hesitation to press vigorously in all political arenas'' and that corporations should show no ''reluctance to penalize politically those who oppose [them].'' Corporations could never ''press vigorously'' or ''penalize politically'' if they could be kept out of elections, and so Bellotti was decided.

Paired with Valeo, the Bellotti case established that corporations had a constitutional right to engage in elections—at least referendum elections—with as much money as they wanted, or at least as much money as they could raise, so long as the election spending was not in the form of campaign contributions.

Ultimately, this laid the framework for the infamous Citizens United decision, another bare, 5-to-4 Republican majority that gave in this case corporate interests a full constitutional right to unlimited political spending and, as a practical matter, to unlimited anonymous political spending.

How, in Bellotti, did they get around a Constitution that provides corporations no political rights? The trick used was to focus on the message, not the messenger—completely overlook that it was a corporation, not a person. The Court said that corporate political spending was actually speech, that influencing a popular referendum was the ''type of speech'' at the heart of representative democracy, and that the public had a right to hear it. The fact that corporations are not people and, indeed, that they have advantages over real people in electioneering and, indeed, that they might even come to dominate popular democracy because of those advantages was overlooked by directing attention to the speech, not the speaker.

If the type of speech was relevant to the public debate, Powell said, it doesn't matter whether a corporation or a person says it—except every piece of this is wrong. Money is not speech. Corporations are not people. And looking at the message, not the messenger, would allow any entity's message into our politics, even foreign ones. Then add in anonymity, and the problem goes toxic, as we now see in our country today. ''We the People'' becomes ''We the Hidden Anything With Money.''

The last case for Powell was Federal Election Commission v. Massachusetts Citizens for Life in 1986. Here, the question was whether an advocacy group of precisely the kind Powell had in mind in the chamber memo was forbidden to spend its corporate treasury funds in a Federal election.

Now, the situation was that Congress had blocked corporations from using their treasury funds in Federal elections. They had to raise money from voluntary donations; hence the corporate PACs that we have seen that had to raise and spend their own money. The Court accepted that corporate treasuries might give corporate voices ''an unfair advantage in the political marketplace'' given their vast corporate wealth and resources. But in the case before it, the Court decided that nonprofits were different. They were designed for advocacy, and they didn't have the same sort of treasury funds as business corporations.

Again, remember the Powell memo. Powell didn't recommend that corporations undertake their political work directly. He had pressed for ''organization,'' for ''joint effort.'' He had urged corporate America to pursue ''the political power available only through united action and national organizations.'' And guess what. The U.S. Chamber of Commerce, the national organization to which Powell had delivered his secret recommendations, was a nonprofit corporation.

In his years on the Court, Lewis Powell made good on the secret recommendations that he had made to the U.S. Chamber of Commerce 5 months before joining the Court. He showed that ''an activist-minded Supreme Court''—his words—could be that ''important instrument for social, economic and political change''—his words—that he had proposed. He opened a lane for unlimited money into politics, enabling what his secret report had called ''the scale of financing available only through joint effort.'' He bulldozed aside bars on corporate spending and politics so corporations could deploy, just as his report had urged, ''whatever degree of pressure—publicly and privately—may be necessary.'' And he allowed advocacy organizations to spend their treasuries in politics, opening the way for the ''organization,'' ''joint effort,'' and ''united action'' he had called for in his report through ''national organizations.''

All the key pieces were in place to unleash the corporate influence machine that he had recommended to the chamber, influence that dominates much of American politics today, influence that controls much of what we do in the Senate Chamber today, and in which, of all things, the chamber, which was his client for the secret report, is today the apex predator of corporate influence, red in tooth and claw.

Everything was aligned for what Powell had recommended: corporate ''political power,'' ''assiduously cultivated,'' ''used aggressively and with determination,'' with ''no hesitation to attack,'' ''not the slightest hesitation to press vigorously in all political arenas,'' and no ''reluctance to penalize politically those who oppose.''

It is a dark achievement, but it is quite an achievement. And, interestingly, Powell's official biography frames out his judicial career without mentioning his role as the early orchestrator of corporate political influence in American politics. It is actually likely his most significant and lasting legacy.

To be continued.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 131.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Zahid N. Quraishi, of New Jersey, to be United States District Judge for the District of New Jersey.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 131, Zahid N. Quraishi, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Sherrod Brown, Jon Ossoff, Alex Padilla, Jacky Rosen, Tammy Duckworth, Brian Schatz, Chris Van Hollen, Catherine Cortez Masto, Robert Menendez, Richard Blumenthal, Patty Murray, Martin Heinrich, Sheldon Whitehouse, Patrick J. Leahy.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 129.