# CONGRESSIONAL ACCOUNTABILITY ACT/Lobbyist Campaign Contributions

**SUBJECT:** **Congressional Accountability Act of 1995 . . . S. 2. Grassley (for Dole) motion to table the Wellstone amendment No. 5.**

## ACTION: MOTION TO TABLE AGREED TO, 74-17

**SYNOPSIS:** Pertinent votes on this legislation include Nos. 2, 4-11, and 13-14.

As introduced, S. 2, the Congressional Accountability Act of 1995, will extend 11 civil rights and labor laws to the Senate, the House of Representatives, and the instrumentalities of Congress.

**The Wellstone amendment** would bar lobbyists and political committees controlled by lobbyists from contributing to or soliciting contributions on behalf of a Member of Congress, the President, a candidate for President, or a candidate for Congress for the 12 months preceding and the 12 months following any lobbying contact of any such individual. Lobbying contacts of Members and of the President would be defined to include contacts with their staffs and with certain high-level Federal officials.

Debate was limited by unanimous consent. Following debate, Senator Grassley (for Senator Dole) moved to table the Wellstone amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

The Wellstone amendment is blatantly unconstitutional. Lobbying is specifically protected under the first amendment as the right of the people "to petition their government for a redress of grievances." Campaign contributions, as decided in the case of *Buckley* v. *Valeo*, are also a form of free speech that is protected under the Constitution. The Wellstone amendment would savage both these rights by selecting one class of people, lobbyists, for punitive treatment based on their profession. Paid lobbyists alone would be forbidden to make campaign contributions if they exercised their right to petition their government. We admit that this proposal may be popular with the American people because they generally have a very negative view of lobbyists. Most Americans dislike the

(See other side)

| YEAS (74) | | | NAYS (17) | | NOT VOTING (9) | |
|---|---|---|---|---|---|---|
| **Republicans (51 or 100%)** | | **Democrats (23 or 58%)** | **Republicans (0 or 0%)** | **Democrats (17 or 43%)** | **Republicans (2)** | **Democrats (7)** |
| Abraham | Hutchison | Akaka | | Baucus | Gramm-[2] | Biden-[2] |
| Ashcroft | Inhofe | Bingaman | | Boxer | McCain-[2] | Heflin-[2] |
| Bennett | Jeffords | Breaux | | Bradley | | Hollings-[2] |
| Bond | Kassebaum | Bryan | | Campbell | | Kerrey-[2] |
| Brown | Kempthorne | Bumpers | | Feingold | | Leahy-[1] |
| Burns | Kyl | Byrd | | Feinstein | | Robb-[2] |
| Chafee | Lott | Conrad | | Ford | | Rockefeller-[2] |
| Coats | Lugar | Daschle | | Harkin | | |
| Cochran | Mack | Dodd | | Kennedy | | |
| Cohen | McConnell | Dorgan | | Kerry | | |
| Coverdell | Murkowski | Exon | | Kohl | | |
| Craig | Nickles | Glenn | | Levin | | |
| D'Amato | Packwood | Graham | | Moseley-Braun | | |
| DeWine | Pressler | Inouye | | Moynihan | | |
| Dole | Roth | Johnston | | Pell | | |
| Domenici | Santorum | Lautenberg | | Simon | | |
| Faircloth | Shelby | Lieberman | | Wellstone | | |
| Frist | Simpson | Mikulski | | | | |
| Gorton | Smith | Murray | | | | |
| Grams | Snowe | Nunn | | | | |
| Grassley | Specter | Pryor | | | | |
| Gregg | Stevens | Reid | | | | |
| Hatch | Thomas | Sarbanes | | | | |
| Hatfield | Thompson | | | | | |
| Helms | Thurmond | | | | | |
| | Warner | | | | | |

**EXPLANATION OF ABSENCE:**
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

**SYMBOLS:**
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

"undue" influence of lobbyists and the "special interests" they represent. Similarly, many Americans view trial lawyers' and labor unions' extensive involvement in political campaigns with a jaundiced eye. Though lawyers and union members represent only a small fraction of the American population, they are responsible for an enormous, wildly disproportionate amount of campaign spending. Perhaps it is time, especially, that we kicked lawyers out of politics. Taking such a position would curry favor with the voters, but it would be unconstitutional. The Constitution guarantees the right to free speech to protect unpopular speech, particularly unpopular political speech, because a democracy cannot survive without open political debate. Popular speech needs no protection--unpopular speech, by lobbyists, lawyers, and others, does. Under current law, the campaign contribution limits that apply to lobbyists are the same limits that apply to all other individuals. These limits are the only possible constitutional contribution limits. We urge our colleagues to uphold the Constitution by voting down the Wellstone amendment.

**Those opposing** the motion to table contended:

The Wellstone amendment would cut the connection between campaign contributions and lobbying. Lobbyists would be forbidden from making a lobbying contact with any Member or candidate either 12 months before or after giving a political contribution to that Member or candidate. The provision is narrowly crafted to withstand the test of constitutionality. The Court has said that any seeming infringement on first amendment speech rights has to be balanced against concerns about corruption or the appearance of corruption. At present, the balance is dangerously tipped in favor of free speech rights. Lobbyists hand enormous sums to candidates one day, and march into their offices asking for legislative favors the next. Americans, rightly or wrongly, believe that the political process has been massively corrupted by this practice, and they are losing faith in our form of representative democracy. Americans are angry, and they are demanding reforms. We personally do not believe that the process is corrupt, but we do believe that the appearance of corruption, rightly or wrongly, is unmistakable and will have to be changed. The Wellstone amendment would take a very large step in the direction of removing the appearance of impropriety. Free speech rights in some instances must be limited. This reform is overdue, and we urge our colleagues to give it their support.