

The Fifth Freedom by Dan Jacoby

Back when I was in school, I was taught that the First Amendment to the U.S. Constitution guaranteed four freedoms, those of speech, religion, the press, and peaceful assembly. There are actually five (which just goes to show how badly history and government are taught in our schools, but that's beside the point). The fifth, untaught freedom is the right "to petition our government for a redress of grievances."

Originally, this was written because King George (and his representatives) simply refused to listen to the people. The Founding Fathers wanted to make sure that our government listened to us when we had problems.

Unfortunately, this ability to petition government has devolved into a regulated system by which only the rich and powerful get the ear of our leaders. They even have a special name – lobbyists. Don't believe me? Try calling your U.S. Senator; you'll be lucky to get someone above the level of intern. A lobbyist's call, however, gets far more results. At the very least, the lobbyist will speak to an upper-level aide; often the final result is a face-to-face meeting with the Senator (over a paid lunch at a fancy restaurant?).

Perhaps the "freedom to lobby" isn't taught in schools because lobbyists write the curriculum?

In 1995, bills were passed that were theoretically designed to curb the power of lobbyists. They were, at best, a mild first attempt to stem the tide of a flood with a couple of sandbags. Instead, the power of lobbyists, and the tactics they use to wield that power, has grown to enormous proportions.

Fortunately, this "freedom to lobby" can be curtailed. The First Amendment is not absolute – you can't yell "fire" in a crowded movie house, you can't use "religion" to perform human sacrifice, and so on. Around the country, various localities are curtailing lobbyists' access and activities, and in Washington both houses of Congress are contemplating similar measures.

Sort of.

The new anti-lobbying bills, theoretically designed to limit what the power of lobbyists, seem to have been written by the lobbyists themselves. Meanwhile, nothing has actually been passed by the whole Congress. Each side has passed one bill (the House bill by a mere four votes), but there are significant differences between the two sides' bills, and they have yet to schedule a conference committee meeting to resolve those differences.

The plain fact is that there is no real desire, especially among Republicans, to enact any kind of lobbying reform, much less something meaningful. The only bills that have gotten any action at all have more holes than Swiss cheese, and even they are stuck in the mud, waiting for a conference committee to meet (the conference committee is apparently *Waiting for Godot*).

Meanwhile, cities around the nation are hiring high-priced lobbyists to make their case for more federal money. A recent New York Times article listed 348 cities that spent at least \$100,000 in federal lobbying expenses – and 24 of them spent over a million dollars. In Texas, five different cities spent at least a million dollars each. Ten cities in Utah spent at least \$100,000. In North Carolina, eight cities all hired The Ferguson Group, and spent a total of over two million dollars with that one lobbying firm.

New York City, on the other hand, spent a total of \$85,000. Perhaps that's why the city was so shortchanged in homeland security money. Philadelphia spent nothing – what are they missing out on?

It's one thing for the mayor of a city, or the governor of a state, to go to Washington or send a representative. But when lobbying companies – mercenaries, really – are being paid all that money to lobby on behalf of some small city's special interests, there is something seriously wrong with the system.

Not only do lobbyists go about their merry business, but they supplement their lobbying efforts with significant campaign contributions. These campaign contributions, by the way, are the primary reason lobbyists can get the ear of Congressmembers – money does talk loudly.

The only answer is a truly comprehensive reform bill, starting with a major overhaul of campaign financing. Fortunately, there is a solution, proposed by Representative John Tierney of Massachusetts. It's called "Clean Money, Clean Elections," and it virtually eliminates fundraising. This concept is already being used by two states, Maine and Arizona, and is set to take effect in Connecticut with the 2008 election cycle.

This bill, HR3099, would not only change the way people campaign for office, but it would be de-facto lobbying reform as well. After all, if lobbyists can't help elected officials get reelected, or hurt their chances, their power is significantly curtailed. The bill has 40 co-sponsors (all Democrats), and has been referred to two committees, thence to die.

Perhaps someone should hire a high-priced lobbying firm to lobby for lobbying reform.