

Lobbying, campaign system lethal to democracy

By Robert Fellmeth 5:30 p.m. April 12, 2014

We are all aware of the shocking arrests of two California legislators in recent months and the conviction of a third on felony charges. While final judgment properly awaits court outcome for the other two, the indictments and affidavits are disturbing. It is easy to draw broad inferences. Perhaps most legislators are corrupt.

Wrong. Let me run a few names by you: Alan Sieroty, Keith Richman, Merv Dymally, Robert Presley, Liz Figueroa, Quentin Kopp, Terry Friedman, Nathan Fletcher, and Lloyd Connelly. Here are three times the number indicted, all former California legislators. Who are these nine examples? These are people who — if you knew them — you would feel comfortable having them care for your grandchildren. If they were to move into your neighborhood close to your home, you would be giddy with delight. If you were standing before St. Peter asking for admission to heaven, you would wisely pray that one of them might be your advocate or better yet — your judge.

And if you offered any one of them a bribe, you best scout out an escape route in advance and have a getaway car ready, because — although they are honest above reproach — some of them can get very angry if so offended. And this dynamic is not limited. Barry Goldwater and Bill Fulbright may not have seen eye to eye politically, but they had in common personal integrity that was obvious to all who dealt with them. There are many in the current legislature of similar character. They are people of public spirit who can make much more money in private law or business practice, but choose to serve the people.

But let me state the problem that the media is not covering adequately. It is endemic corruption — much deeper and broader than the allegations against these three infer. And it cannot be effectively addressed just by individual honesty and character. The state legislature has become weak and passive. Proposition 130 caps money for legislative spending on staff expected to conduct their own independent inquiry of proposed statutes. Now they overly rely on paid lobbyists representing groupings of profit-stake interests. Indeed, the “sponsors” of bills are no longer legislators, but the private groups actually writing our laws. Although term limits at some level may have merit, the short terms now allowed cause excessive turnover, making increasingly expensive elections more important. Short tenure means that jobs must be sought soon — and a large percentage of former agency officials and legislators then move into paid lobbying. Our laws are being enacted substantially by a mediator between powerful “stakeholders.”

And it has gotten worse. We now have a new world of anonymous Internet accusations, PACs and two Supreme Court decisions — Citizens United and McCutcheon. The first gives “corporations” political rights previously vested with individuals. But the corporate “person” is created by law so that its officers have a “fiduciary duty” to protect the capital invested and to maximize profits. That is not a criticism — that is their explicit charter. And here is the problem: Many public decisions have consequences against a spectrum — from immediate profit for those who are organized on one end, to the other end — the needs of the diffuse/unorganized who depend upon a longer time horizon. Corporations, organized labor and trades, focus necessarily on the former side of the spectrum. The interests of our children and grandchildren depend upon weight given to the latter end of it.

As individual citizens, we want to pass it down the line, as the Greatest Generation did so well for us. But the current structure of lobbying and campaign contributions and organized interests has created a more venal corruption than is manifest by any of these accused legislators. And it is not confined to either party. The liberals ignore the unprecedented future debt we are passing on, especially through Social Security, Medicare and public employee retirement/medical benefits. The conservatives largely ignore the depredations to the earth that we are committing, and the need for education and other child investment that our predecessors provided for us. That is the result of excessive undue influence on both parties and it is not easy to dramatize in headlines, nor will it generate an indictment. But it is much more lethal to our democracy than are the obviously disappointing personal weaknesses suggested by these three men. And it is increasingly jeopardizing the most important ethical obligation we have, one that is embodied in a Native American saying: “I did not inherit this earth from my parents — I am borrowing it from my grandchildren.”

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