

How to Neuter Lobbyists

By Roy Minet (Rev. 04/28/14)

The US Supreme Court has gotten it right in both its 2010 Citizens United decision and its McCutcheon decision this April: laws authorizing government force to control (limit) political contributions are unconstitutional. It is a bit perplexing that neither was a unanimous decision.

The libertarian non-aggression principle (NAP) says that force must not be used on an individual except to counteract a use of force or fraud initiated by that individual. Clearly, people or groups of people who contribute money to candidates or PACs are in no way utilizing force or fraud. Incessant political commercials may drive us nearly nuts, but we can simply ignore them and vote for whomever we please.

Any laws forcing disclosure of donors should also be struck down for the same reason. In addition, forced disclosure clearly abrogates the donors' right to a secret ballot. You can make a pretty safe bet on how someone votes if you know to whom they have contributed money.

Most of those still advocating controls on donors and contributions do so out of concern for the influence large donors may gain over elected officials. Under current circumstances, such fears are well-founded. This is precisely the same problem that exists (federal and state) with the lobbying industry where the problem may be larger and extend to bureaucrats as well as elected politicians. According to the Center for Responsive Politics, 12,278 lobbyists spent \$3.21 billion in 2013.

Has all this money sloshing around been effective? You betcha. To see that, one need only look at our unbelievably complex thicket of laws and regulations, many of which exist only to create an advantage for some constituency. Categorically, some examples are:

- Specially targeted tax breaks or loopholes
- Boondoggle projects
- Grants and subsidies
- Prohibiting or forcing the use of some good or service (ethanol anyone?)
- Bailouts
- Bogus licensing requirements that protect established members of an industry from new competition

To the extent that such distortions exist, we do not have a free market. As Ayn Rand put it, "Every government interference in the economy consists of giving an unearned benefit, extorted by force, to some men at the expense of others." All are violations of the NAP by government.

The solution to this mess certainly is not restricting the freedom of donors or lobbyists. Of course, making sure that all elected officials and bureaucrats are scrupulously fair and uncorruptible might work. But we have been wisely warned of the futility of that by Lord Acton:

“Power corrupts and absolute power corrupts absolutely.” Most of our officials probably started out “pure,” but we can clearly see how things have evolved.

The only good and true solution is to strictly limit government to its only legitimate purpose – protecting and securing the rights to life, liberty and property for citizens – as is eloquently explained in our Declaration of Independence. Governments should be bound to strictly adhere to the NAP. No force of law or regulation could be used for social engineering or economic tinkering, substantially precluding the opportunity to grant special advantage or favor. The Framers attempted to place similar limitations on government in our Constitution, but the Constitution has been increasingly and alarmingly ignored in recent decades.

You can’t blame lobbyists or anyone else for trying to hijack government power for their own benefit when it is commonly done. It must not even be possible, period. If elected officials and bureaucrats do not have the power to dispense special favors, there would be little of value for which to lobby. Lobbyists would simply have to find productive jobs instead. The problems would be solved peacefully in an entirely libertarian way – reducing the use of force.

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