

By Paul Blumenthal

Political money is governed by rules, regulations and Newton's third law of motion: Every action has an equal and opposite reaction. With the projected record-breaking \$6 billion election in the rear view mirror, campaign finance reformers are now pushing back.

Reform groups from the long-established Democracy 21, Common Cause and Public Citizen to the more recently created United Republic are advocating a range of proposals, some old and some new, aimed at reducing the role of money in elections and governance.

On Tuesday, United Republic released a draft reform bill, the American Anti-Corruption Act, targeting both big money and lobbying. The group has no immediate plans to push the bill inside Washington, however, and will instead focus on grassroots organizing and, ultimately, political activism against members of Congress who do not support the legislation.

"This is the people's bill," said United Republic CEO Josh Silver. "We're going to be everywhere but inside the Beltway."

The proposed legislation would severely restrict the ability of lobbyists to raise money for and contribute to the campaigns of members of Congress by, among other measures, putting a \$500 cap on contributions from lobbyists, banning bundling by lobbyists, and requiring lawmakers to recuse themselves from committee hearings if they receive a contribution from a lobbyist or a lobbyist client that has a particular interest in that hearing.

The proposed act would also empower small donors by giving every citizen a \$100 tax rebate for contribution to a federal candidate, party or political committee.

"It just seems to me that the taxpayers that are paying for this government ... ought to get an equal voice," said University of Minnesota law professor Richard Painter, the former White House ethics officer for President George W. Bush who is allied with United Republic behind its

draft legislation.

Other provisions of the United Republic proposal include full disclosure of campaign funds and lobbying activity; extension to five years of the waiting period before a retiring lawmaker or senior congressional staffer can become a lobbyist; creation of a task force to reform the Federal Election Commission, the Internal Revenue Service and the congressional ethics process; and caps on contributions to super PACs.

This last provision would likely force a court challenge to *SpeechNow.org v. FEC*, the 2010 appeals court decision that established super PACs, said Trevor Potter, onetime FEC chairman and author of the United Republic bill.

"It takes *SpeechNow* head on," said Potter. "The Supreme Court has never endorsed *SpeechNow*; it was not appealed by the government. The FEC just adopted the holding. We believe that that needs to be challenged."

While United Republic takes its measure outside Washington for some grassroots organizing, nearly every campaign finance reform group is supporting reintroduction of the proposed Disclose Act by Rep. Chris Van Hollen (D-Md.). The Disclose Act would require full transparency on donors and spending from those outside groups empowered by the Supreme Court's 2010 *Citizens United* ruling. At least \$400 million in spending in the 2012 election came from groups that were not required to disclose their donors.

In addition, some campaign reformers, including Democracy 21, Common Cause and Public Citizen, are supporting public financing bills, such as the Empowering Citizens Act and the Fair Elections Now Act, to empower small donors through a matching-fund system. Both bills would also need to be reintroduced in the next Congress.

"The Empowering Citizens Act is comprehensive legislation to greatly magnify the role and importance in federal elections of citizens making small contributions and to ensure that outside spending groups do not coordinate their activities with federal candidates," said Democracy 21 President Fred Wertheimer in a statement on Election Day.

Rep. John Sarbanes (D-Md.) -- who has his own public financing measure, the Grassroots Democracy Act -- even used his reelection campaign to test the feasibility of small-donor fundraising for an ordinary congressman.

The watchdog group Public Citizen, along with supporting the Disclose Act and other legislative fixes for campaign money and lobbying, has been at the center of efforts by a coalition of groups to enact a constitutional amendment overturning the Citizens United decision as well as the holding in the 1976 Supreme Court decision *Buckley v. Valeo* that campaign spending cannot be regulated because that would be tantamount to regulating speech. The drive for a constitutional amendment has already received the support of 11 states through resolutions adopted either by state legislatures or by voter referendums.

Although these campaign finance reform initiatives differ in their content, the same argument undergirds them all: that the real problem with money in politics isn't the ability to buy votes and elections, but the ability to buy policies, both big and small.

"The mantra, since people are constantly trying to justify the system, is, look, it didn't affect the outcome," said former Sen. Russ Feingold (D-Wis.), referring to the failure of millions of dollars worth of Republican-leaning outside spending to hand Mitt Romney the White House. "That's kind of like saying, I shot into a crowd of people and nobody got killed."

Instead, Feingold, the head of Progressives United, another campaign finance reform group, pointed to what he sees as the real issue. The flood of money, he said, "corrupts our system of government."

The American people generally accept this view. According to a poll for the Public Campaign Action Fund and Democracy Corps, released on Tuesday, 59 percent of Americans believe that "special interest groups and lobbyists" have the most influence over lawmakers' votes and 46 percent believe that campaign donors hold the most influence. That compares to just 15 percent who believe that ordinary people have the most influence.

"I really do think that the public feels disenfranchised," said Lisa Gilbert, director of Public Citizen's Congress Watch.

