



Campaign contribution ban changes political culture

<http://www.ctmirror.org/story/campaign-contribution-ban-isnt-hurting-lobbyists>

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Lobbyists and legislators debate if a ban on campaign contributions has lessened the influence of lobbyists at the Capitol. One thing is undisputed: It hasn't hurt their bottom line.

The top-ten lobbying firms grossed \$17.5 million in 2008, up \$3.7 million since the ban passed in 2005. Gaffney Bennett & Associates, the perennial top earner, saw its revenue increase some 14 percent, to \$4.5 million.

"My firm hasn't seen any less business," said Jay F. Malcynsky, managing partner of Gaffney Bennett. "No correlation whatsoever."

But some legislators say the ban has changed a culture in which friendly relationships with lobbyists once were seen as inextricably linked to their ability to finance re-election campaigns.

"It's changed the dynamics of the building," said Rep. David McCluskey, D-West Hartford, a legislator for 11 years. "Freshmen legislators are saying, 'Who are these lobbyists out there, and why are people talking to them?'"

The ban on contributions from lobbyists and state contractors was a major element of reforms that created a voluntary system of publicly financing campaigns for state offices, beginning in 2008.

U.S. District Judge Stefan R. Underhill has declared the public-financing system unconstitutional, concluding that minor-party candidates do not have the same access to the public funds as Democrats and Republicans.

He rejected a claim by lobbyists that barring contributions by them and their spouses violated their free-speech rights. A federal appeals court is reviewing Underhill's findings on public financing and the ban, leaving the fate of the reforms uncertain.

Legislators are attempting to salvage public financing with a bill addressing Underhill's concerns about the minor parties. It will be subject to a public hearing after the legislature opens its 2010 session on Feb. 3. But legislators are unlikely to reconsider the lobbyist ban.

"I don't think anyone is willing to back off on the lobbyist ban," said Sen. Gayle S. Slossberg, D-Milford, co-chairwoman of the Government Administration and Elections Committee. "We all

feel very strongly that was an integral part of clean election reforms. In order for us to back off, the court will have to tell us we have to."

Last week's U.S. Supreme Court decision lifting restrictions on independent political advertising by corporations and unions raise questions about how a lobbyist ban might fare before the high court.

Gov. M. Jodi Rell insisted on a total ban by lobbyists and contractors, rejecting arguments by campaign-finance experts that the safer course would have been to limit, not ban the contributions. She said in an interview that she still believes keeping those donors on the sidelines is important.

"I don't think there is any question that what we have been focusing on since I took office was restoring faith and integrity in government," Rell said. "One of the things that people always felt was a problem was the special interest that you saw in campaigns."

Keith J. Stover, a lobbyist with Robinson & Cole, which grossed nearly \$2 million in 2008, said the ban cast a cloud over a profession that plays a vital role at the Capitol by providing information and expertise on a wide variety of issues.

"It's not in the interest of lobbyists or their clients to skirt the laws," Stover said. "This has become a profession. You are not talking about a bunch of hacks trying to get a special deal."

Rep. Tim O'Brien, D-New Britain, said lobbyists do perform a necessary role at the Capitol, but the ban should not be seen as an affront to them. It does not limit their ability to be advocates, he said.

"They are still lobbying, but I think there is a lot more emphasis on the quality of their arguments, coming up with a good pitch and focusing a lot on how it affects people's constituents," O'Brien said.

The modern lobbyist business dates back only to the early 1980s, when multi-client lobbying firms such as Sullivan & LeShane and Gaffney Bennett changed a business that had been dominated by representatives of trade associations and a few law firms.

Irving J. Stolberg, a Democrat who was House speaker from 1983 to 1985 and 1987 to 1989, quickly saw the growing business as a source of money to bankroll a sophisticated political operation that filled a void left by the erosion of the state parties.

Lobbyists were invited to solicitation meetings, first at Gaetano's Restaurant at the old Hartford Civic Center and later at the Hartford Club. Fundraising goals were assigned based on client lists. The practice continued into the 1990s, then became more subtle, lobbyists said.

"Prior to campaign finance reform, the speaker was dependent on these firms to help raise money to maintain the majority," said Rep. Beth Bye, D-West Hartford. As a result, she said, some bills opposed by major industries never came up for a vote.

Bye said she wondered if a ban on the use of bisphenol-A, a carcinogen, in baby food containers would have survived to a floor vote without a ban on contributions by lobbyists. A dozen states considered a bisphenol-a ban last year.

"Only two states got bills through, and ours in the strongest," Bye said. The Connecticut bill passed with only one negative vote.

Legislators say that breaking the connection between lobbyists and fundraising makes the legislative leadership more independent and forces lobbyists to talk to a wider circle of legislators. A few, not all, lobbyists agree.

Carroll J. Hughes said that lobbyists had to talk to everyone for votes when he started in the business in 1974, not just the leaders who later used them as fundraisers.

"We're back to that," he said.

Even before Stolberg institutionalized the practice in the 1980s, lobbyists were the source of campaign funds.

Betty Gallo said she remembers being solicited for contributions on behalf of a committee chairman in the 1970s, when she lobbied for the reform group, Common Cause.

The practice blossomed as the lobbyist business grew in the 1980s. Committee co-chairmen began scheduling fundraisers the day before their committee deadlines for passing or killing legislation, a time when a lobbyist with business on the agenda were in no position to refuse.

The legislature banned fundraising during the session in 1990.

Some roles in the debate have changed.

Gallo, the former Common Cause lobbyist, took a leading role in the lawsuit challenging the ban, which she viewed as unnecessary. The state already had a contribution limit of \$250 for House and \$500 for Senate candidates.

House Minority Leader Lawrence F. Cafero Jr., R-Norwalk, said a good legislator provides access to all sides of an issue. The money never spoke as loudly as some would think, he said.

"It's \$250. Big deal," he said.

Gallo's old client disagrees, saying legislators were well aware that those contributions can add up.

In 2005, Common Cause blamed \$700,000 in campaign contributions by the beverage industry over the previous four years for the defeat of legislation to expand the bottle deposit law to water and juice.

The bill passed the Senate, 31-3.

A lobbyist for the Connecticut Audubon Society, which backed the bill, counted 27 industry lobbyists suddenly working to kill the bill.

It never came up in the House.

In 2009, after the lobbyist ban was in effect, the legislature passed both an expansion of the bottle bill and a measure that seized unclaimed deposits from the bottling industry. Legislators had tried and failed to seize the unclaimed deposits for 20 years.

Malcynsky, Gallo, Stover and other lobbyists said the success of the bottle deposit bill was due as much or more to the state's fiscal crisis as the contribution ban. Gallo noted that another important difference in 2009 was the election of a new House speaker, Christopher G. Donovan, D-Meriden, who supported the bottle bill.

Senate President Pro Tem Donald E. Williams Jr., D-Brooklyn, who praised the ban on lobbyist contributions as causing a welcome "sea change," conceded that many factors went into the bottle bill's passage.

"It's hard to say that the ban on lobbyist contributions might be the only factor," William said.

One lobbyist who supports the ban is Thomas D. Ritter, the speaker of the House from 1993 to 1999. After registering as a lobbyist for Brown Rudnick in 2001, he was struck by how strangers presumed he must be interested in donating to their legislative campaigns.

"I got calls from people I never heard of before," Ritter said. "I'd ask, 'Why are you asking me for money?' They'd say, 'Well, somebody gave me your name. It's on the list.' "

The only reason they called, he said, was his presence of the list of registered lobbyists.