

The First Amendment Protects Ex-Politicians Too

Most Americans loathe “lobbyists,” and most Americans think “bi-partisanship” sounds like a good, moderate idea representing compromise and common ground for the public good. So a surprise “bi-partisan alliance” between US Representative Alexandria Ocasio-Cortez (D-NY) and US Senator Ted Cruz (R-TX), with the proclaimed goal of passing a bill to ban politicians from working as “lobbyists” — maybe for life, maybe just for some long period — after leaving Congress was bound to get some good press.

It’s a bad idea. It’s an unconstitutional idea. And it’s yet more evidence that “bi-partisanship” is almost always less about the common good than about the one value that America’s two largest political parties share: The desire to have the heavy hand of government make everyone else do things their way.

What’s a “lobbyist?” Someone who “lobbies.” That is, someone who attempts to influence public policy.

If you call your district’s US Representative or your state’s US Senator to ask for a yes or no vote on a bill, you’re lobbying that official.

If you write a letter to the editor hoping to bring public pressure on government officials on an issue you care about, that’s lobbying too.

Suppose you make a sign with a slogan on it and join a crowd in front of a public building to have that sign read by the media and, hopefully, by politicians with the power to act on it? Yep, lobbying.

It’s lobbying if you do it on your own. It’s lobbying if you do it as an activist with a grassroots group. And it’s lobbying if you’re paid to do it by a corporation, a theoretically “independent” policy institute, or a foreign government.

What’s the problem with banning former members of Congress from “lobbying?” Try this on for size:

“Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

That’s most of the First Amendment to the US Constitution. It clearly protects your phone calls, your letters to the editor, and your public protest outings in one fell swoop. It includes no exceptions for former members of Congress, or for people who are paid to speak, write, or protest.

Yes, powerful entities with lots of money like to hire former members of Congress to lobby on their behalf.

Yes, there's a "revolving door" between Congress, the federal bureaucracy, and those lobbying jobs that lends itself to corruption and sweetheart dealing.

Yes, that's a problem.

No, a ban on those practices isn't the solution. It's unconstitutional, it won't solve the problem, and a threat to the rights of one American — even a former member of Congress — is a threat to the rights of all Americans.

The only practical, constitutional, and moral way to reduce the influence of powerful lobbies over Congress is to give Congress less power over the things those lobbies care about — a prospect sure to elicit "bi-partisan" horror among politicians.