

If Democrats Controlled the House...

A Weekly Taste of Their Legislative Agenda



What sort of legislation might Democrats enact if they control the House? There is little need to speculate—just look at what they are introducing this Congress while in the minority. Below is another example of a bill the Democrats might try to move if given the opportunity.

Proposal: H.J. Res. 90

Sponsor: Rep. Theodore E. Deutch (D-FL)

Summary: This proposed constitutional amendment would prohibit corporate spending in all U.S. elections. It would also allow the Congress to regulate the expenditures of a candidate, and would “authorize the establishment of political committees to receive, spend, and publicly disclose the sources of those contributions and expenditures.”

Problems with the Bill: This blatantly political proposal would prevent any for-profit corporations from spending money on elections. To be clear: this is not an argument about whether corporations should be allowed to literally buy votes (which is called bribery, and is illegal), nor is it an argument over the degree to which a corporation should be allowed to fund rhetorical persuasion. This legislation would instead entirely prevent corporations from financial participation in the political process.

In a democratic election, candidates and groups attempt to reach and persuade voters with rhetorical argumentation. The legal ability of Americans to purchase television time, or a billboard, or flyers in order to persuade fellow voters is fundamental to the democratic election process. In a society which values free speech, silencing the very ability of selected groups from engaging in the democratic process amounts to nothing more than a political gag order. It is evident that even the authors of this legislation understand the importance of a group’s fundamental ability to engage in political persuasion; for that reason, no other type of groups (including unions, one should add) were included in this proposed political silencing effort. There is a range of disagreement over the amount to which one should be allowed to participate in this process; many conservatives would argue that the government should not prohibit Americans’ ability to buy advertising time and engage in free and open political speech, while

others across the political spectrum might argue over the degree to which the government can and should regulate this ability. This bill is something entirely different: it picks a particular type of group and raises an impenetrable barrier between the group and its ability to access avenues of free speech at times when persuasion matters most. This intolerable political gag effort alone should exclude the bill from consideration.

Unfortunately, though, this legislation is not content to run roughshod on the ability of corporations to participate in the process; it even gives Congress the power to wrest away the candidate's own spending decisions. Rather than a campaign in which the candidate is allowed to choose how to advertise and spend money that others have donated, the Congress would be allowed to insert itself into the process. Such a dangerous power could be easily exploited should a political party gain power over the Legislative and Executive branches. In some areas this bill leaves the election process too open to abuse, and in others it abuses the process openly; it should be rejected.

Reminder: RSC staffers and interns are encouraged to send other examples of questionable legislation to Rick.Eberstadt@mail.house.gov.