

Dubious Donations

Legislation seeks greater disclosures about politicians' charities.

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It's not illegal for a member of Congress to create a charity, raise funds for it and then hand out checks to deserving causes, usually in his or her district or state. Many high-profile politicians such as Rep. Tom Delay, Sen. Bill Frist, Sen. Rick Santorum and Sen. Ted Stevens have such charities. But not everybody thinks they are as benign as they appear. In March Sen. Max Baucus, D-Mont., proposed a set of limits on how members of Congress use their own charities, but his amendment never got out of the Senate Finance Committee.

What could possibly be wrong with a congressman or senator having "another strategy for public service," as Steve Gunderson, president of the Council on Foundations, describes such charities? While these charities often do noble work, they can serve an ignoble purpose when they are too closely connected to a politician's political activities. Rick Cohen, executive director of the National Committee for Responsive Philanthropy, points out that these charities often become conduits for cash from and face-time with lobbyists.

These 501(c)(3) non-profits are an appealing alternative to PACs for politicians because campaign finance rules don't require them to disclose donations to charities. As a result, some politicians are using non-profits as a way around efforts to clean up campaign financing abuses. According to Cohen, we can preserve both current campaign-finance regulations and the spirit of philanthropy simply by requiring members of Congress to disclose who contributes to their charities. He also supports other provisions of the now-failed Baucus amendment such as the one that would prevent members, their spouses or staff from collecting salaries from such charities. He also would prevent such charities from writing checks to individuals or firms having any links to a member's PAC. And he would prevent those charities from paying travel expenses for the member if any part of the trip is used for political fundraising.

At different times in my career I have been a political operative and a lobbyist, so I completely understand the physics of campaign money and face-time. If there is a way to give money to or spend time with an incumbent, politicians and lobbyists will use it. If the donation or meeting can

be kept confidential, so much the better. That's why so much money is flowing into charities run by senators and congressmen. It's not because the Washington K Street establishment suddenly succumbed to a charitable impulse.

It's important to note that neither Sen. Baucus nor Rick Cohen would prohibit members of Congress from having charities. They would merely require the members to adhere to a new set of rules assuring full transparency with regard to the transactions involved and keeping all of them separate from political activities. Such rules would do nothing to interfere with a member's desire to have "another strategy for public service" if that is indeed the member's real purpose in creating the charity.

The obvious reason to treat charitably inclined congressmen differently from anybody else with a charitable impulse is that, unlike you and me, a congressman has the power to make laws, prevent laws and allocate trillions of dollars. That vast power gives the rest of us sufficient reason to ask a few questions about the donations being made to our elected representatives.

If Bono and Britney Spears receive anonymous contributions to their charities, we really don't care because neither of them can raise our taxes, limit our civil liberties or spend our money. And even if those anonymous donors caused Bono and Britney to perform their jobs differently-say, change their set lists-it would not affect the fate of the Republic. It's not the same thing when our senators get anonymous contributions to their charities. A little more disclosure wouldn't hurt philanthropy and it would certainly help the Republic.

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