

CAMPAIGN CONTRIBUTIONS AND POLICY MAKING

This article considers the possibility of undue influence, the appearance of quid pro quo (“something for something”), and the influence of campaign contributions on elected officials. Conflicting Supreme Court opinions are noted, media articles by investigative reporters are listed, and actions of elected officials are documented.

Early Court Decisions and the Appearance of Undue Influence Created by Campaign Contributions

The 1976 decision of the Supreme Court of the United States in *Buckley v. Valeo* upheld the Federal Election Campaign Act of 1971 (FECA) and related provisions of the Internal Revenue Code of 1954, all as amended in 1974 in relation to campaign contribution ceilings. The contribution limitations in FECA included a \$1,000 per candidate, per election, ceiling on contributions by individuals and political committees; a \$5,000 per candidate, per election, ceiling on contributions by committees which qualify as multicandidate committees; a \$25,000 annual ceiling for all contributions by any individual; and limitations on contributions to political party committees. (However, the court did rule in *Buckley v. Valeo* that limits on campaign expenditures donated by others or by political action committees (PACs) was constitutionally protected free speech and that limits on a candidate’s self-funding their own campaign was unconstitutional.)¹ The ruling in *Buckley v. Valeo* stated:

“...Congress was surely entitled to conclude that disclosure was only a partial measure, and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.”²

Although several Supreme Court decisions have since struck down the constitutionality of campaign contribution limits as established in *Buckley v. Valeo*, the *Buckley v. Valeo* decision does speak to the appearance of corruption regarding contributions to political campaigns and subsequent legislative action by publicly elected officials.

Since the 2010 *Citizens United* ruling, there have been several more court decisions allowing increased campaign contributions, including *Carey v. FEC* and *McCutcheon v. FEC*.³

- The 2011 Federal Court decision in *Carey v. FEC* allows PACs to use a segregated fund to accept unlimited contributions, i.e., allows a traditional PAC to merge with a Super PAC. A traditional PAC has contribution limits and can give directly to a candidate; a Super PAC has no contribution limits but cannot give directly to a candidate. The decision creates the Hybrid PAC and allows existing groups to simply create different bank accounts (rather than different organizations) to hold these unrestricted donations.

¹ *Buckley v. Valeo*, http://www.fec.gov/law/litigation_CCA_B.shtml.

² *Buckley v. Valeo*, US Supreme Court, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/buckley.html>.

³ “Money in Politics: Developing a Common Understanding of the Issues”, *League of Women Voters*, 2014, pp. 33, 34, <http://lwv.org/files/cfr%20Primer%20Final%20May%202027.pdf#page=1&zoom=auto,-13,798>.

- In the 2014 Supreme Court decision *McCutcheon v. FEC*, the court overturned federal aggregate limits on campaign contributions to candidates, political parties and political committees.

Note: The Center for Media and Democracy states that, “A political action committee (PAC) is a type of political committee organized to spend money for the election or defeat of a candidate. The first PAC was created in 1944 by the Congress of Industrial Organizations (CIO). The CIO used their PAC to contribute money to pro-union candidates for office and to get around the Smith-Connally Act, which banned direct union contributions to candidates. Business groups began to create PACs in the 1960s and 1970s to counter the strength of the union PACs. In the 1980s, members of Congress began creating Leadership PACs to distribute money to members of their party with the intent of gaining clout within the party. By 1994, at least 38 Members of Congress had Leadership PACs. Today, there are hundreds of members with Leadership PACs”.⁴

The *Citizen United* decision, Campaign Contributions, and the Corruption Controversy

Though the possibility of corruption due to campaign contributions was acknowledged in *Buckley v. Valeo*, Chief Justice John Roberts wrote in the majority opinion of *McCutcheon v. FEC*,

*“Spending large sums of money in connection with elections, but not in connection with an effort to control the exercise of an officeholder’s duties, does not give rise to quid pro quo corruption. Nor does the possibility that an individual who spends large sums may garner “influence over or access to” elected officials.”*⁵

As explained on April 2, 2014, by Amy Howe, Editor/Reporter for SCOTUSblog, the Supreme Court of the United States blog,⁶

“Quoting the Court’s controversial 2010 decision in Citizens United v. Federal Election Commission, the Chief Justice made clear that making campaign contributions in the hope of gaining influence and access does not constitute corruption. To the contrary, in the Court’s view, influence and access exemplify “a central feature of democracy—that constituents support candidates who share their beliefs and interests, and candidates who are elected can be expected to be responsive to those concerns.

Breyer’s dissent lamented that the Court’s decision ‘eviscerates our Nation’s campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those laws were intended to resolve.’ In his view, “corruption” is not limited to scenarios involving a quid pro quo, which he described as ‘an act akin to bribery.’ Instead, it includes exactly the kind of efforts to use money to obtain influence and access to elected officials that the Chief Justice’s opinion characterized as ‘a central feature of democracy.’ This is so, Breyer explained, because if

⁴ SourceWatch, The Center for Media and Democracy, n.d., http://www.sourcewatch.org/index.php/Political_action_committee.

⁵ Supreme Court of the United States, *McCutcheon et al. v. Federal Election Commission*, Sullabus, p. 4, http://www.supremecourt.gov/opinions/13pdf/12-536_e1pf.pdf.

⁶ Howe, Amy, “Divided Court strikes down campaign contributions caps: In Plain English”, *SCOTUSblog*, <http://www.scotusblog.com/2014/04/divided-court-strikes-down-campaign-contribution-caps-in-plain-english/>. Viewed 05/26/16

people believe that elected officials only pay attention to big-money donors, they may lose faith in the political process altogether.”

In 1989, William M. Welch wrote in an article titled, “The Federal Bribery Statute and Special Interest Campaign Contributions”,⁷

“While it is important to determine what factors motivate PACs to contribute money, it is equally important to determine if congressmen are influenced. Several studies document a strong relationship between PAC campaign contributions and congressional voting. These studies illustrate the existence of a relationship between PAC money and congressional voting and provide strong evidence upon which a case for reform of the federal bribery statute can be built.

Even if the corruptive pressures of PACs are not widespread, the appearance of corruption, which the evidence documents, threatens to undermine our system of government. Charges of vote or access buying and excessive influence destroy not only public confidence in our government and its officials, but also the integrity of the electoral process. As public cynicism increases, the need for reform becomes more imminent.

In the 2000 case, *Shrink Missouri*, Supreme Court Justice David Souter wrote, “Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance.”⁸

Though motives for actions by elected officials ultimately remain unknowable, various media have reported on possible connections between campaign contributions and legislative behavior.

Scott Wilson, publisher of The Port Townsend & Jefferson County Leader, founding board member and former president of WA Coalition of Open Government and former president of WA Newspaper Publishers Association (WPNA), worked for the Tacoma News Tribune early in his career, where he was the Olympia Bureau Chief. His work encompassed mainly government and politics. In an editorial published in The Leader on September 2, 2015, Mr. Wilson wrote:

“Money talks, and far too often the legislators walk that talk. When I was a political reporter in Olympia, I came to know leaders of the state House of Representatives, especially one from Pierce County. ‘What role do campaign contributions play in your decisions about bills?’ I asked. He was being honest that day, and replied: ‘Every single one of us knows who gave us money and who did not. When we get a call from a donor, we pay attention. That donation absolutely buys access. After all, they are paying the campaign bills. Does it buy a vote? That depends. If I am voting on an issue

⁷ Welch, William M. II, “The Federal Bribery Statute and Special Interest Campaign Contributions”, *Journal of Criminal Law and Criminology*, Vol. 79, Issue 4, Winter 1989, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6615&context=jclc>.

⁸ Hasen, Richard L., “Opening the political money chutes”, *Reuters*, April 7, 2014, <http://blogs.reuters.com/great-debate/2014/04/07/opening-the-political-money-chutes/>.

*in which one of my strong personal principles is involved, I'll apologize to the donor but make the right vote. But if it's something on which I don't have a strong position based on principle, then absolutely, I'll vote the way the donor wants."*⁹

Campaign Contributions, Cable and Broadband Lobbies, and Municipal Regulations

Local governments are authorized to franchise cable television services within their jurisdictions. The City of Seattle has done so. Cable systems occupy rights-of-way, and the City may enact and enforce code provisions and conditions regarding access to that right of way if they conform to federal laws. Over the past 20 years, cable and broadband industry lobbying on a national level has led to deregulation. However, the recent net-neutrality regulations enacted by the Federal Communications Commission (FCC) consider broadband the same as utilities.¹⁰

The city of Seattle is formulating a new plan for telecoms, i.e. CenturyLink. Brier Dudley wrote in The Seattle Times,¹¹

"Once again, the city of Seattle is letting CenturyLink decide how and where digital services will be upgraded on public property. At least that's what it looks like is happening at City Hall, which last week floated a plan to basically give CenturyLink carte blanche to roll out a new TV service where it sees fit. So instead of requiring cable companies to offer service to everyone in their service area, the city would only require them to provide a map showing where they opted to build out their service. Murray's proposal goes even further by removing a backstop preventing exclusion. Currently, the City Council can require that service be extended to a previously excluded area. That's being repealed. Perhaps this is happening because CenturyLink has been one of the biggest donors to Murray and other officials' election campaigns. Last year, at the company's request, Murray changed land-use rules to make it easier to install aboveground utility cabinets on parking strips in front of homes. But after the city showed CenturyLink a draft of its plan, the company called for all sorts of changes that ended up in the proposed legislation."

The following excerpt from a memo written by Tony Perez, Department of Information Technology, Seattle City Council, shows that CenturyLink preferences are incorporated in the Council's amended buildout requirement modifications. (NOTE: *"Build-out requirements are a standard feature of cable company franchises. A city gives a franchise to a cable company to serve a certain area, such as Seattle, north of the ship canal. But the company has to agree to build out and serve every premise in that area."*)¹²

⁹ Wilson, Scott, Editorial: Money and politics, PTLeader.com, September 2, 2015, http://www.ptleader.com/opinion/editorials/editorial-money-and-politics/article_c2fdb57e-50f6-11e5-a57c-9bb4791c5e6c.html.

¹⁰ Ruiz, Rebecca R., and Lohr, Steve, "F.C.C. Approves Net Neutrality Rules, Classifying Broadband Internet Service as a Utility," *The New York Times*, February 26, 2015, http://www.nytimes.com/2015/02/27/technology/net-neutrality-fcc-vote-internet-utility.html?_r=0.

¹¹ Dudley, Brier, "Seattle Drafts New Cable TV Rules in CenturyLink's Favor," *The Seattle Times*, February 9, 2015, <http://www.seattletimes.com/business/technology/the-city-is-out-of-step-on-telecom-regulations/?prmid=4748>.

¹² Schrier, Bill, "Why Google Fiber will never come to Seattle", *Crosscut*, March 4, 2014, <http://crosscut.com/2014/03/google-fiber-never-come-seattle-broadband-internet/>, viewed 04/22/16

CenturyLink expressed concern about certain Code provisions such as strict buildout requirements. Staff engaged in extensive discussions with CenturyLink during the spring and summer of 2014. The proposed amendments made to address some of their concerns reflect what we considered common sense modifications that promote competitive entry into the communications market while at the same time preserving core City values of privacy, consumer protection and social and economic equity.”¹³

Influence of Campaign Contributions in Washington State Legislature

There are several conspicuous examples in the Washington State Legislature of how campaign contributions affect decisions. One is the 2015 outburst by Senator Pam Roach regarding contributions made to her opponent.

At the Senate Committee on Government Operations & State Security hearing regarding SB 5375 on February 5, 2015, State Senator Pam Roach made comments acknowledging that those who contribute to her campaign influence her decisions in policymaking. The bipartisan bill SB 5375 proposed requiring disclosure by companies that employ signatures-gatherers for ballot initiatives. Security professionals from various stores and the WA Food Industry Association testified in favor of the bill stating that their customers have been harassed by paid signature-gatherers in the past. Several times during the hearing on SB 5375, Senator Roach stated that campaign contributions do indeed influence her decisions in policymaking, e.g., such as the policy being discussed in SB 5375. In one of many examples wherein she admits to being so inclined, she “reminded” Michael Latham, director of security for Town & Country Markets, by saying:

“Were you aware that legislators can be punished, after 24 years, (when) they don’t support a bill that you want, even though they have a perfect record with business,” said Roach, adding later: ‘Do you think this is kind of heavy-handed, maybe? I think it’s terrible, myself. Anyway, you need to know where your money’s going,’ she told him. ‘Because you know what? I won.’”¹⁴

Washington Food Industry Association (WFIA) contributed \$1,150 to the campaign of Catherine Dahlquist, Senator Roach’s opponent in the 2014 campaign, but did not contribute to Senator Roach’s campaign.^{15, 16} Senator Roach was reelected in November 2014. Due to the top-two primary rule in

¹³ Perez, Tony, "Cable Code Amendments," Letter to Vinh Tang, Legislative Assistant for Councilmember Bruce Harrell, January 29, 2015, http://clerk.seattle.gov/~public/meetingrecords/2015/pscrt20150204_1a.pdf.

¹⁴ O’Sullivan, Joseph, "Pam Roach Offers Lessons in Winning and Government: ‘I Won’", *The Seattle Times*, February 5, 2015, <http://blogs.seattletimes.com/politicsnorthwest/2015/02/05/pam-roach-offers-lessons-in-winning-and-government-i-won/>.

¹⁵ Ibid.

¹⁶ Washington State Public Disclosure Commission, http://web.pdc.wa.gov/MvcQuerySystem/Candidate/leg_candidates?year=2014. viewed 05/27/16

Washington, both Senate candidates in District 31 were Republicans. Incumbent Pam Roach raised \$272,390, and opponent Catherine Dahlquist raised \$163,553.^{17,18}

The live recording of the Senate Government Operations & Security Commission hearing on February 5, 2015 is available with Senator Roach's comments on this issue starting at approximately minute 38.¹⁹

The Oregonian reported that Washington State Lieutenant Governor Brad Owen sent an official correspondence of admonishment to Senator Roach, which stated that her "abusive behavior" must stop.²⁰ In the official correspondence (February 13, 2015) from the Lieutenant Governor to Senator Pam Roach, the Lieutenant Governor is cited as proclaiming "*stunningly inappropriate*" behavior towards the representatives of the WA Food Industries Association:

"You asked an association member—not a lobbyist—about his campaign contributions. You drew a clear line between the association's support of your recent opponent and your negative view of the legislation. Your action was taken in retaliation for their support of your opponent. After all, you said so. We have never before seen such a raw and public display connecting campaign contributions to legislative action." [Underlined in the letter.]²¹

Official correspondence (February 6, 2015) from Jan Gee, President and CEO of the WA Food Industry Association, to Hunter Goodman, Secretary of the Senate states:

"Not only did we feel intimidated by her inference that we must 'pay to play' but these private business members were visibly shaken with a process that was far beyond their understanding of how the Legislature operates. I would predict that if this matter is left unresolved that it will stifle freedom to participate in the legislative process and freedom to participate in political campaigns without the fear of intimidation and retribution."²²

¹⁷ Candidates/Legislative/2014 Database, Washington State Public Disclosure Commission, http://www.pdc.wa.gov/MvcQuerySystem/Candidate/leg_candidates?year=2014, August 15, 2014.

¹⁸ Candidates/Cash Contributions/2014/DAHLQUIST CATHERINE C Database, Washington State Public Disclosure Commission, <http://www.pdc.wa.gov/MvcQuerySystem/CandidateData/contributions?param=REFITEMyIDAyMg====&year=2014&type=legislative>, August 15, 2015.

¹⁹ Senate Government Operations & Security Committee - TVW Video, TVW, February 5, 2015, www.tvw.org/index.php?option=com_tvwplayer&eventID=2015020102.

²⁰ The Associated Press, "Washington Lieutenant Governor Admonishes State Senator for 'Abusive Behavior'", The Oregonian/Oregon Live, February 15, 2015, http://www.oregonlive.com/pacific-northwest-news/index.ssf/2015/02/washington_lieutenant_governor_1.html.

²¹ "Letter from Lt. Gov. Brad Owen to Sen. Pam Roach, February 13, 2015, p. 1", http://www.lwvacutoolkit.org/LtGovernor_Letter_to_Roach.pdf, viewed 05/27/16

²² "Letter from Jan Gee, President and CEO of the WA Food Industry Association, to Hunter Goodman, Secretary of the Senate, February 6, 2015, p. 1", http://www.lwvacutoolkit.org/WFIA_Letter_to_Sec_of_State.pdf, viewed 02/14/16

The Seattle Times also reported on the Senator Roach outburst.

“U.S. Supreme Court rulings such as Citizens United not only allow unlimited spending on elections by private groups but gives them ways to avoid disclosing it. You often won’t know which groups favor which candidates and for what reasons.

Your elected officials will know, though. They will be sitting up there on the dais with thought bubbles about who in the room gave them money, who they may owe favors to and who their financial opponents are.”²³

Another example is the influence of the fossil fuel industry contributions on decisions about the proposed Washington State “cap and trade” legislation.

In January 2015, Governor Jay Inslee requested cap-and-trade legislation from the Washington state legislature. Companion bills HB 1314 and SB 5283 were introduced in the state House and Senate. The legislation would cap statewide carbon emissions, impose \$1 billion a year in charges on polluters and direct the proceeds to schools, transportation projects and other state programs. Neither bill made it out of committee in 2015. The bills are “By resolution, reintroduced and retained in present status” and may be revived in 2016 if the House Committee on Appropriations and the Senate Energy, Environment & Telecommunications so desire.

Five of Washington’s oil refineries and other pertinent groups lobbied hard in 2015 to block Inslee’s request for cap-an-trade legislation. Jim Brunner reported in the Seattle Times,

“The association representing the state’s five major oil refineries — including those owned by Shell and BP — has worked with other business and agriculture groups to stymie Inslee’s proposal. The fossil-fuel lobby is politically well-positioned to block the plan. The oil and gas sector has sent more than \$415,000 in direct donations to Washington legislative candidates since 2012, according to contribution data compiled by the National Institute on Money in State Politics. The top eight recipients are members of the state Senate’s Republican-led majority caucus, where leaders have opposed advancing any version of a cap-and-trade proposal this year. Tesoro was the largest oil-sector donor to the legislative candidates, giving more than \$70,000. The company owns a refinery in Anacortes and has proposed an oil railroad terminal in Vancouver. In addition to direct donations, Tesoro and allied oil groups delivered an additional \$72,000 to political-action committees backing Republicans last fall, according to Public Disclosure Commission records. Top legislative recipients of oil contributions dismissed any notion that the campaign cash has influenced their actions.”²⁴

Senator Andy Hill, R-Redmond, the lead budget writer for the majority, was the largest recipient of direct oil and gas sector contributions and considers Inslee’s proposal a complex regulatory

²³ Westneat, Danny, “A rare outburst of what money means in politics”, *The Seattle Times*, February 8, 2015, <http://www.seattletimes.com/seattle-news/a-rare-outburst-of-what-money-really-means-in-politics/>, viewed 04/19/16

²⁴ Brunner, Jim, “Oil Industry Not Buying Gov. Jay Inslee’s Cap-and-trade Plan,” *Seattle Times*, February 23, 2015, <http://www.seattletimes.com/seattle-news/politics/oil-industry-not-buying-inslee-plan/>.

scheme. Senator Doug Ericksen opposes cap-and-trade but said the campaign contributions have nothing to do with his position. His district contains two refineries; BP Cherry Point employs 900, and Phillips 66 Ferndale employs 400 people. “This is still a tax on energy,” said state Senator Doug Ericksen, R-Ferndale, adding that the effort seems to be more about Democrats’ desire to raise taxes than climate policy.²⁵

Samantha Wohlfeil reported in the Bellingham Herald,

“Comparing a list of the dozens of companies that sponsored free meals or events Ericksen attended this year with a list of his campaign donors, at least \$45,550 in cash contributions came from the same companies. But Ericksen said the idea his actions in the legislature might be influenced by playing golf or taking a free meal from groups that also donate to his campaign is not right.”²⁶ “

Ms. Wohlfeil had previously written,

“More than three-quarters of cash contributions made to incumbent state Senator Doug Ericksen, R-Ferndale, have come from corporations, special interest groups, businesses or political action committees, according to state records. By Sept. 12, [2014] PACs and other groups had donated \$166,625 from 249 contributions, to make up roughly 77 percent of Ericksen’s campaign cash, Public Disclosure Commission records show.”²⁷

Sydney Brownstone reported oil industry lobby comments in The Stranger on Jul 10, 2015,

“For example, the WSPA [Western States Petroleum Association] Powerpoint showcases Enterprise Washington materials thanking Senator Doug Ericksen (R-Ferndale) for ‘protecting our environment’ on a slide entitled ‘engaging politically.’ Ericksen, chairman of the Energy, Environment, and Telecommunications Committee, was one of the most vocal opponents of Inslee’s carbon proposals. He also pushed the idea of a ‘hidden gas tax’ that’s been echoed in every major campaign against clean energy standards in the West.”²⁸

²⁵ Brunner, Jim, “Democrats revive Inslee’s carbon-tax idea”, Seattle Times, May 11, 2015, <http://www.seattletimes.com/seattle-news/politics/democrats-revive-inslees-carbon-tax-idea/>.

²⁶ Wohlfeil, Samantha, The Bellingham Herald, October 23, 2014, <http://www.bellinghamherald.com/news/politics-government/election/local-election/article22253319.html#storylink=cpy>.

²⁷ Wohlfeil, Samantha, “PDC: Sen. Doug Ericksen’s campaign cash coming mostly from special interests, corporations”, The Bellingham Herald, September 16, 2014, <http://www.bellinghamherald.com/news/local/article22247280.html#storylink=cpy><http://www.bellinghamherald.com/news/local/article22247280.html#storylink=cpy>.

²⁸ Sydney Brownstone, “P.S. The Oil Industry’s Plan to Foil Climate Change Legislation Has Direct Ties to Washington State, Too”, The Stranger, July 10, 2015, <http://www.thestranger.com/blogs/slog/2015/07/10/22525510/ps-the-oil-industrys-plan-to-foil-climate-change-legislation-has-direct-ties-to-washington-state-too>.

Western States Petroleum Association is an oil industry lobby. Enterprise Washington is self-described on their website as “The most sophisticated and cost-effective resource for businesses and associations seeking positive political outcomes in Washington state.”²⁹

Two graphs show this story:

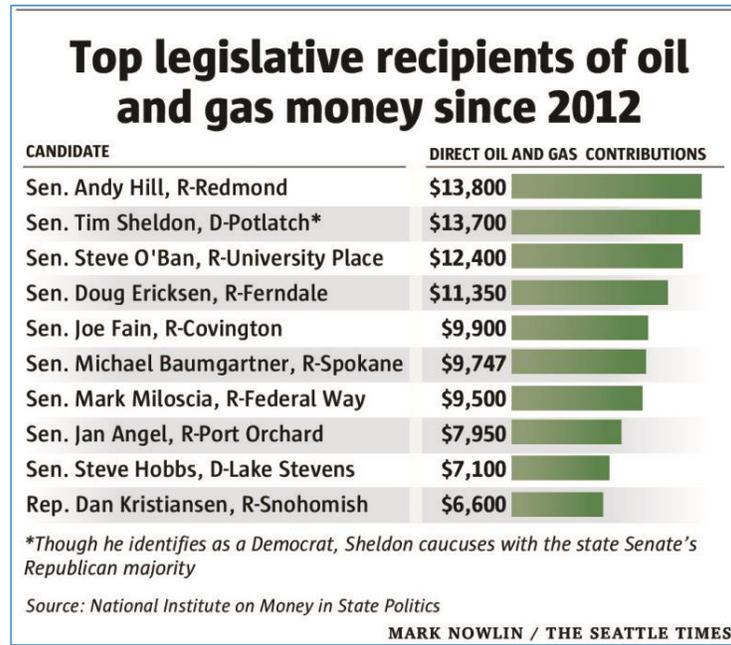


Figure 1. Top Legislative Recipients of Oil & Gas Money

²⁹ <http://enterprisewashington.org/>.

Oil-industry influence

The oil and gas industry is well-positioned to block Gov. Jay Inslee's cap-and-trade proposal, having backed winners in key state Senate races.

Oil- and gas-company contributions to Washington state legislative candidates over time (by party):

YEAR	AMOUNT TO:		TOTAL CONTRIBUTIONS
	REPUBLICAN	DEMOCRATIC	
2014	\$171,037	\$65,200	\$236,237
2012	\$107,075	\$51,065	\$158,140
2010	\$105,820	\$70,930	\$176,750
2008	\$98,120	\$70,750	\$168,870
2006	\$104,900	\$68,550	\$173,450
2004	\$113,145	\$40,635	\$153,780
2002	\$109,491	\$50,775	\$160,266
2000	\$141,500	\$67,271	\$208,771

Source: National Institute on Money in State Politics

MARK NOWLIN / THE SEATTLE TIMES

Figure 2. Oil Industry Influence

Another example involves Senator Becker and decisions about health care legislation. In 2014, Senator Randi Becker of Eatonville amended H.B. 2572, a bill titled "Concerning the effectiveness of health care purchasing and transforming the health care delivery system" to remove transparency in pricing.³⁰ According to The Olympian,

*"Purchasers of health care insurance need to have price information from competing plans in order to make informed decisions. But Sen. Randi Becker, R-Eatonville, bent to the wishes of Premera Blue Cross and stripped transparent pricing out of House Bill 2572. That's not surprising. Becker takes campaign donations from Premera. One of her primary opponents dubbed her the "senator from Premera." In the 2011 session, Becker pushed an amendment to block insurer's price-hike requests from public scrutiny before the state insurance commissioner approved them."*³¹

In 2011, Senator Becker succeeded in getting an amendment to HB 1220 to remove the requirement that a health carrier must submit any rate increase summary and written explanation of the rate to the insurance commissioner and make that information available for public inspection before it is approved. According to a press release from the consumer group WashPIRG,

"I don't think it's any coincidence that the legislators who are gutting this legislation have taken campaign contributions from the only major insurance company opposed to

³⁰ HB 2572 2013-14 Concerning the effectiveness of health care purchasing and transforming the health care deliver system. <http://app.leg.wa.gov/billinfo/summary.aspx?year=2013&bill=2572>, viewed 05/26/16

³¹ Editorial, "Legislature Has 5 Days to Correct These 3 Measures", The Olympian, March 9, 2014, <http://www.theolympian.com/opinion/article26067433.html>.

it,' said Steve Breaux, public interest advocate at the Washington Public Interest Research Group (WashPIRG). The legislation in question – House Bill 1220 – was requested by state insurance commissioner Mike Kreidler to allow his office to disclose the information in health insurance rate filings before they are approved, including how much of the proposed rate will go to actually paying medical claims versus administrative costs, salaries, and profits. It's widely seen as a pro-consumer measure that will allow the public to participate in the approval process and help keep health insurance rates down.³²

Documentation of Premera contributions to Senator Randi Becker can be found in the WA Public Disclosure database.³³

Big Money's Influence on Two Federal Legislators from Washington

There is also an appearance of undue influence of big money in two cases involving members of Congress from Washington State. On November 13, 2013, the House of Representatives approved H.R. 2728, the *Protecting States' Rights to Promote American Energy Security Act*, with a bipartisan vote of 235-187. The House Natural Resources Committee issued a press release quoting Chairman Doc Hastings, from Washington State's 4th Congressional District. Hastings said,

"Today, the House of Representatives took an important step forward to protecting jobs and American energy production. This bipartisan legislation ensures that duplicative federal hydraulic fracturing regulations do not stand in the way of increased American energy production. States have successfully, efficiently, and safely been regulating this process for the past 60 years and imposing a 'one-size-fits-all' federal regulatory structure, as the Obama Administration is attempting to do, is both unnecessary and simply will not work"³⁴

Doc Hastings cosponsored the bill. Voting with him were Washington Representatives Hastings, McMorris Rodgers, and Reichert. Representative Herrera Beutler did not vote. Voting against were Representatives McDermott, Kilmer, Heck, Smith, Larsen, and DelBene.³⁵

³² Blackledge, Steve, "Randi Becker: The "Senator from Premera", WashPIRG, April 3, 2011, <http://www.washpirg.org/news/wap/randi-becker-%E2%80%93-%E2%80%9Csenator-premera%E2%80%9D-%E2%80%93-attempting-block-insurance-rate-transparency>.

³³ Becker, Randi L/Premera [Blue Cross] Database. Public Disclosure Commission: Washington State, Web, <http://web.pdc.wa.gov/MvcQuerySystem/AdvancedSearch/ContributionsData?contributor=QkVDS1lgIDMyOA===&electionYear=ALL&dateFrom=&dateThru=&amountFrom=&amountThru=&committeeType=IGNORE&election=ALL&city=&state=&zip=&contributor=Premera&employer=&occupation=&description=>, viewed 05/27/16

³⁴ "House Approves Bipartisan Bill to STOP Duplicative Federal Hydraulic Fracturing Regulations." House Committee on Natural Resources. Washington State Legislature, November 13, 2013, <http://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=362408>.

³⁵ "H.R. 2728 (113th): Protecting States' Rights to Promote American Energy : House Vote #604", GovTrack.us., <https://www.govtrack.us/congress/votes/113-2013/h604>.

The Fracking Industry made a large contribution to Doc Hastings' campaign. Figure 3 shows a list of Fracking Industry contributions to the 113th Congress, including the amount of fracking industry contributions each member of Congress received between the 2004 and 2012 campaign cycles.³⁶

Member of Congress		Party Affiliation	WA District	Contributions Received
Rep. Doc	Hastings	R	4	\$170,020
Rep. Cathy	McMorris Rodgers	R	5	\$69,173
Rep. Dave	Reichert	R	8	\$36,585
Rep. Rick	Larsen	D	2	\$32,750
Rep. Jaime	Herrera Beutler	R	3	\$20,000
Rep. Adam	Smith	D	9	\$14,000
Sen. Patty	Murray	D	Senate	\$8,250
Sen. Maria	Cantwell	D	Senate	\$5,750
Rep. Jim	McDermott	D	7	\$2,500
Rep. Suzan	DelBene	D	1	\$500
Rep. Derek	Kilmer	D	6	\$0
Rep. Denny	Heck	D	10	\$0

Figure 3 Contributions to Washington Congress Members by Fracking Industry

A second Congressional example is the case of U.S. Representative Derek Kilmer's sponsorship of legislation to continue funding for the joint U.S.-Israel air defense system known as "David's Sling". On April 22, 2015, U.S. Representative Derek Kilmer, Washington Congressional District 6, sponsored H.R. 1915, to continue funding for the weapons system that is a joint venture by Israel's Rafael Advance Defense Systems and American's Raytheon Company. The bill authorizes the Secretary of Defense to carry out activities relating to the research, development, test, and evaluation and procurement of the David's Sling weapons.

Raytheon Company PAC was on Representative Kilmer's top 20 campaign contributors list in 2014, contributing \$10,000³⁷. According to a report by jns.org news service in *The Algemeiner*, Raytheon would be the co-recipient of a \$286 million dollar contract.^{38, 39}

³⁶ Citizens for Responsibility and Ethics in Washington, "Fracking Industry Contributions to 113th Congress Database", <http://www.citizensforethics.org/pages/database-fracking-industry-contributions-to-113th-congress>, August 15, 2015..

³⁷ Open secrets.org, "Top 20 Contributors, 2013-2014", <http://www.opensecrets.org/politicians/contrib.php?cid=N00034453&cycle=2014>.

³⁸ "Congress Introduces \$286 Million Bill for Missile Defense in Israel", *The Algemeiner*, April 22, 2015, <http://www.algemeiner.com/2015/04/22/congress-introduces-286-million-bill-for-missile-defense-in-israel/>, viewed 04/18/16

³⁹ "\$286m David's Sling funding bill introduced in House of Representatives", *The Times of Israel*, April 22, 2015, <http://www.timesofisrael.com/286m-davids-sling-funding-bill-introduced-in-house-of-representatives/>, viewed 04/18/16