



Spending campaign cash without buying trouble: Should engineers make political contributions?

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Pay for play or pay a price? Conscience or convenience? Should engineers and their firms make political contributions?

These are some of the questions being debated in boardrooms and lunchrooms all over America, in an era in which engineering firms from New Jersey to Hawaii were caught up in campaign contribution scandals.

To some, the answer is a self-imposed prohibition on contributions from firms themselves and limitations on those from individual officers, an approach adopted by the public finance investment banks after their own "pay for play" scandals. But such an approach does a disservice to both the profession and the public, and less drastic actions can be taken to allow engineers to participate in the political process without compromising their integrity.

The overriding guideline: If you are clear about your own motivations and clear about the rules, then act with a clear conscience.

Local Law 34

On July 3, 2007, Mayor Bloomberg signed Local Law 34, which significantly changed the city's campaign finance laws. The bill severely restricts the ability of certain individuals and entities doing or seeking business with the city from making contributions to candidates seeking local office. Any contributions from these regulated individuals and their senior management would be limited to \$400 for city-wide races, \$320 for borough-wide races, and \$250 for City Council races. These restrictions apply to individuals and entities that have or are bidding on city contracts, franchises, concessions, economic development agreements, and applications for any land use approval from the city or any recipients of grants totaling at least \$100,000 over a 12-month period.

The New York City campaign finance board is in the process of developing a central-computerized database of all individuals covered by these new restrictions: CEO, CFO/COO, persons employed in a senior managerial capacity, and any persons with an interest in the entity that exceeds 10% of the covered entity, to assist the city in monitoring these requirements. This law will take effect in January 2008 and the restrictions imposed by this law will go into effect 30 days after the campaign finance board certifies that the database is up and running.

These restrictions represent a significant burden on the First Amendment rights of legitimate businesses and their executives and are likely to be subject to court challenge, e.g. the candidate to whom they contribute may have nothing to do with the procurement which leads to city work. Business leaders deterred from participating directly in the political process by the risk of having inferences about their motivation drawn from the fact that they do business with the city have an additional incentive to participate through the industry's political action committees.

A duty to get involved

To abstain completely from political involvement is contrary to the public interest as well as the professional and personal interests of engineers. By training and temperament, engineers bring a level of knowledge to policy debates all the more important in the modern era. Whether the issue is energy, the environment, homeland security or transportation, elected decision makers need the insight of experienced professionals. Might not the residents of New Orleans have benefited had the engineering community been able to convey its perspective with more vigor?

Engineers also have a stake in issues that affect their lives and businesses: these include real estate development, infrastructure investment, professional regulation, procurement practices, fostering a culture of design excellence and efficiency. There is nothing wrong with pressing those interests. The right to petition the government for the redress of grievances—“lobbying”—is in the same section of the Constitution as freedom of the press, religion and speech.

When and how to lend support: good judgment is key

Any political support overtly linked to the prospect of work is illegal as well as unethical. An engineer who participates on this basis is the same as one who pays off a corrupt union official or accepts a kickback from a grateful supplier. Refusal may be hard but participation can lead to a loss of liberty as well as livelihood.

More complex, however, is the situation involving perceived linkage. Assuming no explicit quid pro quo, how does an engineer conduct himself to “uphold and enhance the honor, integrity and dignity of the engineering profession,” as the ASCE Code of Ethics puts it, or avoid contributions “which may reasonably be construed by the public as having the effect of intent to influence the awarding of a contract,” as prescribed by the NSPE Code of Ethics?

Political contributions are tangible ways of extending one's advocacy beyond one's own speech and vote. You can and should support a candidate for taking the right position on an issue, such as Qualifications-Based Selection of A/E services, or reject one for, say, opposing a needed infrastructure bond act. While it may be naïve to suggest that contributions are made solely to advance principled policies, it would likewise be naïve to think that advocacy from a stranger always counts as much as advocacy from a friend. Moreover, attending political functions allows one to be heard by being closer rather than having to be louder.

For those who do choose to be direct participants, best practice is to follow what might be called the Charlie the Tuna approach: political action that tastes good and is in good taste. Corporate leaders should know the rules and be sensitive to the appearance conveyed by their actions, but also become educated as to the real, as opposed to perceived, operations of government and political power. Few elected officials actually are in a position to directly help (or hurt) a firm, particularly in large political subdivisions, but each has some influence and authority. Balance generosity with discretion. If you do intend to write a check, determine whether the contribution is legal. (Some jurisdictions prohibit corporate contributions; virtually all prohibit hidden reimbursement for individual donations, and contribution limits vary widely.)

Working through ACEC New York

One very powerful tool available to the profession is the political program organized by the American Council of Engineering Companies (ACEC) and its local affiliates, such as ACEC New York in New York State, which includes testimony, briefings and media events. In addition, ACEC political action committees solicit and accept voluntary contributions from firm leaders and aggregate them for distribution in support of the industry's best interests. ACEC's PACs give the organization a seat at the campaign banquet table without the appearance that the contributions are being made to benefit

a single company.

A rising policy tide lifts all boats.

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