

06-lobbyist-fundraising-ban-cornell.pdf

Evidence Card: Arguments Against Banning Lobbyist Fundraising

Team Policy Evidence Sheet

Tag Line

Court decisions striking down lobbyist contribution bans demonstrate they violate First Amendment protections

Verbal Citation

"The CFRA's ban on lobbyist contributions, Conn. Gen. Stat. Â§ 9-610(g), violates the First Amendment." - Judge Stefan R. Underhill, United States District Court for the District of Connecticut, Green Party of Connecticut v. Garfield, 2010 "Thus, the ban on lobbyist contributions directly implicates associational freedoms. The CFRA's lobbyist contribution ban is subject to the exacting scrutiny appropriate for laws that directly affect the right of association." - Judge Stefan R. Underhill, United States District Court for the District of Connecticut, Green Party of Connecticut v. Garfield, 2010 "Unlike the statutes in Brown and United Transportation Union, the CFRA's lobbyist contribution ban is not substantially related to, or tailored to, an important governmental interest. Accordingly, the ban on lobbyist contributions violates the First Amendment." - Judge Stefan R. Underhill, United States District Court for the District of Connecticut, Green Party of Connecticut v. Garfield, 2010

What the evidence says in context

In Green Party of Connecticut v. Garfield (2010), the Federal District Court struck down Connecticut's ban on lobbyist contributions to state political campaigns as a violation of the First Amendment. The Court applied exacting scrutiny and found the ban was not substantially related to important governmental interests. The Court explicitly distinguished lobbyist contributions from contractor contributions, noting that "the dangers of actual or perceived quid pro quo corruption or its appearance that the State seeks to prevent are not as great with respect to lobbyists as they are with state contractors." The decision recognized that lobbyist contribution bans directly impinge on associational freedoms and political speech rights protected by the First Amendment.

Impact

The Green Party v. Garfield decision provides a strong judicial precedent against lobbyist fundraising bans, demonstrating that courts apply strict constitutional scrutiny to such restrictions. The ruling establishes that blanket bans on lobbyist contributions violate First Amendment protections for political speech and association. This case suggests that similar congressional restrictions on lobbyist fundraising would likely face constitutional challenges, as courts recognize lobbying as protected political activity requiring narrow rather than prohibitive regulation.

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United States District Court for the District of Connecticut

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