



graphic: Matt Wuerker

## Government should be like Corporations

### Policy Makers Should Sign Confidentiality Agreements!

Here's one idea we should borrow from the corporate world: Demand that all elected officials and government employees sign confidentiality and non-competition agreements.

Before hiring employees or seating board members, it is common corporate practice to require contracts stating employees will keep secret and forever separate the information, personal contacts and future plans of the enterprise to which they are about to become privy. Even low-level workers, who may have no direct contact with management decision making, are bound to these agreements. And certainly every CEO and other high-level employees have signed away their future right to work or consult for a rival company. An employee for Coke can't go to work for Pepsi, perhaps not for any food or beverage company. Of course, the higher up the employee the more restrictive the contract.

To illustrate how seriously big business takes this issue: remember the case of the CFO for Disney Inc. who left his job and was barred by his contract for working for any other entertainment corporation. He went to work for Amazon (years ago when Amazon was primarily selling books). When he left Amazon, he was barred from working for online retailers. He went to the upstart auction site eBay. But he was sued by Amazon who saw eBay as a potential rival. The CFO left eBay; he now selectively consults.

How much more sensitive are the secrets, contacts and plans of our government? I may have watched "Mr. Smith Goes to Washington" too

many times, but, in a perfect world, government work should be something of a calling. Elected officials and their staff should not get into it for money or power, but for the opportunity and privilege to serve as guardians of the public trust. Instead they act like double-agents.

What if after years of hearing private confessions, your priest takes off his collar and turns to blackmailing parishioners, or your lawyer decides to ignore client privilege and flips sides for a higher fee? If your doctor starts selling your private information you can sue, there are laws against it. But if your Congressman has a background in banking and now sits on the Finance Committee where he collects friends and high level information while on the public payroll, then leaves office and becomes a lobbyist for the banking industry, that's completely normal. For their staffers, a spin or two in the revolving door is almost a hiring requirement.

Of the 119 Congresspersons who left office in the 2010 midterms, 81 have found new employment, most of them landing profitably in some part of the lobbying food chain. How much damage they are doing to the democratic process is hard to say, but the whole thing smacks of insider trading.

The website [opensecrets.org](http://opensecrets.org) has some very enlightening charts on the revolving door. I was struck by the bipartisan spirit of the "revolvers" and the shocking increase in their numbers. For example, the 111th Congress contained 60 former lobbyists among the top staff (33 Democrats, 27 Republicans). The 112th Congress had 123, more than double the former lobbyists (47 Democrats, 76 Republicans, 1 Independent). These staffers have taken pay cuts to work for congresspersons in order to get valuable "experience" that will up their salaries when they return to their lobbying firms. This practice would never fly in the private sector. They would have signed confidentiality agreements.

Corporations are considered persons and the Supreme Court has held that lobbying is part of their free speech rights. (Another great reason for abolishing corporate personhood.) Yet, employers have the right to curtail the speech of their employees and keep them silent after they leave the job with signed agreements. Are not congresspersons and their staff our employees in a very true sense? Should we not demand the same protection for our valuable, sensitive government information as soft drink companies do?

*Jan Edwards is the creator of the "Tapestry of the Commons," which is online at [www.tapestryofthecommons.org](http://www.tapestryofthecommons.org). She is a member of the Redwood Coast Chapter of the AFD.*

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