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**UNDUE INFLUENCE: THE INTENDED AND UNINTENDED  
CONSEQUENCES OF LOBBY REFORM**

**INTRODUCTION/MODERATOR:  
JAMES THURBER,  
DIRECTOR,  
CENTER FOR CONGRESSIONAL AND PRESIDENTIAL STUDIES  
AT AMERICAN UNIVERSITY**

**SPEAKERS:  
PATRICK GRIFFIN,  
DIRECTOR,  
PUBLIC AFFAIRS AND ADVOCACY CENTER  
AT AMERICAN UNIVERSITY**

**MELANIE SLOAN,  
EXECUTIVE DIRECTOR,  
CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON**

**BARBARA SINCLAIR,  
PROFESSOR EMERITUS,  
UCLA DEPARTMENT OF POLITICAL SCIENCE**

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JAMES THURBER: Welcome back to the second panel. My name is Jim Thurber and this is like Alcoholics Anonymous. I like lobbyists. I think they're good for our democracy, and this panel will be about that, but it also will be about the intended and unintended consequences of reform. I'm going to remind all of you, today is the day that President Bush signed into law, exactly 2 years ago, the Lobby Reform Act that passed in 2007. And it was an effort that went on by the Republicans, then the Democrats, for several years. It stemmed from, as you know, illegal activities by Abramoff and a variety of other people. Many people are in jail. It – the existing law, at the time, was quite clear – they broke the law.

However, the American public was fundamentally influenced by that in terms of their public attitudes about lobbyists. Eighty-one percent of the American people, 2 years ago in a poll by the Pew Charitable Trust, feel that members of Congress are regularly bribed by lobbyists. The Obama campaign and the McCain campaign used their experience, in my opinion, drafting legislation and getting it passed in the Senate and in the House on lobbying reform in their campaigns because they knew that the American public had bad attitudes about lobbyists.

I participated in a thing called the Cooperative Congressional Elections Study that has an N of 38,000 people throughout the United States in the 2008 campaign, and let me tell you, the questions that I had in there on lobbyists show that they don't think very highly of lobbyists and they felt that Obama and McCain would do something about lobbyists. So in the campaign and afterwards, President Obama and candidate Obama had some pretty harsh words about lobbyists.

In 2008, candidate Obama said, quote, "I intend to tell the corporate lobbyists that their days of setting the agenda in Washington are over and that they had not funded my campaigns, and from my first days as president, I will launch the most sweeping ethics reform in U.S. history. We will make government more open, more accountable and more responsive to the problems of the American people."

Question – one question before the panel is, is that happening? Is it more accountable, more responsive and more open to the problems of the American people as a result of the executive order by the president – orders, plural, by the president – limiting lobbyists from coming into government, leaving government, but also from lobbying TARP and the stimulus package and other things?

I'd like to start out. As a professor, I've got a 55-minute lecture – not really, I've reduced it to five minutes. I'd like to start out with some facts, first of all. There's been a lot of discussion about what a lobbyist is and a lot of discussion about how people are not covered by that law. I've been counting lobbyists and people in the advocacy business for years, and the – there are various definitions. This can be replicated, as you want to do in academia, and the narrow definition is – you could find a number of people in the government affairs directory doing advocacy – 40,281.

A broad definition of that is to look at the support staff of that – 87,058. And to quote Mr. Tom Boggs – Tommy Boggs of Patton Boggs – he feels the number of estimated people in the lobbying industry, generally, in the Washington, D.C. area is 150,000. The number of groups in America are over a million; there are probably 20,000 groups at any point in time advocating one way or the other, in Washington, out of Washington through a variety of mechanisms.

So the question is, who should be called a lobbyist? Well, the law is quite clear: A “lobbyist is one employed or retained to make lobbying” – and this was a typographical error, but it’s interesting – lobbying “contracts”; it’s “contacts” – “for a client if the income or” – income earned or “expenses incurred for matters related to lobbying activities for that client exceed a certain monetary threshold.” More than one lobbying contact and lobbying activities for that client must amount to 20 percent or more of the time that an individual may qualify for the lobbyist over a three-month period. That means contacts to cover executives and legislative branch officials.

Remember, there’s a lot of lobbying going on in the executive branch, probably more than on the Hill. We focus on the Hill most of the time. If you look at the growth of registered lobbyists, it’s doubled in the last 10 years. A few data points here: In 2000, we had 16,000 registered lobbyists; 2006 – 27,000. Post-reform, 2007, we have 22,000 and dropping.

And the overall record for spending by federal-registered lobbyists has increased 30 percent in 5 years, but let me say that it does not include the following activities: grassroots, top-roots, astroturf – there might have been a little astroturf going on in these town meetings; fake grassroots – campaign contributions or volunteers to campaigns, paid media, earned media, meaning placing op-eds, as mentioned before. That means TV, print, the Internet, blogs.

It doesn’t include coalition-building and maintenance; it doesn’t include the creation of front groups; it doesn’t include support for think tanks, for research, sometimes junk science, sometimes great science. It doesn’t include the support of conferences – this conference was not supported by a lobbying firm or corporation, by the way. It doesn’t include survey research to monitor what’s going on with respect to public opinion to then link into public relations; it doesn’t include technical and scientific advice from consultants; it doesn’t include marketing.

Marketing is selling a Boeing aircraft to the Air Force, a tanker to the Air Force, and having them buy it, or challenging the outcome of a bid, open bid, and turning it around to split that contract between two firms. Marketing is the biggest lobbying activity in Washington, D.C. I include marketing because it influences the expenditure of public funds. If it influences the expenditure of public funds, in my opinion, somehow, we should know more about it.

Nothing wrong with marketing, but I think we should know about that. I think most of the lobbying in Washington is in that category. It also includes the regulatory process that Neil Kerwin mentioned, and then there are little bits and pieces of specialized lobbying like Bob has written about, and that is earmarks in – for spending and appropriation bills – but earmarks for taxes, earmarks in authorization bills.

Now, do we have transparency with respect to all of this? No. We, in fact, have transparency with respect to the regulated area, which are people meeting that definition. What has happened to those registrations? The deregistrations and terminations – I’m not going to make a causal linkage between the attack on lobbyists and the regulations on lobbyists out of the White House – but the terminations over time are on this slide, and you’ll see that in – so far this year, the beginning of this year, there’s been 2,920 terminations on the list – 4,373 in 2008 during the attack on lobbyists post-lobbying reform.

We don’t know why they deregister. There are lots of people, some of this room, that have registered that don’t need to be registered. There are many other people who are very effective lobbyists who will never register because they run large organizations that are lobbying – they hire federally registered lobbyists. We allow all of that under First Amendment rights. My position today is that it would be good for our democracy to have more transparency. Transparency to a democracy is like fire – is like air to fire, oxygen to fire.

But we also need to enforce the existing law. I said this during the lobbying reform efforts on the Hill. We don’t need to reform this; the laws were quite clear. We needed to enforce the laws, enforce the code of ethics on the Hill and have more transparency over what is happening. If you try to outlaw lobbying, it’s like outlawing gravity. We can’t do it in this democracy, and I’m not suggesting it. You can understand gravity by having more education about it. You can understand gravity and lobbying if you have more transparency through regulation over many of these areas.

The other reforms that will be mentioned, or we’ll discuss later, that have occurred were prohibitions on gifts – they’ve been mentioned – full disclosure of the registered lobbyists’ activities; prohibition of private aircraft; you can’t also sit down and eat anymore with a lobbyist, but you can stand and have finger food; but you can also go to a townhouse on Capitol Hill and have a fundraiser and have a nice meal if it’s associated with fundraising.

The amount of money that’s being spent in expenditures for lobbying, I think, will go down this year. It will go down this year in terms of federal-registered lobbyists – 2008 was \$3.186 billion. That’s great. It’s great for democracy, but I think it’s going to go down because transparency is going down because of deregistrations and because of all these other areas that are much more effective than hiring a former member of Congress that goes in and opens the door and talks to somebody. That’s part of it, but that’s not the important part.

So as we look at the intended and unintended consequences of lobbying, let’s think about deregistrations, let’s think about whether we’re getting more transparency and openness that the president wanted in the campaign and he says now. Now, by the way, in conclusion, he said that there are lobbyists and then there are stakeholders. The stakeholders are the people he agrees with, and if you attack the lobbyists too much, you’re not going to have the right stakeholders at the table to do what you need to do with healthcare reform, energy and environment reform, financial-regulatory reform and education reform.

Now, let me introduce our panelists. We have a terrific panel. Pat Griffin, to my immediate right, is an educator. He’s a professor; he works at my center; he is the academic

director of our Public Affairs and Advocacy Institute. It used to be called the Lobbying Institute, but I had a dean that didn't like the term 'lobbying', so we changed it to Public Advocacy. He's worked in the private sector for over 20 years, he's well known in that area as a lobbyist.

He is no longer a lobbyist. He worked for Congress for a decade working for Robert C. Byrd and Tom Daschle. He served as the Democratic secretary to the Senate, the only elected staff position in the Senate. He also worked in the White House for Sen. Clinton. He's an example of what this lobbying reform was trying to deal with, and that is the revolving door. He's an example of this. I've done a network analysis of people in and out of the White House – I know it looks really complex, but it's just – it can make a point. (Laughter.) The point is, the center of it are people going in and out of the White House, and I believe that that's okay.

And this shows you – and I'm going to have this up when Norm comes, because he's trying to stop this, by the way – this shows you for a 10-year period – sorry, it's really complex, it looks like a star or something – but this shows you the firms and lobbying firms in town in and out of the White House. This is what they want to stop, and I have a publication that's coming out next month on this, and I wanted to tell you that Pat is part of this, and there's nothing wrong with this. He's now a partner in Griffin Williams. It's a management consulting firm that helps public and private-sector clients navigate organizational crises, transitions, but also political challenges.

To his immediate right is Melanie Sloan. Melanie is a reformer; she is the executive director of the Citizens for Responsibility and Ethics in Washington. She's a major voice for reform. Norm Eisen used to be the executive director, I believe –

MELANIE SLOAN: Oh, no, he just co-founded –

MR. THURBER: He co-founded, okay, co-founded it, sorry about that. Before that, she was an assistant attorney in the District of Columbia from '98 to 2003 and was minority counsel on the House Judiciary Committee and counsel for the Crime Subcommittee of the House Judiciary Committee, and she will speak after Pat.

And finally, Barbara Sinclair, a real – well, I think she is the best congressional scholar in America, we're lucky to have her here. She comes from UCLA, she's written five major books that have had a major impact on the way we look at Congress. She is professor emerita of political science at UCLA, and her books are in the biographical sketch, and we're fortunate to have her respond to all of us. And let's begin with Pat Griffin.

PATRICK GRIFFIN: Thank you, Jim. I want to thank American University and CAP for this opportunity. Kind of like Jim, some of my colleagues refer to me as a recovering lobbyist, even though I haven't had a taste of the business since 2004, when I sold my interest in a firm that I had founded and ran – co-founded and ran – for 20 years, to join Sen. Daschle's staff.

Subsequently, I chose not to return to the lobbying profession. There was no moral conflict in making this decision; I greatly valued my lobbying career. I simply wanted a new

way to use my experiences to make a living in Washington without being in government. I now do management consulting, as Jim suggested, along with my writings and teaching at American University on advocacy and lobbying, keeping me very close to the profession's practitioners, the challenges and the developments.

Today, I would like to share with you a caring Dutch uncle's perspective on lobbying – several reforms that I think are – probably would not be – are likely not to be attractive to anybody that's involved in the process, and a simple but constructive framework for talking and acting on these reforms. To the chagrin of some of my lobbyist friends, I tended to agree with the administration's view, maybe for different reasons, that the profession's political process in which it operates needs ongoing scrutiny and reform, though my naïve hope had been that the dialogue and proposed reforms would serve as an opportunity to rationally address real problems, that it would increase the public's confidence rather than its cynicism.

Unfortunately, I have been deeply troubled by the impression the discourse has left so far, intentionally or otherwise, which is to suggest that lobbying is inherently bad or corrupt. My experiences have led me to believe being able to lobby the governmental institutions is essential to a vibrant democracy. I believe every citizen should at least know how to petition their government responsibly and effectively. This belief comes not from merely the 30 years of my experience here in D.C.; more fundamentally, it comes from earlier formative professional experiences I had as a community organizer in Milwaukee.

We worked with youth gang members to help them build community-service organizations and develop advocacy skills to engage institutions to make changes that would improve their lives. I knew instinctively then, and over the years came to understand, that this skill set, wherever applied, are tools for personal and organizational empowerment. Being able to lobby Washington or any other state capital is an extension of that skill set. These skill sets should be part of one's civic education.

However, my affection and respect for the lobbying profession is not unconditional. I have serious concerns with how this process works, especially here in Washington. The most vexing problem is a systemic one that is both a matter of substance and perception. Basically, it is rooted in the intersection of money, politics and policymaking. As long as it is continued to be found by the Supreme Court that money is speech, fundamental changing of this system is very unlikely. Interests understandably will exercise their constitutional right to give money to political campaigns and also exercise their constitutional right to ask those same individuals for policy relief.

Accepting this reality, we are left for the foreseeable future with at least the question, and certainly the perception, of whether votes follow the money, or does money follow the votes? Furthermore, it's pretty obvious that a given interest – a given interest with money to spend both in political campaigns and lobbying activities will likely have advantage over those interests who don't have the resources to spend in either arena.

The reality often gets twisted further into moral knots as an argument that casts the public interest versus the special interest. It suggests that there is a public good intact somewhere out

there that transcends all these petty little special interests that are trying to peg it to – (inaudible, audio break) – while fiercely competing with other interests for the country’s resources. I think a more accurate assessment might be that there is a public-interest argument to be made for almost any side of an issue, but the righteousness of it is in the eyes of the beholder.

As troublesome as these observations may be, I don’t believe they’re justifications for punitive reforms or demonizing rhetoric. However, I do believe they are reasons for continuing to explore rational ways to regulate various aspects of the entire process and relationship among them to curtail fraud, minimize negative misperceptions and, when possible, correct – work to correct some of the inherent inequities.

I am not a lobbying-reform expert, but I do have three ideas I would like to kick around today. These ideas actually are inspired by lines from two popular movies – “show me the money,” from “Jerry Maguire,” and “follow the money,” from “All the President’s Men.” Together, they serve as a guiding principle for achieving some of the reforms by maximizing transparency where money and policy might intersect.

The administration took, recently, a big step in that direction in announcing they would make all public visitors to the White House available, also at the urging of my colleague here on the table. This is especially important, since registered lobbyists that are already subject to regulatory regimes of transparency are not welcomed in the White House and some agencies throughout the administration. So now, after you kill all of the lobbyists, we now at least know if the lobbyists’ bosses are going to the White House to make the arguments that the lobbyists are not allowed. This is good, this is good.

This reform should be – could be made more muscular by requiring all senior government officials, and even executive branch – in the executive branch, and for that matter on Capitol Hill, to post any contact with an outside interest, not just a lobbyist, that was expressly about the content of a policy. This would not include inquiries about process and general inquiries.

I believe such a requirement would encourage officials to have public – to have positive public rationales for meetings with interest groups instead of allowing to do, as some are wont to do, publicly deny their value or relevance while quietly welcoming their financial support and expertise. Some might argue this would discourage having the meeting in the first place. Well, it might, but I would contend that it might also encourage having a meeting or two that might not otherwise happen, for no other reason to ensure the perception of balance and thoroughness.

My second proposal, in the spirit of showing and following the money, is to blow up, as Jim was alluding to, the fictional distinctions made regarding the activities that technically constitute lobbying. The current legal definition of what are reportable lobbying activities is fundamentally flawed. It fails to capture the substantial money and work undertaken in these areas and that are increasingly critical to running effective lobbying campaigns.

I have run many multimillion-dollar lobbying campaigns over the years that were largely successful because of the grassroots organizing, paid advertising, survey research, public

relations and other tactics. These activities and individuals who conduct them should be the subject of the same disclosure requirements as the individuals who speak directly to members of Congress. This reform will provide further clarity as to who is lobbying, how they are lobbying, and how much one is truly spending on the overall effort.

Lastly, legitimate concerns have been raised about individuals who, for no special interest but their own, have tried to cash in on government experience by using it to build careers when they are through. I think that Congress and this administration has done a great deal to limit these possibilities by enacting legislation and requiring personal pledges to limit access to former colleagues and friends. These policies can continually be tweaked to expand those arenas, but basically, they make sense.

However, the logic for these restrictions on lobbyists might suggest that ethics officials also examine whether there are more jobs, other than lobbying ones, that should have post-employment constraints. For government officials seek – former government officials seek and get jobs that are directly related to the policy regulations and political processes that they have made – been associated with as part of their government service. Many of these jobs require specific knowledge that they have learned while in government service and the ability to contact government officials in a non-lobbying way, but to the benefit of their new employer. Contract restrictions – contact restrictions and cooling-off periods may be applicable here as well.

In any event, I really believe that tougher restrictions on the back end of government service may be a more fruitful way of self-selecting candidates for government service. It attracts individuals who are willing to make the financial sacrifice, in the first instance by going into government and serving the president and his agenda, as well as discouraging any preoccupation about how they're going to cash in when they're through. I understand some of the logic in having front-end restrictions on lobbyists from entering government.

I have observed, increasingly so, many come and stay in Washington for the sole purpose of pursuing lobbyist careers, not withstanding the issue that they work on. God bless them. However, entering government service is not a right, nor should it be viewed as just another rung on their career ladder. On the other hand, many have come here to fight for issues and deeply held beliefs, and lobbying is just a means to that end. For others, it's something to do when you cannot serve in government, and yet others, it's something to do when you have to finance college tuition.

Unfortunately, the administration's current criteria is indiscriminate in this regard. They exclude individuals with substantial experience or devoted passion that is completely inconsistent with the administration's agenda. I can appreciate the difficulty of sorting through every candidate's motivation for service, but is the price of doing otherwise really worth the opportunity cost you pay? I'm going to go off the record for a minute. Okay.

MR. THURBER: No, nothing off the record.

MR. GRIFFIN: Oh, jeez. (Laughter.) I still haven't learned that. Well, the suggestions I have mentioned today I believe are basically valid. I recognize that many will see them as



unrealistic or even worse. They are both valid criticisms. But what I really think is important is that all that are involved – all of us who are involved in this process, whether you are in government or not, should be able to openly consider reforms, especially if it is part of an honest narrative that really, realistically, talks about how the policymaking process in Washington works, the roles we all play, the interdependence we have on each other and what participants have to do to make it better.

We should be able to embrace reforms that take corrective steps to fix real problems and address the public cynicism and resist rhetoric and reforms that simply feed it. Thank you. (Applause.)

MR. THURBER: It is my intention to put the statements by the panelists up on our Web site; I hope that's okay with everyone. And they will be up tomorrow morning, along with a video from CAP that they're sharing with us. Melanie?

MS. SLOAN: CREW takes a position that you might not necessarily expect us to take, if you follow our work, but we are not anti-lobbyist. We believe there are good and bad lobbyists like there are good and bad members of Congress and good and bad government officials. A good lobbyist can help educate Congress and the administration on critical and highly technical issues, and when I once worked in the House and Senate, I, too, benefited from very good lobbyists.

But that said, there's certainly been room for reform, but the reforms that anybody puts into place – they have to be real. You can't just say you're reforming a problem and then not really be reforming it, and I think there's been a lot of issues around which we sort of have an emperor-has-no-clothes situation, where there has been the administration and Congress saying they're fixing things that they're not really fixing.

And a great example of that is when the administration banned lobbyists from communicating with any administration officials for stimulus funding. This memo, that was put into place, said – was designed to make sure that recovery act money was well-spent and that it wouldn't be spent on behalf of private interests.

But in reality, that memo didn't do that. Banning lobbyists from speaking with administration officials regarding recovery act funds did nothing to guarantee that improper influences or pressure wouldn't drive the distribution of such funds. And so I did something that was probably a big surprise: I called the American League of Lobbyists and said, I'm here to help you.

And that's not a call that they were expecting to get from me, but we – CREW worked with the American League of Lobbyists and the American Civil Liberties Union to talk to the administration about how to reform that recovery act lobbying restriction, and for reasons like, registered lobbyists couldn't have a meeting with government officials but bank presidents and corporate directors, business executives and others, many of whom may have contributed handsomely to the campaign of the president, as well as to key members of Congress, all still had

access. These people just now became de facto lobbyists, albeit lobbyists that were not required to face the same kind of rigorous disclosure requirements that registered lobbyists were.

The Wall Street Journal had written a story confirming this was exactly what was happening, explaining how lobbyists were sending in company executives, lawyers or consultants to meet with federal officials. One lobbyist, at Holland & Knight, explained it was just easier for him to hand off stimulus-money lobbying to people who weren't registered lobbyists.

And another lobbyist with the Ferguson Group said that he couldn't attend meetings himself, but he brought local officials to Washington, briefed them, provided them with a list of questions, drove them to the government official's meetings and then explained what the government official's answers meant. So what have you really fixed with that kind of change?

Also, when meetings were happening with those kind of non-lobbyists, none of those meetings were disclosed – they didn't face the kind of disclosure requirements. So during the week of April 20<sup>th</sup>, the Energy Department, which was distributing about \$40 billion in stimulus money, disclosed only two lobbying contacts over the course of the week. So clearly, meetings were taking place; we just weren't learning about them.

In addition, another problem, which I'll note still hasn't been resolved, is that members of Congress have a great amount of influence over how much money is being spent. In early March, we all read stories about how Rep. Maxine Waters was arranging for a meeting between Treasury Act officials and representatives of OneUnited Bank, a bank in which Rep. Waters' husband has a financial interest. OneUnited got \$12 million. The March 20<sup>th</sup> memo didn't ban any of those kind of contacts which were certainly the result of undue influence and clearly inconsistent with the administration's goal of avoiding improper pressure for stimulus act money.

At the end of May, after working with the ACLU and the American League of Lobbyists – and I'm sure that the White House counsel's office met with many, many other people on these issues – the White House finally agreed to change the rules, and then they barred not just lobbyists but everyone from speaking with agency officials about competitive grants once grant applications had been submitted. Written communications were once again permitted, but otherwise lobbyists were once again allowed to have oral contacts with government officials. But just, all such contacts had to be reported.

Well, how's that worked out? Well, in August 28<sup>th</sup>, the Associated Press reported that the administration officials have reported remarkably few lobbying contacts since the recovery act passed. Agencies have reported 197 contacts with lobbyists about stimulus grants. The Education Department listed 19 meetings with lobbyists. The Department of Homeland Security, State and Veterans Affairs all reported no meetings.

Given all the money that's out there, it's hard to imagine no one's lobbying for it. Rather, it's likely that the people who are lobbying for it are still not registered lobbyists. So the

question you have to ask is, what positive impact have these new lobbying restrictions really had?

The bottom line is that the prohibition encouraged participation by people who are not required to register and abide by rules set forth in the stringent regulations that apply to lobbyists – thereby decreasing transparency and accountability. It also discouraged accurate reporting under the Lobbying Disclosure Act, especially for those who are on the cusp of meeting the definitional requirement of a registered lobbyist.

For real transparency, we would suggest that not just lobbying contacts should be disclosed but that all contact with private interests be disclosed, much like Pat just said. Any contact between executive branch officials regarding particular projects, project applications and applications for funding should be disclosed and the name and business affiliation of the person with whom the official spoke should be disclosed, the date of the contact, the subject matter of the contact, all of that should be disclosed – perhaps on something like the Treasury Department's Web site. In this way, the administration could better meet its goal of ensuring real, merit-based decision making which is catch phrase they use, merit-based decision making.

Another issue that we've seen with the administration and lobbying is the decision not to hire lobbyists at all. At CREW, we thought that ban was over-broad when it was announced. But we were very stunned when right away an exception was made for William Lynn at Defense. I've heard the argument that William Lynn was the only qualified person for the job and really, I mean there was more than one person qualified to be president of the United States; how could William Lynn actually be the only person, a Raytheon lobbyist, qualified to go to work at the Department of Defense? I guess he was the department's soul mate or something.

But that doesn't make sense that you could hire a Raytheon lobbyist but say you couldn't hire somebody who had worked at something like the Sierra Club. The fact is, nonprofit lobbyists, folks who diligently worked on issues related to the environment, consumer affairs, civil rights, health and other important issues couldn't work in the Bush administration.

There was no place for them, and they were working at nonprofits in an effort to push the government to do better – and this was an admirable choice and we should be pleased about that, and these were the kind of people who we should want in government now. And this ban has had some negative effects on nonprofits.

First, folks no longer want to lobby for nonprofits for fear of losing the possibility of working for the administration later. Secondly, some people at nonprofits may not be registering as lobbyists if, again, they're on the cusp because they'd rather preserve the ability to go to the administration later than preserve the transparency now. So we really need a more common sense approach to all of this.

And that's just the administration; let me just focus on Congress for one second because this is something that CREW has particularly focused on. In the 110<sup>th</sup> Congress in the wake of the Abramoff scandal, new lobbyist restrictions were passed. Privately funded travel was

significantly cut back; all gifts from lobbyists were banned. And while CREW advocated for reform, you had to look at whether these reforms actually mattered at all.

Realize that everything that happened – that Jack Abramoff did – was already against the rules. You already weren't allowed – a congressman couldn't take a trip on a private jet to Scotland just to play golf. That was already banned. You already couldn't sit down at a very expensive Washington restaurant and eat meal after meal and not pay for it and have it on the lobbyist tab. That was already banned.

The problem is, there's no enforcement of House and Senate ethics rules. There wasn't any enforcement then and there's still no enforcement now. And if you're not persuaded that there's still no enforcement, let's just review some of the things that have happened since the Jack Abramoff scandal, for which the House and Senate Ethics Committees haven't played a part.

William Jefferson, probably going to go to jail for 14 years or more – the House Ethics Committee didn't have anything to say about him. Duke Cunningham went to jail for 8 years – the House Ethics Committee didn't have anything to say about him. We have a scandal involving the PMA Group and John Murtha and Pete Visclosky and a few others. Has the Ethics Committee had anything to say about that? I wouldn't hold your breath.

The Senate Ethics Committee – the most significant thing they seem to have found to worry about in the past several years was Larry Craig and that's because, I think in the Senate Ethics Committee minds, really there's nothing more objectionable than gay sex, because they certainly didn't have very much to say about David Vitter.

One of the things that I think is really important to look at in Congress is that they come up with all these new penalties for lobbyists and they don't want to focus, instead, on their conduct. And it's a lot like saying they can't help them but be seduced by the lobbyists, they are forced to take all these meals and expensive trips and so we have to have new rules that apply to lobbyists. They're going to make criminal penalties on lobbyists and make things much harder for lobbyists because members of Congress can't control themselves.

Well, that seems like a pretty funny standard. Members of Congress are big on personal responsibility for everybody but themselves, and that certainly seems to me like a big place we ought to have some change. The members of Congress ought to take responsibility for their own actions. They should be able to say no to lobbyists and listen to them for the important utility that they offer, but not feel that they are compelled to take trips and expensive meals with them.

And the one thing I'd finally like to note is, I think that all of the reforms that you talk about in the end, are really going to be tinkering around the edges until you deal with the issue of money in campaigns. The reason members of Congress do so much for lobbyists is because lobbyists are the people who will give them money for their congressional campaigns. And some of that is just human nature. It's not that people are all bad and evil but you are more willing to listen to and want to help out the people who help you.

So lobbyists who bundle lots of contributions for you and help you secure re-election term after term are definitely going to have your ear when they need something. And so until we deal with that fundamental issue, we're going to – the problems are going to remain. And I think lobbyists here do themselves a big disservice when they deny repeatedly that there's any connection between campaign contributions and legislation.

And if, for example, that were true, why do you suppose that on, say, the Defense Appropriations Committee they get so many contributions from defense contracting lobbyists? Why aren't defense contractors giving all their money to say, people on the Judiciary Committee? Well, it doesn't take much to realize that the reason that they're doing it is because the people on the Judiciary Committee aren't giving out earmarks for defense contractors. So there you have the proof of the link and until we fundamentally address that issue, I think things won't really change. Thank you.

MR. THURBER: Melanie, thank you very much. Final panelist is Barbara Sinclair. Barbara?

BARBARA SINCLAIR: Okay. When we're talking about lobbying regulation and ethics rules, and particularly the ones that were put into effect most recently, I think we have to keep in mind that this really is a matter of balance. You know, on the one hand we do expect members to be willing to listen to and consider a great variety of interests. I mean, we are, as Pat said, a nation of interests.

But on the other hand, we expect them not to allow those who can hire the best lobbyists to dominate the process. We expect members to take care of their districts – or if they're senators, their state – and that does include earmarks in moderation, but not to lose sight of the broader picture and in particular, not to mistake very narrow local interests for their general constituency interest.

We expect Congress to police its members seriously but not to let legitimate representation and legitimate politics be turned into criminality. And you notice I am focusing here much more on members of Congress than on lobbyists, because ultimately it is the members who have the power in this relationship.

Basically, just as with our broader expectations of Congress, you know, that Congress be both responsive and responsible – whatever terms you want to use – there simply are no perfect answers. You're never going to get it just right. There are tradeoffs. So you put in rules with the expectation that they are going to create incentives that will then affect behavior. Obviously, you want to create the sort of incentives that will produce what you think is appropriate behavior.

But, you know still people are going to react differently and you don't know the impact in any case, especially impact on balance, for a while. It takes a while for this process to play out – for a change in rules to actually change incentives to change behavior. So I think in terms of evaluating the rules that were put in, in 2007, you have to say it's tentative. Your evaluations are tentative.

Unlike Melanie, I think that the new House Ethics process probably has gotten the balance pretty much right in terms of having this outside group but not one that, in fact, can pursue the process completely. I do think that the Abramoff affair and the fact there were, well, so many members that ended up road kill after that, should have a sobering effect over time.

And I think that the two examples of Cunningham and Jefferson are not really good ones because once you have the judicial process started – I mean Congress can only then create problems for later things. I think that there have been some really good things done in terms of transparency in earmarks, though I think there are still other things that can be done, especially in terms of how easy it is to access that information.

The rules changes on meals, and gifts and trips are clearly a good thing. Yeah, sure some of that is kind of for optics. I don't think, particularly, members are going to be unduly influenced by an occasional nice meal. Though, I think it's important that all these very young staffers have rules, too, because they're less experienced with this and there's some problems there.

But it's important also, in terms of how it looks. Jim, I think, referenced this poll that was done before the 2007 lobbying reforms were passed and it was during, I guess, the Abramoff scandal or at least the beginning of it. And this poll, I mean the results were really pretty startling. It was something like that 50 percent of the Americans polled wanted to outlaw lobbying and 90 percent thought it regularly involved bribery. Or maybe it was vice versa. But it showed a pretty scary kind of ignorance of the Constitution and of what sort of standard lobbying actually is.

We know, at least from my sense is, that some things like Abramoff are a really pretty extreme anomaly. And it's fallen off the front pages, but I would suspect, though there was a recent case, but I doubt that that made the TV shows – still an Abramoff-related case. But I doubt seriously that the public view has changed very much. And that is a problem. This kind of notion that all lobbying is evil and that it means that someone else is going to be able to buy outcomes.

And that's a problem, I think, in a couple of senses. We've all heard about and talked about trust in the system and how important it is and how little trust most Americans have now. But I think you also need to, again, think about the incentives that are created. Eventually, if the sense is among the general public that everybody is a crook, that everybody is corrupt, all members – not to mention the lobbyists – that the members are purely self-interested, well, what does that do with external incentives to be honest?

I mean it means, in terms of external incentives, there are not many incentives for either lobbyists or officials. There will, presumably, still be internal ones. I mean we're all brought up by parents who presumably tried to really ding this into us. But, I do think we need to think about that and I think that the president's tendency to take the cheap shots on lobbying without making the necessary kind of distinctions is very unfortunate.

Members of Congress are, in many ways, just as bad, even though they are doing something that will hurt them and their institution in the longer run. And certainly, the Coburn-DeMint-Flake sort of attacks on earmarks – every one of them being an evil giveaway and a waste – is also feeding into that, and, of course, cable television – and not just FOX; I mean, this is a mainstay.

What can be done? I don't think this is something where more regulation is going to be much help. Sure, there're all kinds of ways in which there can be better enforcement. I would agree, and I argued a couple of years ago that more reporting of contacts would be a very good thing for everybody concerned. But a lot of it is, those of us who are academics need to keep on trying to explain to our students, who supposedly are going to be among the, if not the elite, certainly the politically active, we would hope.

How the system really works, what the problems are but also what's legitimate? That journalists do the same thing and not, again, take the easy, the cheap shot. And that perhaps lobbyists speak up for themselves a little more effectively as well. And, of course, that our elected officials do the same.

MR. THURBER: Barbara, thank you very much. (Applause.) First of all I want to agree with Barbara that our American University students are among the elite. We produced over a thousand of them out of our lobbying institute and they have a strong dimension of ethics education and they're doing a great job in town working for many firms, heading some of the firms and we're very proud of them.

I'd like to start with a couple of questions, then we'll go to the audience. Some would say that more regulation over the lobbying industry, advocacy industry and I listed all of those different kinds and the other speakers have also, would put a chilling effect on freedom of speech. Melanie, you think that there should be more regulation, I think Pat does and Barbara wants more transparency. What do you think? Would it have a chilling effect on free speech?

MS. SINCLAIR: Well, there certainly was that argument during the recovery act. That seemed deliberately intended to chill speech, which was a part of the problem with it. I think there were serious First Amendment implications when they said that no lobbyist could speak to or have any communication with government officials regarding recovery act funds.

So certainly, I think you have to weigh it. First Amendment – not only regular speech, but lobbying is specifically protected by the First Amendment, so you have to take that into consideration. But that doesn't mean that there's no room for regulation in any way. Having more disclosure, forcing people to list all their contacts – none of that is the kind of impediment that I think a court would find overwhelming. Pat, maybe you have thoughts on that?

MR. GRIFFIN: No, I would tend to agree. I think many of my colleagues in the business might find the regulations burdensome, as most business folks do, you know. But I think what they want, mostly, is what are the rules; how do we do this in a way that kind of gets past this game-playing which continually takes it down some kind of dark hole.

This is a legitimate, important part of our process. How does it do what it has to do to encourage the respect and appreciation that it deserves, and how do we put past the kind of rhetorical demonizing that really doesn't help educate anybody as to what's going on, nor does it solve any problems.

MR. THURBER: After this reform, the dark hole could be prison. There's a \$10,000-\$50,000 potential fine, as well as 1 year in prison, for a lobbyist to not register and not record the activities related to lobbying in their forms quarterly if they do register. That's one of the intended consequences to get people to register and do a better job of recording, but one hypothesis is, that scared a lot of lobbyists and they deregistered.

As a result of that, they looked carefully at what they were doing and they decided that they didn't meet the minimum requirement in the law that I showed you earlier and they deregistered. Now, it's had to measure, unless you have a survey, the intent, the motivation of lobbyists and why they deregister. But that's one hypothesis – that and the attack by the president.

MS. SINCLAIR: But I think the argument has been that it shouldn't – well, let's take the contact between members of Congress and whoever they talked to, you know – that it shouldn't be limited to – the disclosure should not be limited just to registered lobbyists. I mean, I don't see any reason why their daily schedules shouldn't be published.

MR. THURBER: So you would advocate that members of Congress and staff record who they're meeting and put it up on a Web site. Some do; very few don't do that. I mean, very few do it.

MS. SINCLAIR: Yeah, I don't see – I mean, you could argue that perhaps, some members would not want to be willing to disclose they met with X group – you know, say a radical group or something of that sort. But on the other hand –

MR. THURBER: You mean like the Republican Party – that Democrats are meeting with the Republican Party? Is that what you mean? (Laughter.)

MS. SINCLAIR: I won't go into details; I won't name a group. But on the other hand, I think, as Pat said, it might encourage members to seek out a little bit more of a balance in some cases.

MR. THURBER: Pat, Melanie?

MR. GRIFFIN: Well, again, I think this would move in the right direction. I don't think every contact needs to be reported – I think that could be a really royal waste of time – but I think there are contacts that might meet that threshold.

But in the end, I think it's – increasing the penalty on this narrow strip of activity and not focusing on – keeping this fiction of all these other folks that are involved in the advocacy business, I think, is not only counterproductive; I think it's destructive. I think if it's really about



transparency, let's break this damn egg open and see what's in there and then apply the rules in a rational way where everyone will benefit from it.

Q: Melanie says that money and campaigns are linked to influence and power in Washington – and I'm paraphrasing. Others would say – Bob said this earlier and I would say – that it doesn't matter how much money somebody gets; if the constituents are putting pressure on a member to go a particular way, they're going to ignore the money if it goes against their own constituents. Should we regulate top-roots, grassroots and astroturf activity, and then, if we do that, what do you do about religious groups and freedom of religion in the United States?

MS. SLOAN: Yeah, it's not that I think it's a bad idea to regulate; I just don't know how you would do it and how you would do it, especially, in line with some of the constitutional issues. I agree that while they won't go against their constituency if they think they're going to lose an election over it, most issues don't come down to that. Most of the time, you can give away the money – you can give away an awful lot of money without anyone even noticing, much less caring.

MR. THURBER: But wait a minute – the battle that we're having now on health-care reform, cap and trade, energy and environment actually may come down to the pressure of individuals from districts on members to do a particular thing. And that has to do with money in terms of organizing, but it doesn't have to do a lot with campaign contributions in my opinion.

MS. SLOAN: Well, I think that when you're talking about these very specific, huge issues of great national interest, that's true, but most of what Congress is doing everyday is not these huge national interests; most is, you know, what gets into the appropriations bill – the transportation appropriations bill. I mean, that's an awful lot of what happens, day-in and day-out, that members are involved in and I think very few constituents have any idea what their members are putting in those bills.

MR. THURBER: But Scott Lilly didn't get campaign contributions and Dave Obey doesn't – you know, he gets small contributions.

MS. SLOAN: Jack Murtha gets an awful lot of campaign contributions.

MR. THURBER: Yeah, I think that's one individual. I think there's great variance, though, across – (audio break) – individual. I think that Norm Dicks gets a lot from Boeing Aircraft, but he would do what he needs to do for Boeing Aircraft whether he got the money or not.

MS. SLOAN: And Boeing is in his district, but I would say that a lot of other members are doing a lot of, especially in the earmarking business, for a lot of things that are not in their districts and it mostly is about the campaign contributions. I would defer to Mr. Kaiser on that and I think he's studied that issue a great deal.

MR. THURBER: If the earmark is not in their district, they made a big mistake. That's a joke. (Laughter.) Scott's laughing.

MR. GRIFFIN: I think it's fair – I think you make a good point, Melanie. But I do think there is not simple answer as to whether the money follows the votes or whether the votes follow the money. Why would you not support people who are sympathetic to your view, whether they're supporting it in that member's district or someone else's?

The suggestion that every dollar given is an attempt to totally manipulate the behavior of that member of Congress – it just seems unrealistic. I'm not suggesting it doesn't happen, but I think more often than not, the money follows the votes rather than the votes following the money.

MR. THURBER: And since there's about a 94 percent re-election rate of incumbents from 1978 to present, there are a whole lot of people who don't need to money and can turn it around and give it to other people to build power and the variety of other things that Barbara has written about.

MS. SINCLAIR: But almost no member thinks they don't need the money. (Chuckles.)

MR. THURBER: It's "unsafe at any margin," as Tom Mann wrote many years ago. Let's go to the audience and take questions and comments, please. Could you identify yourself, please? And if you're a lobbyist, it's okay; you don't have to be apologetic.

Q: (Chuckles.) No, I'm Carol Black (sp). I'm afraid I'm affiliated with all the other unemployed attorneys in town, so no lobbying interest here. My question is for Melanie. With the new Office of Congressional Ethics, do you find that there's more attempts to enforce it?

And like, with the Harmon situation, they came and reported, oh, well, we can't take that over because that happened before our office was set up. And do you find it's also a problem with understaffing or a lack of interest? And finally, can you file a complaint, or does it have to be someone in Congress?

MS. SLOAN: You can't file a complaint with the House Ethics Committee because the House has set up a system where only members can file complaints against each other, which they won't do because they don't like to basically – can you imagine one member going down and looking at another member's travel disclosure forms and saying, oh, they violated those rules! So that doesn't happen.

You can file a complaint with the Office of Congressional Ethics. It has a staff director who I think is a lovely man with a great intellect, Leo Wise. But I don't think they're doing anything over there that's particularly useful. I think they were created to give the appearance – and this is what I think the Ethics Committees do overall – give the appearance that the House and Senate care about ethics, give the appearance that they're doing something without actually having to do anything.

The Office of Congressional Ethics has taken in a lot of complaints and we haven't heard anything from them on anything yet. And it will be – the jury's out on whether they'll be

effective. They don't have any subpoena power. I'm a lawyer; I certainly wouldn't let any of my clients talk to them. If they can't be subpoenaed, why should you go speak to them?

So it's really a question of what they'll be able to do. And even when they do come up with a report, all they can do is refer it over to the House Ethics Committee, which actually has the burden of doing something with it. And again, the House Ethics Committee has a storied and terrible history of doing nothing about anything.

MR. THURBER: Let's add to that, though, the fact that, up in 2000, when, during the discussion of lobbying reform, Senator Dodd reported that there were over 4,000 complaints sent to the Department of Justice and not one was investigated and none were prosecuted in terms of people actually breaking the LDA – the law. They might have been very minor, but none of them were investigated.

So not only do we have the Ethics Committees on the Hill that are moribund – not really investigating things – but the Department of Justice isn't either. So I asked Norm Eisen about that, and he said, gee, is that the case? And so theoretically, the Department of Justice is going to do a better job of investigating those instances.

MS. SLOAN: First, the Ethics Committee actually has much wider jurisdiction of things that aren't actually criminal. So they could look at a lot more members' conduct that doesn't rise to the criminal level but is simply unethical, and there's a lot of that – not all of the kind of conduct that one is concerned about with members rises to criminal level.

And then, the criminal – in the Department of Justice right now, the public integrity section is in great disarray following the Stevens prosecution, which was such a debacle. So not only are they suffering from a lack of leadership; they also have some pretty serious legal issues in front of them right now. The courts have been very broadly interpreting the speech or debate clause, which is a subject that is too complicated to get into now, but is basically making it very, very difficult for the Department of Justice to investigate, much less prosecute, members of Congress.

MR. THURBER: Thank you very much. Another question please. Let's go right here in the front row. Thank you.

Q: Hi, I'm Diana Marrero with the Milwaukee Journal Sentinel. And I was curious about how much influence you think that foreign – people who lobby for foreign entities have on members of Congress. And I don't know if any of you are familiar with the new database that's out there put out by Sunlight Foundation and ProPublica on this issue, and I was wondering what you think of that database and if lobbying by domestic entities should have to meet the requirements – fuller requirements that are imposed on foreign lobbyists?

MR. THURBER: I want to say a brief thing and thank the foundation – the Sunlight Foundation – for funding the Center for Responsive Politics that has a database, that is reflected up here, from actual registrations. And I should have said that before. This revolving door data

is actual data from registrations and it ultimately was funded by the Sunlight Foundation. We thank them very much. But let's keep going. Anyone want to comment on the FARA database?

MS. SINCLAIR: I haven't seen that. I mean, I've read about the database, but you've used it, so why don't you –

MR. THURBER: I have not used the FARA database; this is registrations in – people indicating that they've been in and out of the White House, including firms like Akin Gump and others that have had people work in the White House and then go to the law firm.

MR. GRIFFIN: I think as a general matter, FARA is a regulatory burden, but I don't think any lobbyist or lobbying firm worth its salt would be afraid to comply with FARA, as well as any other LDA requirement. So I think it's just a matter of how much more time and money it takes to comply with it. I don't think there's any inherent reason why lobbyists or a lobbying organization would have any hesitancy to respond.

MR. THURBER: I would say that, in fact, lobbyists, for many years – since 1946 – have been very careful about FARA registrations. And there is – they probably over-register with respect to their activities with respect to FARA. And so therefore, the database is, I think, depicting accurately what's going on in that area, unlike all these other activities that maybe we should have a registration with more transparency.

Q: (Inaudible, off mike) – the influence that lobbyists have who lobby on behalf of foreign entities on Congress. How much influence – is it less than those who are lobbying for domestic?

MR. THURBER: How do you define influence?

Q: How successful they are, how much attention they're getting from members.

MR. THURBER: Successful in terms of votes?

Q: In terms of getting votes or legislation through Congress.

MR. THURBER: Barbara?

MS. SINCLAIR: I think that this is like – you know, how influential are domestic groups? Well, do you mean in terms of actually getting policy or influence with respect to a particular member? Well, I think if you mean with respect to a particular member, you ask, is there a real constituency connection. You know, if it's an entity that has an economic influence within a certain district, that will certainly give them more influence.

Another thing is, if – and I think Melanie was talking about that – by and large, lobbyists are going to – you know, other things equal – have more influence on not very visible and not particularly ideological kinds of decisions, where if a lobbyist can speak to a member, or more likely, a staff member, on a given side, it's an issue in which the office doesn't know much,

where they're not getting any kind of information on the other side, it sounds reasonable – and I really do think it's true that you can usually couch your argument in common public-interest terms – they're going to have more influence.

And also – and I think this was mentioned earlier – if what you're trying to do is stop something from happening, you're going to have more influence; by and large, it's going to be easier to do that than to get something to happen. So I don't think that foreign governments and other foreign entities are going to be that different than domestic, except, of course, if it's some government that we love to hate at a particular time, and then the member's going to be very careful about any kind of contact because it would hurt them to be seen to be dealing with them.

MR. THURBER: I would add to Barbara's remarks that it depends on the issue and the policy. You go back to Schnottsnieder, Truman, Lowey and Thurber, and we argue that different issues drive different kind of politics and so if the foreign entity or foreign corporation has a very focused, narrow issue like trade and tariff, or an issue related to more people from that country being able to come into the United States, it's a very different battle than it is over opening up Cuba to Americans. And it's very different than the whole strategy towards Israel and our policy towards Israel and Palestinians.

It's different on EU issues. We have a lot of corporations in the United States that are represented in the EU and we have this European Public Affairs and Advocacy Institute that's going very well. I teach it in the summer. And let me tell you, each issue, whether it's beef from the United States or seeds from the United States or tractors from the United States or Microsoft drives – different kind of politics.

So the power of those organizations depend on the nature of the issue. The wider the scope of the battle, sometimes, the less effective they are. My hypothesis is a narrow area, like dealing with tariffs, they are much more effective if it doesn't get highly politicized. Pat? Okay, sorry, right here. Otto.

Q: Otto Hetzel, professor of law emeritus at Wayne State University. I was just wondering, because you raised it, Melanie and I think everybody ducks it a little bit here, and that's the whole question about money in campaigns. And you suggested that there's a need to address; I just wondered whether you and the other panelists could suggest how you go about that line and do something about that.

MS. SLOAN: It seems that's going to be much, much harder, given what was happening at the Supreme Court last week. So I think some of it will require waiting to see what the court's decisions are in the new campaign finance cases.

MR. THURBER: Right, and I think Bob mentioned this before. It will just fundamentally transform money and politics in campaigns if they decide that a corporation can produce a film that – Hillary – that basically says don't vote for her. And it looks like the justices are leaning that way. It basically guts a major portion of the campaign finance reform acts that have been passed. Yes?

Q: I just wanted to say, I think that you can't look at the –

MR. THURBER: Scott Lilly.

Q: You can't look at the campaign finance in isolation of the broader communications. And when you have the media becoming more and more ideological – FOX News and all of the opinion-type broadcasting taking place, the radio shows, and what Wendell Potter described as the public relations advocacy of the corporations, members have to raise substantial amounts of money in order to protect themselves against special interests, not because – they don't necessarily take money because they expect to go along with special interests; they take money so that they will have a defense if they are attacked in their districts by it. They raise money in order to free themselves of special interests' influence as much as they do ingratiate themselves in order to get the money. So it's a balancing act.

I hate the amount of money that has to be raised, but at this point in time, I think we might give a huge win to the special interests if we had a strict limit that did not allow them to counter the allegations that are made by certain special interests, many of which may be unfounded, unrealistic and so forth. But they have to have their own capacity to respond to that.

MR. THURBER: (Inaudible, off mike) – lobbyists like the lobbying reform when it said that lobbyists may not give to campaigns. They just loved that. Because they have – you know, Mike Berman used to, when it came in hard copy in the mail, he'd put the invitations to fundraisers in a bathtub down at his office and about six months into the year, that bathtub would be full of these invitations to give money to candidates. And so I see smiles by several lobbyists in here that, indeed, they like the fact that they don't have to give anymore.

MR. GRIFFIN: Jim, can I just follow up? I think that should not be a frivolous suggestion. I know I would either get kissed or kicked by my lobbyist friends by asking people to think seriously about giving up one's ability to give money. I think it wouldn't only be the lobbyists who might be upset from that; I think some of the members of Congress would benefit from that.

I'm not sure it would reduce the amount of money that's actually spent in campaigns, but I think it would be a game-changer in terms of, at least, the kind of mantra of cheap shots about the profession in terms of it buying a particular access or advantage, which it does in some ways. But it doesn't determine how the business is done. It's a very expensive tool in the lobbyists' tool chest, but it is not the only way lobbying gets done.

I think what it would do, for many of these men and women who are in this profession, would make them more resourceful on using the other tools that they have to do in order to bring their issues before the members of Congress or the executive branch, which are based on substance and probably, local politics.

MR. THURBER: Let's take one more question. Lee, back here, please. Let me say that while you're going back to Lee Drummond, he has written a dissertation from Berkeley –

probably the best piece on lobbying in Washington. He just finished it and I congratulate you, Lee. And we'll see it in publication soon, I hope.

Q: Well, thank you. That's very kind of you, Dr. Thurber. And thanks for putting this great panel together. The question that I want to ask – the earlier panel talked a lot about the incredible resources that a lot of businesses, a lot of industries have and the sort of gargantuan, multifaceted, multidimensional lobbying campaigns. I mean, my own research suggests that for every lobbyist that works on behalf of public interest or unions, there's about 16 lobbyists working for businesses.

So that's a real disparity. Now, in this panel, we've talked a lot about transparency, and I mean, these are beautiful charts and we know a lot and we'd like to know a lot more, even. But even if we knew a lot more, would that – would we just be even – would that do anything to counter the balance?

And also, I mean, we've talked about, obviously, these bans on lobbyists just kind of make things harder to track. Is there any way to – should we be thinking about trying to level the playing field, and if so, are there any ways that we should be doing that, or will more transparency help to do that?

MR. THURBER: Melanie, should we start with you?

MS. SLOAN: I think more transparency would help with that. You know, CREW worked with the White House recently to convince the White House to open up its visitor logs, and now, they're going to be putting all of those online. And partly, that was in response to some lawsuits we had. And one of those lawsuits, for example, was visits of coal company executives to the White House because we think it's important to know what kind of influences – what kind of special interests are having influence on White House policy.

Well, it turns out, while they were busy fighting the lawsuit, that not a single one of those coal company executives had actually gone to the White House. So there wasn't even anything to be afraid of, I guess. There was no reason not to tell us, but the mystery surrounding it all made it seem so much worse. The refusal to tell made it seem like there must be something really secret and bad going on.

So I think that transparency can do a lot because if we'd just had all of this on the table, people would realize that, that's a reasonable meeting to have. You know, the city of Los Angeles wants to send its lobbyists to talk about construction projects in Los Angeles – that's reasonable. So I think that a lot of transparency would do a lot to solve the problems.

MR. THURBER: Let me add to it that the lobbying goes the other way, also. I was invited by Norm Eisen to eat at the White House mess. I've never had that experience before because I was, in print, critical of the president's attack on lobbyists. And he was lobbying me to try to change my position on that. (Laughter.) So that goes on with the health care, the cap-and-trade – all of these things. They invite people in to push back and get them together in coalitions, right?

MS. SINCLAIR: Yeah, and I think, Pat, you know, you thought that if members of Congress, say, had to report, that this would be too time-consuming. I don't see why that daily schedule shouldn't be something that they're willing to put on –

MR. GRIFFIN: No, I think it's worth a process figuring out how to do it. I don't think every contact on Capitol Hill is worth reporting. However, I think there are contacts that could be defined with people at a certain level that could be reported and I think it would level the playing field, the same way Melanie is suggesting it would happen. But it's a different – there's a lot more interaction going on in the congressional offices than there is in the executive branch. But I think it could work out and I think it would be beneficial.

MS. SINCLAIR: And, well, one more thing: There's a – we're never really going to level the playing field – not unless, certainly, we Americans become much more broadly active – because I mean, we're a society in which income is highly unequally distributed. And the only way of countering those with a great deal of resources is by numbers. And if people aren't willing to organize and express their views, you know, those that have the resources in terms of money are going to have more influence.

MR. THURBER: Well, with that, we'll end the panel. I want to say that we have lunch over here. It's a form of boxed lunch. We want you to come back to the room, please, to eat here. And we'll begin at exactly 12:30 for our next panel with Norm Eisen from the White House. Thank you very much, panelists. Pat, Melanie, Barbara, thank you. (Applause.)

(END)