

**CENTER FOR AMERICAN PROGRESS
IMPROVING THE REGULATION OF SPECIAL INTEREST EFFORTS
TO AFFECT PUBLIC POLICY**

LOBBYING, ETHICS AND THE OBAMA ADMINISTRATION

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JAMES THURBER: Norm Eisen is here from the White House. He's special counsel for ethics and government at the White House. He was appointed on January 20, 2009, and he worked on the question of ethics in government during the transition as deputy general counsel for the Obama-Biden presidential transition team.

He led the ethics advisement at that time and, as you all know, shortly after Pres. Obama was inaugurated, he produced an executive order restricting people coming into government that were federally registered lobbyists and leaving government to become federally registered lobbyists.

Also, there have been regulations related to lobbying the TARP money as well as the so-called stimulus package. And Norm has had a role in all of those. And he has a role in future reforms with respect to transparency.

He's going to talk about this, but I told Norm at lunch that I would show him what he's trying to stop. That's what you're trying to stop – that is a plot of actual data in and out of the White House.

Now, some of them go in and out of the White House through departments and campaigns, so let's go down – this is for a 15-year period – I know it looks like a galaxy – the center is the White House. But this is what you're trying to stop, and that's lobbying firms for about a 15-year period – these thick lines from Mr. Boggs – Tommy Boggs – and Akin-Gump and Hill & Knowlton and Anne Wexler's firm, Wexler Walker, and Cassidy & Associates. That means there are more people in and out of the White House to those firms, but also Timmons, Hogan & Hartson and others are listed.

So I just want to put your presentation in perspective. You're trying to outlaw gravity – gravity towards the White House by very talented people, but also people going to the executive branch. And now we will allow Norm Eisen to give a presentation and talk about why it's necessary to have more openness and transparency in government, and why you and the president have been somewhat upset with the lobbying community.

Let me read, again, a quote – as you're moving. Candidate Barack Obama said that, "I intend to tell the corporate lobbyists that their days of setting the agenda in Washington are over, that they had not funded my campaigns, and from my first day 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."

So I want you to clarify this. That means that they're not very influential in the health policy reform, energy/environment reform, financial regulatory reform, education reform – you've cut out lobbyists in all those areas? Is that right?

NORM EISEN: I think we have taken a big step towards making policy in all of those areas responsive to the public interests and not to the special interests. As in any endeavor that seeks to take on longstanding practices and customs that some equate with gravity and the other laws of nature, one needs to bring to these endeavors two of the virtues that I think the president exemplifies.

The first of them is a strong and profound idealism – a sense of the finest values of the American republic and an absolute commitment to them. And the second is an equally strong practicality; an understanding of the ways in which Washington has and does work. And that spirit of practical idealism is one that we have endeavored to address in our rules.

I will, I think, start us with the proposition that I am going to suggest to folks today, which is that the lobbying and ethics rules, I think by popular admission, if not a claim – the toughest in the history of American government makes sense in and of themselves, but also serve a larger purpose.

And that larger purpose is to remind all of us in the executive branch that we are here not to do the bidding of special interests, not to favor our friends and former clients and employee in ways large or small, conscious or subconscious, but to serve the public interest. That is a problem that has been the problem of how do you bend the will of individuals who, after all, bring in an array of relationships and predispositions to their work and to their life.

How does one bend that to the public interest is a problem. It is as old as the republic, and I thought I would start with a quote from the Federalist Papers, No. 57, which you see before you, that the question is, how do we take the most effectual precautions for keeping public servants virtuous, keeping them after the pursuit of the common good of the society, while they hold the public trust.

That was the core mission of the – really not just of the ethics programs, since I'm charged, also, with the government reform portfolio in the White House – not an accident that those two were combined because the president really located these issues of ethics and service to the public trust within his larger “change” agenda and his larger government reform agenda.

I have two quotes from 2007, starting with where we began to kind of express the president's views on these matters. One of them was also shared with you by Jim. And that is that the president did do more to take on lobbyists than any other candidate. He did not take a dime of their contributions and he promised – and he has fulfilled his promise – that his administration would not be the revolving door as usual. And he has articulated that, and I think rightly so, within a larger context of the conflict between special interests and the public interests.

And as I've talked to Jim and my other friends in academia, think tanks and in the reform community – many of you are here – and one of the wonderful adventures of this job – although you don't always agree with me – the policies of the White House – as they say in introductions to books, the opinions expressed herein are solely my own – they're solely that of the

administration.

Jim and my other colleagues who have labored in this area for – not to make you feel old but for decades, collectively – the wonderful brain trust in and around Washington on these issues have been fantastic interlocutors for us. Of course, one of the things we'll talk about is the importance of open government – both participation and collaboration with the people – and we have been very fortunate to have vibrant conversations about these issues; many good suggestions from folks in the room.

One of the things that Jim and I talked about when first we addressed these issues was, what is the content of the public interest? This is a very vexed question in political science – what is the content of the public interest – if not the agglomeration of special interests or a preferred set of special interests?

The president does not adopt the philosophy, does not follow the school in political science that there is nothing but special interest. He has a notion that dates back well before the beginnings of the nation, but that was articulately expressed by the founders of the United States, that there is a transcendent public interest. There is something larger than the conflict of all against all; that within the battle of opinions, we can find a notion of truth, we can find better policies, we can serve the common good and service the nation. And so that is the underlying philosophy that is expressed in this notion of taking on the special interests on behalf of the American people.

And I'll just give you one other brief quote that frames our – I guess if I can find it. There we go: that the responsibility for a people's politics begins with the person who sits in the Oval Office. And the president promised that on day one, he would "launch the most sweeping ethics reform in history to acquit the notion of the pursuit of the public interests and of fighting special interests." And indeed, that is what the president did.

I had the privilege to be – we were all sworn in – the senior staff all gathered to see the – they had an auditorium on the fourth floor of the OEOB – to watch the president sign this executive order, and we were all sworn in at the same time that day. So we had the privilege of being there.

The president's Executive Order 13490 contains an ethics pledge, which you see there – a one-page pledge. We worked hard with the typeface to get it all onto one page. It's followed by many pages of single-spaced print explaining what the words on the first page mean, but the basic pledge is set forth there.

And I think the president's motivation and the goals of the administration in starting off with this pledge in requiring everybody to sign the pledge were multiple. First, and I can tell you – having had the privilege to discuss these issues with the president – these are principles that he believes very, very strongly in. He thinks that these are the indicia of the best kind of public service to government.

We have a ban on lobbyist gifts; we have a tough revolving door ban – there’s a revolving door ban that applies to everybody; there’s been so much focus over the past eight-plus months – I guess eight months – on – sometimes it feels like 8 years – on the lobbyist restrictions.

But it’s very important to note that there are also tough revolving door restrictions for everybody, with some special features for lobbyists and then a pledge that we will employ the most highly qualified government officials in our hiring decisions and in assent, to enforcement of the pledge since it goes above and beyond what is found in current law.

I’ll start with the revolving door ban that applies to everyone. It applies for 2 years from the date of your appointment and you must commit to recuse from participating in any particular matter involving specific parties, which is a term of art in the government ethics world, that is directly and substantially related to your former employer or your former clients.

The classic example of this would be a piece of government litigation that’s a particular matter involving specific parties, the government contract – they’re the type of matters that come before us as government officials that are the most tightly focused on the interests of specific parties.

Then there is the revolving door ban for lobbyists coming into government, and this has probably been the single most noted of our new ethics rules. That accomplishes a second purpose, and I think an equally fundamental one.

We believe very strongly that there should be a revolving door ban both entering government and leaving government to deal with the web of relationships that Jim’s charts depicted. He probably won’t give me permission to use those charts in my future PowerPoints.

MR. THURBER: You may if you quote me.

MR. EISEN: Support I put a small headshot of you on every slide. (Laughter.) So they do eloquently speak to the revolving door issues, but the utility of this has been to prevent the carryover of these influences from one’s lobbying career to one’s government decision-making.

Note, by the way, that this is not a flat ban on employing lobbyists, but, instead, is intended to be a balanced restriction that allows lobbyists to come into government and work, but keeps them away from the areas and the agencies that they lobbied.

The controversy in connection with this rule has not only served the useful purpose of reminding everybody to avoid those issues, but has had a second function – and, really, the other fundamental thesis that I want to present to you is that all of these rules make sense in and of themselves to us in terms of our definition of public service, but they also serve their announcement, their enforcement, the public and press attention that they garner, the requirement that public officials in the Obama administration grapple with these rules – which they do on a daily basis.

They also serve as a constant reminder of our obligation and the president's commitment to serve the public. Sometimes they are described both publicly and in private as an irritant. And I think more colorful terms have been used – even to my face – about the rules. But having strong rules sets a tone. And that really is a tone that must come from the top.

And any compliance professional will tell you that the number one most important principle in keeping any organization, whether it's a government or a private organization, on track with their code of ethics, with best practices and with compliance – the number-one most important thing is the belief that the person at the top will be personally disappointed if everybody in the organization does not live up to those rules.

And that's a second purpose that having these tough and well-publicized rules have served. They've been a constant reminder and I would submit to folks that it is not an accident that the first months, first eight months, of our administration have not been characterized by some of the public and distracting scandals that earlier administrations have sometimes had to confront in their early year as, after all, you bring a lot of people into government who are not necessarily experienced with the ins-and-outs of government service. Having these tough rules has, I think, spared us to some extent from that. And in particular, having folks really – having set the tone at the top that the president has set of full compliance.

Let me move off the lobbying rules. Just briefly, we'll touch on the fact that there are a set of restrictions that apply to appointees leaving government, as, after all, the two sides of the revolving door are coming in and leaving.

In the first slide I showed you, there's a set of rules that applied to everyone. And then we also ask that everybody who signs the pledge commits not to lobby. We defined that under the Lobbying Disclosure Act – any covered executive branch official or non-career SES appointee – for the remainder of the Obama administration.

So those were the revolving door rules, and probably a particular tip of the hat is in order to my friend Craig Holman, who really has toiled in this field for many, many years and was a valuable source of ideas as we were working through these rules, both in the campaign and thereafter.

We also have a lobbyist gift ban, which has been well-reported. And the government gift rules are fascinating – I've chopped up 5 C.F.R., and I carry this around with me – and pages and pages of fine, single-spaced, two-column, fine print on what is and is not a government gift and what you can and cannot accept are set forth here.

We made it simple: no gifts from lobbyists, with a couple of exceptions. If you're married to a lobbyist – (laughter) – you are allowed to accept a birthday present or a holiday gift, for example, but some very, very minimal exceptions just to make clear across the board that no gifts are permitted.

So I'm going to move now from act one, which was the tough rules on employment by lobbyists, to act two, which were the stimulus lobbying rules. And the stimulus lobbying rules are instructive in a number of regards.

We recognize that change does not come easily, and the president also has a deep commitment to evidence-based decision-making. So we knew when we placed lobbying restrictions around stimulus lobbying – lobbying in connection with stimulus funds – the restrictions took two forms. There was a set of rules requiring disclosure, initially, and an additional set of rules prohibiting certain communications.

We recognized that it would be important to test the application of the rules and to see how that went, and we had a very, very dynamic conversation, really, with many of you in the room. And I blogged about many of those conversations in the interest of transparency, which is kind of act three of our lobbying and government reform work in our still-young administration, which I'll come to.

We recognized that it would be very important to test-drive the initial rules, and that is why the memorandum setting them forth provided for a 60-day review period. And in fact, we adjusted the stimulus lobbying rules based on what we heard from government officials, from many of you – as I've blogged about – from lobbyists and non-lobbyists alike, from folks who agreed with us and from folks disagreed with us.

And in July, I announced early, as soon as the determination was made that we were going to tweak the regime; that was announced, again, on a blog. I had never blogged in my life before coming to the White House, and now, you know, our new media department has made a regular blogger of me. I haven't turned to Twittering yet, but there's no limits to which I won't go in the interests of ethics and government reform.

MR. THURBER: By the way, my staff is Twittering and blogging as you speak.

MR. EISEN: Maybe one of them can show me how to Twitter. I do nattering, but not Twittering. (Laughter.) So we announced on the White House blog that we were going to make changes, and then at the end of July, OMB did make those changes official – promulgated a memo and did a blog post – and here is the original.

So here is where we stand on stimulus lobbying guidance. The backbone of the stimulus lobbying program is transparency and disclosure – and if somebody simply calls an agency switchboard to ask what a Web site is or what a due date is or where to go to find out more about funds – purely logistics – those kinds of de minimis incidental contacts are not reported. The thought is they would clog the system and be unduly burdensome.

The backbone of the stimulus lobbying program is disclosure, and the notion is that for more substantive policy communications and communications about particular programs – with one exception that I'll get to – those should be disclosed.

And there are hundreds of these disclosures, now, that are on agency Web sites all over the government; where there are meetings, phone calls, other communications with federally registered lobbyists under the LDA about stimulus funding. And those are posted on various agency stimulus Web sites.

And then there's one other feature of the stimulus lobbying rules, and again this was – in its original iteration, this was what got the most attention. It still remains crucially important. Another one of the principles that underlies these rules, in addition to pursuing the public interest and not special interests and constantly reminding government officials to be in the public-service mindset – a third principle is loyalty to merits-based and evidentiarily – if there is such a word – founded decision-making.

And we concluded after extensive review and study that the core place where contacts could impinge upon merits-based decision-making was in the area of competitive grants, similar competitive programs – competitive loans – after the grant application has been filed. Once your grant application is in, the notion is that at that point, the government decision-makers – unless they want to reach out to you for information or with a question – should be decided matters on the merits.

There's a long tradition in government contracting law of that kind of a blackout period once competitive grants are filed, and our twist on this was to apply this rule, unlike the rest of the stimulus-lobbying regime – and this now foreshadows what we'll discuss in kind of act three, the transparency regime – the thrust of our decision-making was that we would apply this blackout period both to federally registered lobbyists and to non-registered lobbyists.

Because we heard, loud and clear, that there are many instances where somebody may not be a registered lobbyist but still has the power to impinge upon merits-based decision-making, or at least create the appearance to the public that that is happening. It's very, very important for the public to understand that government in the Obama administration will be about serving their interests.

So we innovated in our final guidance, and now apply that blackout period to all communications from registered lobbyists, unregistered lobbyists – really, from anyone. There are some exceptions. If there are any such communications, they need to be in writing and they need to be put on the Internet so that, literally, when it comes to competitive grants and similar programs under the stimulus plan, the American people can see every communication that is taking place.

And here are some of the blogs on the discussion, and that is the stimulus lobbying rules, which somewhat – although there's a lot of back and forth that occupies all of this, somewhat constituted act two of our ethics and government reform initiatives.

Now, the third initiative that I would like to describe to everybody does not, perhaps, logically fall in the area of lobbyist regulations. But our decision-making in this area really was influenced by the rich dialogue that we had. In implementing the stimulus lobbying restrictions and in that broadening that you saw for the first time – if it's not too self-congratulatory – the

historic broadening of the competitive grant post-filing rules to registered lobbyists and unregistered lobbyists alike – and we brought that with us as we thought about our transparency initiatives.

The principles of our open government program are openness, of course, which is that the public should be able to see what the government is up to; participation, the notion that government should enable the American people to participate actively, to share their thoughts and ideas and their input with government; and finally collaboration – and this is set forth in the president's memo on open government, which I would make pop up at some point in this slideshow – which is the notion, as I have been so privileged to do.

And it really is, I think, one of the hallmarks of – Jim, I'm about to give you a plug – one of the hallmarks of the Center for Congressional and Presidential Studies – the profound spirit of collaboration I know that you've brought to our friendship, but really that you bring to all of the work that you do here in Washington. It's part of the reason that you and the center's input is so valued and appreciated.

We try to have that same spirit of collaboration in government, and that is why we – I think some were pleased and some perhaps a little surprised, but ultimately also pleased that we – when we were working through the final stimulus lobbying rules, we invited everybody to come to the White House and talk to us. We blogged about it, because whether you agreed with us or not and whether you were a fan or a foe of the rules, we wanted to collaborate and learn as much or more from the people you disagree with as from those you agree with.

Those were the lessons that we brought with us to the – to our consideration of the much commented upon release of the WHV's records, the White House Visitor Access Records, which – unless you were on vacation the week before Labor Day, and probably even if you were on vacation – you know the White House will this year begin posting those – the records of visitors to the White House – so that the American people can see everybody who comes and goes.

I would note that this is not a program that is restricted to lobbyists, but that will capture all of the lobbyists who come and go, whether they are registered or not. I certainly, I think, heard folks on the importance in certain instances of moving beyond the technical terms of the LDA. Of course, there will be many who come who are not there to lobby, but that will be for scholars, for the public, for the press to analyze.

Again, it fits with the president's philosophy – that I've attempted to articulate various facets of – of serving the public interests. The more people know about what's going on in Washington and in the White House, the less likely it is that major decisions will be hijacked by the special interests. And we recognize, of course, that it's an ongoing process, so we'll continue to work on it. And the release of our Visitor Access Records is the latest in our efforts in that regard.

So it really is, although not focused on lobbyists, and the aspect of this release that, you know, every lobbyist who comes and goes will be disclosed, was not so much commented on by

the press. It fits into the president's larger philosophy of fighting for the public interest, combating special interests.

It is a voluntary disclosure policy. We're going to apply it to records created after September 15th. The reason for that is that there are literally hundreds of thousands of – we started the process of reviewing this policy as soon as we came into government.

There are hundreds and thousands of records that predate the announcement of the policy, and both because we are concerned about national-security issues, in terms of what we might inadvertently release if we just dumped those – it's approaching a million records – if we just dumped them on the Internet, because of personal privacy concerns, because of the logistics of going through, and frankly, since it's me and my assistant, Micah Ferguson – who's standing in the back of the room and who I should acknowledge for his great help in putting this together. It's me and Micah and a couple of others who actually have to go through these.

For those reasons, we are starting the policy as of September 15th. We have a 90- to 120-day lag, which is to collect the records; to review the records; to make sure that people's social security numbers and phone numbers are not in there; to make sure that they are in a form that can be presented to the public to load them up.

A couple of other exceptions, and we will begin the release of the records this year. And I think even while there are some – virtually everybody applauded the policy. Some quibbled with some of the details; we can have a discussion about that – maybe we'll do that in the Q&A – but I think even those who did not agree with every detail of the policy agreed that this was a historic breakthrough in making the operation of government visible to the American people.

So there's a vast array of fields that you will see in December. As you can see, there's a couple dozen of them here. It really enables you to see. This is the health records, which we released – just a sample page, as you can see. It shows the date and time and who you meet with and who scheduled the meeting, when you came, when you went. So it's a very rich information set.

And there's the request page; just some more on our transparency efforts; various issues that I've blogged about. And in the interests of time, because I've promised Jim that I would take questions, and that is usually the most lively and interesting part of this conversation, I will skip ahead to one final slide – not that one, that one.

I couldn't resist the subliminal plug – I just read that Washington Post article. (Laughter.) Further to my thesis that these are good rules to remind government employees of – that the toughness of the rules itself is an additional reminder to always, always do the public's bidding – there is a third and final virtue of the very tough rules, lobbying and otherwise – but the lobbying ones have gotten the most attention – and that is that they have really driven a public discussion of special interests and their role in a democracy and how one defines and fights for the public interest.

And this is the front page of the New York Times from the end of April, but I was particularly tickled by it because there was an article in there that was actually quite critical of the administration because of the application of the lobbying rules – the non-profit lobbies.

And we felt, after much agonizing, that this was a distinction that was based on a principle and that we would not distinguish between the special-interest lobbyists we liked and agreed with and the ones we didn't agree with; that we had to apply kind of neutral Kantian principle across the board, although there's no reference to Kant in the New York Times article.

On the far left you had that article, and then on the far right you had an article about reported misconduct by lobbyists. And above the fold that day in the New York Times was the conversation about the appropriate role and limits of special interests in our republic.

We thought that that demonstrated a third theme, which was healthy discussion of these subjects within and among the members of society. If you have any doubt that this was intended to be sort of a pro and con dialogue about these issues, you need only turn to the continuation page, where the New York Times put the continuation of the two stories together.

So I will, leave for the Q&A, the question posed in Dan Agin's article recently on whether these rules have, in fact, had any effect on the lobbying business or on the conduct of lobbying. There's anecdotal evidence – people who feel strongly both ways. I want to thank Jim for inviting me to be here today; I want to thank all of you for joining me for this discussion of the first three acts. And stick around – there will be more acts to follow. I'll take some questions.

MR. THURBER: Norm, thank you very much. (Applause.)

MR. EISEN: Thank you, Jim, thanks everybody.

MR. THURBER: The first and most important question is, may we have a copy of this to put up on our respective Web sites at the university and here at CAP?

MR. EISEN: I'll trade you for your PowerPoint slides.

MR. THURBER: I knew he would say that, and that is the iron law of reciprocity – (laughter) – which is behind lobbying. How can you regulate the iron law of reciprocity? Let's start with that.

MR. EISEN: I hope intelligently. You can't legislate reciprocity out of existence. What you can do is honestly acknowledge the appropriate and inappropriate examples of reciprocity and attempt to limit the inappropriate ones in a way that is consistent, that has some integrity, that we hope captures the attention of folks both inside and outside the Beltway and that is balanced. And we have attempted to do that, so we have not, in shutting the revolving doors, said, no lobbyists need apply. We've attempted to achieve a set of more nuanced limits. So we think they strike the right balance.

As in stimulus, another way you do it is you do it through trial-and-error and through evidence-based decision-making, and we did that in the case of stimulus, and then finally, you do it through transparency. You try to put all those instances of reciprocity on the internet for everybody to see.

It is remarkable, I think, how folks who perhaps might be interested in some of the less legitimate instantiations of the reciprocity principle will scurry from the sunlight. And, you know, the many, many upstanding, good folks and friends of mine who are lobbyists and conduct business honorably and above the board have been very willing to have their contacts with the administration listed, both in the stimulus context and I'm sure now when we post all White House comings and goings.

MR. THURBER: Thank you, Norm. Let's go to the audience – right over here. And if you could wait for the microphone, introduce yourself and ask your question.

Q: Sure. I'm Melanie Beller, and I wanted to ask, what are the standards that you figure when you give waivers? And also, if you would consider also restricting PR firms, since they tend to have, perhaps, more money than lobbyists in affecting public policy?

MR. EISEN: Melanie, in terms of the standards when we give waivers, they are found in the president's executive order – it's in section three of the executive order – and we provide that if the literal application of the restriction is inconsistent with its purposes – that sometimes happens when you make rules – or that it's in the public interest to grant the waiver, we will do it.

I should tell you that the waivers have been extremely infrequent. There have been three lobbyist waivers, which is less than one-tenth of 1 percent. So you know the president meant business in that regard.

And then there have been the occasional waiver for the non-lobbyist aspects of preexisting relationships with clients or employers. Those constitute less than 1 percent of the total, and all of those have been posted on the White House; I blogged about all of those on the White House blog.

MR. THURBER: Norm –

MR. EISEN: Oh, and then the PR firm issue. I think if you look at the blackout period or the requirement that all communications be in writing in stimulus lobbying, that applies to PR firms equally as it does to registered lobbyists. Employees of PR firms will be equally covered by the visitor-access disclosures as registered lobbyists.

So we have attempted – and that really was part of the learning process that was so valuable from this community. There's – for employment, we – I have – honestly have not thought about it, I will. You know, it's an interesting question. I'll think about it.

MR. THURBER: Let's go up here, Scott?

Q: There are actually quite a few people, I think, like me who are supporters of this president's policy agenda by and large but are deeply troubled by these policies that you've outlined today. And the reason isn't that we're not concerned about special interests, but in terms of implementing policies that affect special interests, it seems that this is almost designed to have remarkable instinct for the capillaries. Lobbyists are not special interests; lobbyists are employees of special interests. Special interests are often large corporations – large business entities with vast resources, of which lobbying is only one.

And the concern I have is that I think the president is very sincere in wanting to raise the ethical standards in this town – and they need to be raised, there's no question about that. But I think when someone takes a small segment of a problem and tries to address that as though it were the problem, it leads to the opportunity of people who oppose him on many other things to say that he is deliberately taking on the lobbyists because he does not really want to take on the special interests.

MR. EISEN: Well, I would, I think, begin my response by saying that the transparency disclosures make no distinction between the employees of the special interests and the special interests themselves. If you come to the White House, your name is going to be there for the world to see. I think the president is cognizant about that; he has been very outspoken about the need to take on special interests, most recently in the speech he gave in Minnesota – the healthcare speech he gave in Minnesota; I believe it was this weekend.

And I think it is fair to evaluate the administration by how effectively it does take on the special interests and would just urge you to stay tuned. I think there have been – you know, I think there have been strides in that regard. And it would be fair to grade us after 4 years on whether we've done it or not with our legislative accomplishments.

Q: Well, I'd rather not wait 4 years, but I'd like to see some midcourse adjustment. I think that's one of the great strengths of this president. The point I would –

MR. EISEN: I'll meet you here for a discussion at the end of the first year about whether or not we've succeeded in taking on the special interests and doing things that haven't been done before.

Q: The point that I would make, though, is that excluding lobbyists from discussions or limiting their opportunity to serve does very little when the White House invites in the people that employ them or even appoints those to committees deliberating on the business interests that those employers have.

MR. EISEN: I would – I guess I would respond to – we hear your point. I think the president's own analysis, if you look at his speech, really is couched in terms of fighting the special interests, not fighting lobbyists, and, respectfully, the policy is not a ban on lobbyists, it is a set of limitations precisely allowed, in appropriate cases, to allow them in – in the first act in the executive order.

So I don't think that I would disagree that we have adopted that ban. I think instead we've dealt with some of the excesses of the lobbying profession which are very well-illustrated by the Abramoff matter and other cases of recent years.

MR. THURBER: We have time for one more –

MR. EISEN: Bob Kaiser is considerably more eloquent than I on that subject. Yes, sir.

MR. THURBER: We have time for one more question, please. Right here.

Q: Yes, my name is Bud Krogh, and I work for the Center of the Study of the Presidency and Congress, and had your job about 40-some years ago. A question that I have – oh, god. (Chuckles.) Well, we didn't do as well as you have done, as I think history has pointed out.

I'm very interested in the educational programs that are offered to nominees to the various departments and agencies. I found that as a very challenging thing to do. Is there anything that is systematic that goes on? Because it's very important for them to understand these rules and how they should be applied as they take on their jobs.

MR. EISEN: There are a series of initiatives that we undertook. The ethics group met with every cabinet-level nominee. Indeed, first we met with the president and the first lady at great length – really, those were the two longest ethics briefings we've done.

We started early in the transition and then met with each of the cabinet-level nominees. And we've had a very vibrant community that we have attempted to reestablish between the ethics operation in the White House, that at OGE, and in the agencies.

And the reason for that is it would be impossible for us – as you know as a predecessor – in White House counsel with our very, very limited resources to go out and train everybody personally. But we really wanted to communicate that tone at the top, and we've done that.

We've shared with OGE our philosophy; although they're independent, there's been a good exchange about that. We've had the ethics officers in for trainings and to understand the new rules which they need to understand. OGE has helped facilitate that; there have been a series of DAEOGrams, or OGE memos, about it, and live conversations – there's consulting requirements under various other rules.

So that's the way we've tried to do it – is by making our philosophy clear, frequent communications with the ethics authorities and kind of making them ambassadors and empowering them.

They understand that they are empowered to say no if something is not just over the line but anywhere close to the line. And that has been kind of the ethics evangelism education program that we've engaged in.

MR. : (Off mike.)

MR. EISEN: Yes, sadly, it's like a jumbo box of fun sponges from Wal-Mart; that is our fault.

MR. THURBER: Thank you, Norman. Before you leave, I would like to invite Scott Bass, our provost from American University up for just a couple of remarks to thank you, and before you depart.

MR. EISEN: (Inaudible, off mike) – my stuff or should I stand here looking embarrassed while he does that? (Laughter.)

MR. THURBER: Sit down. Scott Bass is our new provost at American University, and he has shaken things up in a good way out there – supporting centers like mine and others and creating new ones. We really appreciate it.

SCOTT BASS: Well, thank you, Jim, and the powerful discussion you've had with what's going on in the White House. The fact that we're able to have this kind of discussion, this kind of forum, is a reflection both of the subject matter but also of what this center is about.

And we are – as you heard very early in the morning, we are also – not only talking about the topic, but we're celebrating 30 years of such forums by the Center for Congressional and Presidential Studies. 30 years is a major accomplishment, a major milestone.

As I look around the room, there's sort of a bimodal distribution. There are those who remember the 96th Congress – when you came in – and there are some of you who may not be so familiar with that era, but there are some parallels there with the Democratic majority in the House and the Senate, the Democratic president.

The president was Jimmy Carter. The speaker was the great Tip O'Neill. And any of you who got to know Tip, he was just a remarkable personality and force, and on these issues may have had some disagreements, a different way of doing business at those times, and a special kind of political culture was generated in that era – the great, great Irish politicians; great orators of their time. The Senate president would have been Walter Mondale when you came in and created the center.

There were other parallels – there was an Iranian hostage crisis; extremists in Afghanistan. We had an energy crisis; this is not the first time we've talked about energy issues. Three Mile Island, Jim, was on your desk at that time. Both Michael Jackson and Ted Kennedy were in the news at that time – it would have been Michael Jackson's 7 millionth album, called "Off the Wall." And Ted Kennedy challenged Jimmy Carter in that year.

The dollar was falling in value. Technology was different, Jim, it was the year VisiCalc was introduced back then. But one of the things we've learned that Tip O'Neill left us with is the notion that all politics are local. And again, that's part of these issues – a balance of what is appropriate – and I do speak to the issues of highest standards of ethical conduct of our public servants.

But as I travel around the United States – and I am very proud of the role American University provides in shedding light on important issues of our time – people always say to me, oh, that’s the home of Jim Thurber. And indeed, it is and has been for these many years.

And what he has done today and he has done throughout the years is provide a forum of real dialogue, of real discourse; of bringing together some of the very best people around the country, world, nation – in terms of government – to discuss these issues without the kind of rancor. This is important to have – civil discourse. Our ideas are strengthened by hearing different points of views; it sharpens our intellectual and it sharpens the public positions we take.

Within the AU community, Jim Thurber is known as a distinguished professor. There are only four in the entire academy, and it is my responsibility to oversee that entire academy and its stature, and he stands alone.

And so I come before you within this forum to take a moment and to truly thank Jim Thurber. It’s really the people; it’s really the people that make great institutions. All politics are local, and please join me in thanking Jim Thurber for 30 years. (Applause.)

MR. THURBER: Scott and Norm, thank you very much for taking time. I want you to get back and look at that database and see who’s coming into the White House and get that up on the Web site. Thank –

MR. EISEN: We’re personally going to go over every one of those records.

MR. THURBER: Thank you very much. We now have about a 10-minute break before our next panel.

(END)