

Unfortunately, federal lobbying laws have some important limitations. These are:

Inadequate disclosure. Though the LDA requires the Secretary of the Senate and the Clerk of the House to develop “computerized systems designed to minimize the burden of filing and maximize public access to materials,” lobbyist financial reports are filed in paper format, and public accessibility of these reports is far from adequate. The disclosure system can be easily, and vastly, improved by implementing a fully searchable, sortable and downloadable electronic reporting system of lobbying financial records, similar to what the Federal Election Commission does for campaign finance records.

Inadequate enforcement. Another shortcoming of the LDA is the lack of monitoring for compliance and enforcement for violations. No single agency is vested with enforcement authority of the LDA. The Clerk of the House and the Secretary of the Senate are separately responsible for collecting lobbying financial reports. But neither office has a particular interest in ensuring that the filings are complete or accurate. Nor do the congressional offices have enforcement authority. If they determine that a lobbyist is in repeated non-compliance, the offices may refer the case to the Department of Justice for legal action. But that is rarely, if ever, done.

Inadequate regulation of conduct. Many lobbying practices today raise serious concerns of undue influence—the “revolving door” of former public officials becoming lobbyists for special interests, family members of legislators serving as lobbyists, gifts and campaign contributions given by lobbyists to federal officeholders. Several legislative reforms are needed for regulating the conduct of lobbying.



Notes and Further Reading

<http://cleanupwashington.org/lobbying/page.cfm?pageid=38>

http://www.localkicks.com/just_in/Our_Lobbyist_Founding_Fathers

<http://abcnews.go.com/Blotter/Conventions/story?id=5648474&page=1>

<http://lobbyingjobs.com/>

http://index.about.com/index?am=exact&q=lobbyist+salary&an=msn_s&askid=cf0badd8-b8e7-40f5-9aa5-59b2eee09e25-0-ab_mse&dqi=&qsrc=999&ad=semD&o=4598&l=sem

<http://lobbyit.com/>

Lobbyist



Lob.by.ist (noun) a person remunerated to persuade (to lobby) politicians to vote in a certain way or otherwise use their office to effect a desired result.

At what point is the “right to petition” corrupted by the lust for wealth and power... and the people sold by Congress to satisfy monetary greed at the expense of morals?

Lobbying

The process of influencing public and government policy at all levels: federal, state, and local.

Lobbying involves the advocacy of an interest that is affected, actually or potentially, by the decisions of government leaders. Individuals and interest groups alike can lobby governments, and governments can even lobby each other. The practice of lobbying is considered so essential to the proper functioning of the U.S. government that it is specifically protected by the First Amendment to the U.S. Constitution: "Congress shall make no law ... abridging ... the right of the people peaceably ... to petition the Government for a redress of grievances."

The practice of lobbying provides a forum for the resolution of conflicts among often diverse and competing points of view; provides information, analysis, and opinion to legislators and government leaders to allow for informed and balanced decision making; and creates a system of checks and balances that allows for competition among interest groups, keeping any one group from attaining a permanent position of power. Lobbyists can help the legislative process work more effectively by providing lawmakers with reliable data and accurate assessments of a bill's effect.

The role lobbyists play in the legislative arena can be compared to that of lawyers in the judicial arena. Just as lawyers provide the tier of fact (judge or jury) with points of view on the legal issues pertaining to a case, so do lobbyists provide local, state, and federal policymakers with points of view on public policy issues.

Although lobbying as a whole serves as a checks-and-balances safeguard on the legislative process, individual lobbyists are not necessarily equal. Unlike voters, who each get one vote, lobbyists vary in their degree of influence. **The level of influence a lobbyist has over the legislative process is often proportional to the resources—time and money—the lobbyist can spend to achieve its legislative goal.** Some people think lobbyists in general have too much power. During his 1912 campaign for president, Woodrow Wilson remarked, "The government of the United States is a foster child of the special interests. It is not allowed to have a will of its own."

The term lobbyist has been traced to the mid-seventeenth century, when citizens would gather in a large lobby near the English House of Commons to express their views to members of Parliament. By the early nineteenth century, the term lobby-agent had come to the United States, where it was applied to citizens seeking legislative favors in the New York Capitol lobby, in Albany. By 1832 it had been shortened to lobbyist and was widely used at the U.S. Capitol.

In the early 2000s lobbyists practice their trade not only in the halls of the US Capitol and the corridors of state legislatures, but also on playgrounds, in boardrooms, in manufacturing plants, at cocktail parties, and in retirement homes.

Contemporary lobbying methods include political action committees, high-tech communication techniques, coalitions among groups and industries sharing the same political goals, and campaigns to mobilize constituents at the grassroots level. Lobbyists include schoolchildren who want to prevent their favorite neighborhood park from becoming a shopping mall, corporations who contribute to a particular legislator's campaign, lawyers who speak with legislators on behalf of their clients' business interests, cities who lobby the state legislature for changes in transportation laws, presidential aides who suggest new amendment language to congressional committee members, retired persons who want to save their government benefits, and many others. Each type of lobbyist attempts to win support for a particular point of view.

Samuel Ward, a well-respected lobbyist, was so successful at influencing legislators that in the mid-1800s Congress decided to investigate him. When questioned about the elegant dinners he orchestrated for politicians, the self-described King of the Lobby said, "At good dinners people do not talk shop, but they give people a right, perhaps, to ask a gentleman a civil question and get a civil answer."

Despite the noncorrupt success of lobbyists such as Ward, lobbyists during the mid-nineteenth century were often regarded as ethically questionable individuals. This reputation was enhanced whenever lobbyists abused their position with improper practices such as bribing members of Congress. Although lobbying is specifically protected by the Constitution, numerous attempts have been made to regulate it—attempts that, not surprisingly, lobbyists have historically resisted. Congress began efforts to reform lobbying in 1907, when it banned campaign contributions from banks and corporations. In 1911 proposed restrictions on domestic lobbying were first considered, but these were not approved until 1946, when Congress passed the Federal Regulation of Lobbying Act (2 U.S.C.A. §§ 261, 261 note, 262–270 [1946]).

In 1954 lobbyists challenged the Regulation of Lobbying Act for being unconstitutionally vague and unclear. In *United States v. Harris*, 347 U.S. 612, 74 S. Ct. 808, 98 L. Ed. 989, the Supreme Court responded by upholding the act's constitutionality but also by narrowing the scope and application of the act. The Court ruled that the act applies only to paid lobbyists who directly communicate with members of Congress on pending or proposed federal legislation. This means that lobbyists who visit with congressional staff members rather than members of Congress themselves are not considered lobbyists. In addition, the act covers only attempts to influence the passage or defeat of legislation in Congress and excludes other congressional activities. Further, the act applies to and restricts only individuals who spend at least half of their time lobbying.

According to the 1946 act, lobbyists to whom the law applies are required to disclose their name and address; the names and addresses of clients for whom they work; how much they are paid and by whom; the names of all contributors to the lobbying effort and the amount of their contributions; accounts that tally all money received and expended, specifying to whom it

was paid and for what purposes; the names of all publications in which the lobbyists have caused articles or editorials to be published; and the particular legislation they have been hired to support or oppose. In addition, the act requires lobbyists to file registration forms with the clerk of the House of Representatives and the secretary of the Senate prior to engaging in lobbying. These forms must be updated in the first ten days of each calendar quarter for as long as the lobbying activity continues. **Violation of the act is a misdemeanor punishable by a fine of up to \$5,000 or a jail sentence of up to 12 months, and a three-year prohibition on lobbying.**

Although a number of lobbying statutes have been enacted that regulate special situations—such as lobbying by the agents of foreign governments, employees of holding companies, and firms affected by various federal shipping laws—the Federal Regulation of Lobbying Act remains the only comprehensive law governing the practice of lobbying.

Critics of the 1946 act suggest that its effectiveness is limited, since it does not apply to a large part of the population that actually lobbies the government. In fact, in 1991 the General Accounting Office found that nearly 10,000 of the 13,500 individuals and organizations listed in a popular lobbyist directory were not registered under the 1946 act.

In 1995 Congress passed a law designed to close loopholes in the 1946 law by increasing lobbyists' accountability: the Lobbying Disclosure Act of 1995 (Pub. L. No. 104-65, 109 Stat. 691). Under the new law, individuals who receive at least \$5,000 in a six-month period from a single client are required to register with the clerk of the House and the secretary of the Senate, listing the congressional chambers and federal agencies they contacted, the issues they lobbied for, and how much money was spent on the effort. The reporting requirements also apply to organizations whose own employees lobby on their behalf and spend at least \$20,000 in a six-month period on that effort.

**Ask not what your country can do for you
—unless you're a corporate lobbyist.**

SHOULD LOBBYISTS BE STRICTLY REGULATED? Since the 1940s there has been continuing debate in the United States over the proper role of lobbyists in a democratic society. Lobbyists contend they offer a valuable service to legislators and government officials, providing information and raising questions about pending legislation or executive action. Critics argue that many lobbyists are nothing more than influence peddlers who seek political and legislative favors for their clients.

The perception that lobbyists and the interest groups they represent have corrupted the political process has led to state and federal legislation that regulates lobbyists. Nevertheless, a fundamental conflict remains over the extent to which government may regulate lobbyists and lobbying activities.