

TUNE IN TO THE
SOUND OF DEMOCRACY

Justice Talking Radio Transcript

Influencing the Way “Influence” is Peddled?—Air Date: 5/1/06

The recent indictments of former House Majority Leader Tom Delay and the plea deal by former Republican lobbyist Jack Abramoff have sent shock waves through Washington, D.C. and opened to public scrutiny campaign donations, junkets to fancy resorts and other gifts from lobbyists. Reforms aimed at the corrupting influence of money on politics are high on the Congressional agenda and on this term’s Supreme Court docket. Join us this week when Justice Talking revisits the issue of cash and candidates and asks whether reforms are necessary to influence how “influence” is peddled.

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MARGOT ADLER: From NPR, this is Justice Talking. I’m Margot Adler. On today’s show: lobbying reform. Former Republican lobbyist Jack Abramoff embodied everything that was over the top about lobbying. His conviction on charges of corruption, embezzlement and bribery has focused attention on the practice of influencing votes in Washington. But not all lobbyists are like Abramoff.

UNIDENTIFIED MALE: Lobbyists are not just their caricature. They aren’t just cigar-smoking men who shove hundred dollar bills into the pockets of compliant lawmakers.

MARGOT ADLER: With pressure from the public and elections looming, will congressional reforms really put an end to lobbyists who try to influence lawmakers with lavish meals, expensive gifts and all-expense-paid trips, or will new rules simply force legislators to disclose more of their meetings with lobbyists and accept fewer gifts? Lobbying reform in the wake of scandal: more after the news.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. Top Republic lobbyist Jack Abramoff was recently convicted on charges of fraud and corruption for his lobbying practices. There were golf trips to Scotland, private sky boxes at sporting events, free concert tickets, not to mention lavish meals, all used to sway politicians' votes. The scandal has raised a lot of questions and concerns about how power and influence are courted in Washington and what should be the limit when it comes to money and power.

Many agree that lobbying reform is necessary, but what exactly does that mean? Congress has proposed changes, but will they really make a difference? On today's Justice Talking we'll find out what the existing problems are, we'll take a look at potential solutions and we'll hear from both lobbyists and critics. We'll also talk with the author of a new book who tells us how money and power led to the downfall of people like Jack Abramoff and Randy Cunningham.

To find out how lobbying reform became a rallying cry from both politicians and lobbyists, I asked Washington Post reporter and columnist Jeffrey Birnbaum to fill us in. Jeff writes a column about lobbying called "K Street Confidential" for the Post. Welcome, Jeff.

JEFF BIRNBAUM: Thanks.

MARGOT ADLER: Most Americans think of lobbying as involving overseas golf trips, hundred dollar dinners, sky boxes at sports arenas—but what do the more than 30,000 registered lobbyists do everyday?

JEFF BIRNBAUM: Well, they do some of that. In fact, they do all of that. But lobbyists are not just their caricature. They aren't just cigar-smoking men who shove hundred dollar bills into the pockets of compliant lawmakers. There are a lot of lobbyists who fit that description and they are fun to have lunch with if you have the chance. But lobbyists really are lawyers, they are public relations experts, they are advertising executives, and many, many of them are researchers and experts in their field. Accountants are lobbyists. All sorts of professions make up what I like to think of as a multi-billion dollar persuasion industry that's based in Washington, all directed at government.

MARGOT ADLER: Now I know that each state has different guidelines for lobbyists, but what are the federal rules currently on what is or isn't allowed?

JEFF BIRNBAUM: Well, there is a whole set of rules and laws that place limits on, for example, the amount of campaign contributions that lobbyists or anybody else or any other organization can give. There are actual lobbying rules that require lobbyists to disclose, at least a little bit, what it is they do, and a little bit what they're lobbying for. There are also congressional rules that, for example, slow the revolving door between lawmakers and lobbyists. A former member of Congress, for example, cannot come back and lobby his or her former colleagues on Capitol Hill for at least a year once they've made the transition between being a lawmaker and going, as we say in Washington here, downtown to become a lobbyist.

So there are lots and lots of rules and laws that dictate the behavior and interaction between lawmakers and lobbyists.

MARGOT ADLER: Former House Majority Leader Tom Delay recently announced he would resign from Congress. He was indicted last year on federal money laundering charges. Two of Delay's former aides have already pled guilty to conspiracy. Former Washington lobbyist Jack Abramoff was recently sentenced to almost six years in prison for fraud. He has yet to be sentenced on separate charges and is a key player in an ever-widening corruption probe. How has this affected Washington? Will there or will there not be a lasting effect on lobbying?

JEFF BIRNBAUM: Well, in small ways I think there will be a lasting effect. Congress is putting into place a variety of expansions of disclosure by lobbyists and lawmakers so that it'll be clearer to the public how the two interact with each other. Now there have been only limited disclosure requirements. There are going to be a lot more of them. And so that's certainly a good thing. There may be a few other changes of behavior required under the new rules and laws by lobbyists, but not many of them.

Mostly what is happening is short term and imposed by lawmakers and lobbyists themselves. That is, for this year they're keeping their distance from each other. All the fancy dinners and lunches that people read about in Washington, they're a lot rarer these days for appearances sake. But they're not going to be stopped in any major way. In addition, I think it's fair to say that the fancy trips that you mentioned at the beginning, Margot, privately paid travel to golf resorts and places like that, that's not going to be as prevalent, at least this year, as they have been in the past. But those things, I think, will return very quickly.

MARGOT ADLER: You have written that Tom Delay could easily become a lobbyist. What is it about Tom Delay that lobbying firms would want?

JEFF BIRNBAUM: Well, he was the House majority leader and a very effective getter of votes for whatever he was pushing. And that is what interests want, corporate interests, among others. He knows how the House of Representatives works from the inside in its details. He knows the important members of Congress, especially the Republican leaders. They worked with him and for him and many of them know him and like him very well despite his much publicized legal problems and ethical problems.

MARGOT ADLER: So isn't he somewhat of a pariah right now? If you were a legislator, would you want to be seen with him?

JEFF BIRNBAUM: Not publicly, no. I think that that's true. But lobbying is not done out in the light of day. It's done behind closed doors. And many Republican members of the House in particular, and some in the Senate, are to one degree or another beholden to Tom Delay because of his personal ability to raise money for those lawmakers. He has raised millions of dollars through the years, made personal appearances when he was

more in favor for many members who needed the help from a big Republican from Washington.

And that will—that goes in the bank, if you will. And if Delay wanted to, though he probably could not do so in public, he could draw down on that bank and make for the interests that want to pay him a great deal of money or avoid, for those same interests, a great of potential pain depending on what legislation is facing the groups that hire him.

MARGOT ADLER: When the Abramoff scandal hit the news, there was a lot of momentum for lobbying reform. But some of that momentum seems to have vanished. Why?

JEFF BIRNBAUM: Well, I think the basic reason is that lawmakers do not want the system to change very much. It works to their favor. They, I think, also realize that the corruption issue, while maybe the focus, even the obsession, of some people inside the Washington Beltway, is not such a big deal to voters. I think most voters, if you were to ask them closely, would say, “Of course they’re all crooks in Washington.” They’re not surprised that things are not done on the up and up in the nation’s capital. And they would not expect anything to change no matter what has passed.

And so the lobbying legislation has turned into more of a political exercise than a bill that can be labeled lobbying reform that any member of Congress can hold up to voters, any of those who may actually be outraged by the Abramoff scandal, and say, “Look, I voted to change things in the face of obvious corruption, so please don’t blame me.” And so I think that is behind what has been a slower than expected and less vigorous than expected lobbying legislation.

MARGOT ADLER: Congress has been dealing with various reform bills. What reforms do you actually think are going to happen when all is said and done?

JEFF BIRNBAUM: I think we’ll see a good bit more disclosure by both lawmakers and lobbyists so that average citizens can find on the web more about how much money lobbyists have given to lawmakers, and a good deal more about the interaction between lawmakers and lobbyists, maybe even how often they’ve gone to dinner with each other. That’s perfectly possible. I think we may see a crackdown, at least a little bit, on so-called “earmarks.” You know, those pork barrel projects slipped into legislation that have gotten a whole lot of publicity lately. Remember the “Bridge to Nowhere”?

MARGOT ADLER: So what exactly is an earmark?

JEFF BIRNBAUM: It is a project or a tax break that is targeted to a very narrow audience, often a geographic specificity, for example, a highway in a specific lawmaker’s district or money for a special project at a local college. There are thousands of these that have been in legislation lately and often lobbyists are behind the obtaining of these special projects. Congress is likely to require much more disclosure about who is sponsoring those projects, and will also allow Congress to vote to eliminate many of them if they are not fully disclosed.

MARGOT ADLER: Do you think that the lobbying scandals will affect the 2006 election?

JEFF BIRNBAUM: I think in a few places the Abramoff fallout will have a very big effect. There are some members of Congress who may be indicted, and certainly their races will be affected. There are some members of Congress whose staffers may be caught up in future guilty pleas that are now just about to go public. And the bosses of those staffers could well be caught up and affected. But overall, I don't think the corruption issue will be anything more than a contributing factor to whatever else is happening on the political scene come November.

If the current polls are to be believed, at least three other issues are much more potent: the Iraq War, healthcare and the state of the economy. Those will be very important issues in the mid-term elections. And corruption, I think, might be part of a narrative that the American public will see as the story of the year and will factor it in, but it won't be the first thing and most important thing they vote about.

MARGOT ADLER: Thanks for talking with us today. Jeff Birnbaum writes the column "K Street Confidential," about lobbying and lobbyists, for the Washington Post. Coming up, we'll hear about lobbying in Alabama. Can a free meal make a difference in a vote?

UNIDENTIFIED MALE: Nobody that I've encountered is gonna sell a vote for a \$30 dinner or a \$50 dinner. My experience says they don't have a bit of a problem having dinner with you on Wednesday night and voting against you on Thursday morning.

MARGOT ADLER: Stay with us.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. On today's show we're talking about lobbying reform and how recent scandals in Washington have brought some unethical lobbying practices to light. But outside the Beltway, states have their own struggles with lobbying rules. From 1995 to 2004, companies and special interest groups spent nearly a billion dollars lobbying state legislators. And that number may actually be much higher because eight states don't track overall spending on lobbying. Alabama is one of those states. And reformers have been unable to pass legislation that would require more reporting on how much money lobbyists spend on legislators. Tanya Ott has this report.

TANYA OTT: Dick Brubaker thought he knew what he was getting into four years ago when he ran for a seat in the Alabama House of Representatives. After all, he worked for his family's auto dealership so he knew how to negotiate, and he was a former high school history and government teacher. But when Brubaker won the election and started work in Montgomery, the real education began.

DICK BRUBAKER: Well, I have learned that it's nothing like they teach in civics classes.

TANYA OTT: Brubaker says he quickly found out that lawmaking in Montgomery is really done by just a handful of legislators and a whole lot of lobbyists. He points to a piece of eminent domain legislation considered in the most recent session. He says it was written largely by special interest groups and lobbyists.

DICK BRUBAKER: And we were told in committee that we had better not amend that bill because no other form would be acceptable, not to the senators, but to the lobbyists who had written the bill.

TANYA OTT: Brubaker did offer an amendment which the House approved, but on the final day of the session the Senate rejected the changes and asked for a conference.

UNIDENTIFIED MALE: We need to term limit some of these lobbyist groups. They work overtime to try to overthrow a vote of this House if they don't like that vote. And we need to—we need to term limit them right out of existence.

TANYA OTT: Brubaker says it was politics as usual.

DICK BRUBAKER: A lot of this is just—there's just no conceivable way it's in the public interest. And our disclosure laws are so poor and our enforcement mechanisms so weak here in Alabama that there's almost no way for the public to determine which lobbying interests are trying to influence their legislator.

JIM SUMNER: We probably have the most liberal provision in the country in terms of being able to provide hospitality for public officials and employees and not having to report it.

TANYA OTT: Jim Sumner is the director of the Alabama Ethics Commission, the state office responsible for policing lobbyists, lawmakers and other state officials. Every state has its own policies, but in Alabama lobbyists can spend whatever they want on lawmakers. And expenses under \$250 a day don't have to be reported. Sumner says, "When you consider that legislators' per diem is just \$50 a day, not even enough for a good hotel room, it's no surprise lobbyists are picking up many a tab in Montgomery.

JIM SUMNER: There are a number of organizations who have instructed their lobbyists not to do anything that's going to trigger a reporting requirement. They keep the hotel costs under that, the meal costs and any other extracurricular activities like golfing or fishing or whatever well within that \$249 limitation.

TANYA OTT: Eason Balch, Jr. has been a lobbyist for more than 30 years, working on behalf of Alabama Power, the state's largest utility. He says his company has a rule that lobbyists cannot spend more than \$250 a day because the company doesn't want to have to report those expenses. Still, he says, the thought that lobbyists are buying votes from lawmakers is ridiculous.

EASON BALCH: Nobody that I've encountered is gonna sell a vote for a \$30 dinner or a \$50 dinner. My experience is they don't have a bit of a problem having dinner with you on Wednesday night and voting against you on Thursday morning.

TANYA OTT: Political scientist Randolph Horn of Sanford University in Birmingham says most of the influence-peddling in Montgomery and state houses across the country isn't nearly as scandalous as the Abramoff affair and other recent cases that have dominated media coverage.

RANDOLF HORN: Those are such egregious cases they tend to make us think in terms of out-and-out bribery, which is relatively rare, and not recognize the more subtle influence that lobbyists have on legislators nationwide.

TANYA OTT: In Alabama and several other states, lawmakers don't have staff researchers who can examine legislation, provide independent advice and work as a buffer between legislators and special interests. Instead, lawmakers like State Representative Dick Brubaker often rely on lobbyists for research.

DICK BRUBAKER: You know, I'm in the automobile business and before that I was a school teacher. And so when I'm asked to vote on issues dealing with Medicaid, you know, sometimes it's hard to feel like you really have a handle on the information because the people offering you information, you know, have a dog in the fight.

TANYA OTT: But lobbyist Eason Balch doubts a professional legislative research staff would make much difference.

EASON BALCH: I believe that it would end up quite often with professional researchers and so forth taking a position one way or another, probably basing it on their own agendas and their own prejudices and so forth.

TANYA OTT: Roberta Baskin backs him up on that. She's the executive director of the Washington, D.C.-based Center for Public Integrity, a nonprofit research group that's investigated lobbying efforts in Congress and state houses. She says:

ROBERTA BASKIN: It's the lobbyists and the staff that are in the backrooms writing the legislation that the legislators are voting on but don't even necessarily read. Some of these bills are a thousand pages long and so the staff that has been wined and dined and taken on junkets, you know, they will be advising the member to vote one way or another.

TANYA OTT: It all boils down to transparencies, say critics. State governments like Alabama's need to make it easier for citizens to find out what special interests are funding which lawmakers. Reformers aren't holding their breath. In Birmingham, Alabama, I'm Tanya Ott for Justice Talking.

MARGOT ADLER: We've heard how lobbying works in Alabama, although each state has its own rules about how much and to what extent lobbyists must report their spending. Congress recognizes the need for federal reform. As Congress struggles with lobbying reform, questions arise about what is and isn't ethical when it comes to influencing politics. Joining me to talk about this are Melanie Sloan and Paul Miller. Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington. Paul Miller is the president of the American League of Lobbyists. With the announced resignation of former House Majority Leader Tom Delay and lobbyist Jack Abramoff's conviction, is this just the tip of the iceberg when it comes to lobbying abuses, or does this show that our government can police itself? I'll start with you, Paul.

PAUL MILLER: I think it's a little bit of both. I think we haven't seen the worst yet. I think the Justice Department is thoroughly going through and then reviewing all the information they have and I wouldn't be surprised in the next couple months if you see some more indictments, possibly of members of Congress but more likely, I think, some staffers. You probably also may hear about some other lobbyists who may be connected to Jack Abramoff who may end up being indicted and possibly going to prison.

I do think the system works, though. I think we forget that Jack Abramoff and those who he surrounded himself with have been caught and they are now going to prison. So to say the system doesn't work, I think, is an unfair characterization at this time.

MARGOT ADLER: Melanie, how would you describe it?

MELANIE SLOAN: I would say the system isn't working. The fact of the matter is we've had literally no ethics enforcement in Congress over the past several years, and I think that's a real problem. We should be at a place where our members have to do more than just merely avoid indictment. And yet, that's the situation we have. Unless the Justice Department's going to investigate and prosecute, basically members can get away with anything.

PAUL MILLER: What we're talking about is lobbying reform. The ethics committee and what they're doing with their own colleagues has nothing and should have nothing to do with lobbying reform. That's an internal process that the House and Senate need to work on to police themselves. That has not anything to do with lobbying reform.

MELANIE SLOAN: I think lobbying reform is meaningless without ethics reform. I think the problem with all of the reform proposals that we've been seeing is that none of them include any real oversight or enforcement mechanisms. And without such mechanisms I don't think anything will really change.

PAUL MILLER: Might be the only point we agree on today.

MARGOT ADLER: Paul, many lobbyists say that the Abramoff affair bears no resemblance at all to the way lobbyists do their job and try to influence legislation. So how typical

was his experience? Are most lobbyists living large, wining and dining legislators and trying to woo politicians with money and extravagance?

PAUL MILLER: No. Jack took what we do for a living to a real extreme. Nobody's, you know, flying people to Scotland for golf events. No one's, you know, buying restaurants so that staffers can go and eat there for free. We're providing members of Congress with information. We are networking with members of Congress and their staff to provide them that information to work on behalf of our clients. There's nothing wrong with that. What Jack clearly did and what the House and Senate proposals don't do is deal with enforcement. Jack, no matter what rules you have in place, was clearly going to break those, lie, cheat and steal from his clients. That's not what 99.9% of us do for a living. We represent our clients ethically and honorably. Jack decided not to do that.

MARGOT ADLER: Melanie, is Abramoff typical?

MELANIE SLOAN: I don't think Abramoff's typical, but on the other hand I don't think he's all alone either. I think he did take the lobbying and the expenses to a whole new level, but just a couple of months ago we read a story about a former Bell South employee who reported that she worked for the Bell South lobbyists who were routinely violating the gift ban limits of \$50 per meal and taking members and staff out for very expensive meals. So I think it's a little more common than Paul might have you believe. But by the same token, I don't think Abramoff stands for the entire lobbying community.

MARGOT ADLER: The Senate passed a lobbying reform bill in March. It extended the waiting period if a former lawmaker wants to become a lobbyist after leaving Congress from one to two years. It would also prevent lobbyists from giving members of Congress gifts or paying for their meals. It also calls for lobbyists to disclose more of their activities. In the end, when we look at Congress, what do you think will happen with lobbying reform, and what needs to happen? Melanie?

MELANIE SLOAN: Well, I think they'll pass some sort of lobbying reform bill, if for no other reason that they all need to be able to go home and tell the voters in November that they did do something. But on the other hand I think that the bill will be impossibly weak and won't really make any difference at all. None of the lobbying reform bills that are being discussed, none of the proposals set forth include any of these oversight or enforcement mechanisms, and without that there won't be any serious changes.

The kind of conduct that members are so exercised about that involve Jack Abramoff, a lot of that stuff was already prohibited. And so if you wouldn't enforce the old rules, creating new rules isn't going to really make a difference here.

MARGOT ADLER: Uh huh. Paul?

PAUL MILLER: I agree with Melanie to a large degree. I think the one thing that is missing from both packages is any way to enforce any current or any new rules. We're not doing it now, and I'll point to two provisions. One, I sat and watched the Senate debate this

issue and heard them speak very eloquently about how they'd done such a great thing here by increasing the penalty for each violation from \$50,000 to \$100,000 per violation. I—None of us are quaking in our boots, because you're not enforcing the \$50,000 penalty. What makes us think that you're going to enforce the \$100,000 fine when there's nobody out there doing it? \$50,000 is a lot of money to me, so I abide by the rules. And the same can be said about the meals. I mean, I sat and watched Senator Dodd, and I have great respect for him, speak very eloquently for 15 minutes about how we banned meals. And, you know, the next day in the paper you read how the Senate bans meals. That seems to be what Congress is focusing on, the little things that really are inconsequential instead of focusing on the big picture and what really needs to be done to create some reforms that possibly could make the system better.

MARGOT ADLER: The Senate bill would ban free meals from lobbyists. What's in a meal? Shouldn't we have more faith that most of our politicians won't be swayed by a fancy dinner and some wine, Melanie?

MELANIE SLOAN: Well, yes, we should but, in fact, it doesn't turn out to be the case. The fact is what the meal does. It's not that the meal is gonna buy the vote, but it buys you the access. It buys you an hour or an hour and a half with that member of Congress. And that's more access than somebody who can't afford to take the member of Congress out to dinner has. And that's why we think the meals are troubling.

MARGOT ADLER: Senators John McCain and Barack Obama were advocating for the creation of an independent office that would keep an eye on lobbying in Washington, an office of public integrity. The final Senate bill did not include this idea. Why not and was this a mistake, Paul?

PAUL MILLER: I don't believe so at this time. I think it's a little early to tell. I think the Senate voted against this because they feel an obligation, and rightly so, that they should be the ones policing their own members and their colleagues. The ethics committees have not been run all that great right now, but it's their responsibility to police their bodies and their colleagues. And they should have the right to do so. We've gotta find a way to take the partisan politics out of the ethics committee. And it's been unfortunate to see that they haven't run as smoothly as they should.

MARGOT ADLER: Melanie, do you think that was a mistake? My guess is that you would disagree with Paul on this.

MELANIE SLOAN: I completely disagree with Paul on this. And this is probably the thing that we feel the strongest about, which is that there desperately needs to be this office of public integrity for the very reason that the ethics committees have shown no ability to operate. Members of Congress have shown that they cannot police themselves. I think it was former Senator Hal Heflin from Alabama who once said, "It's very hard to judge your colleagues one day and ask for their vote the next."

And having an office of inspector general would take the partisan politics out of the ethics process by having non-partisan investigators look into the conduct and then report back to the ethics committees who could then decide on any ultimate penalty.

PAUL MILLER: Again, I question why we need to do that, and I'll use the example of the independent counsel. I mean, whether you were a fan of President Clinton or you're a fan of, you know, former President Bush, each had independent counsels appointed. A lot of people made issue of—that they were very partisan in nature and witch hunts. So I think you're gonna get the same thing if you create an independent office to do this type of thing. So I don't think we're any better off in that situation.

MARGOT ADLER: Paul, have you ever taken out a client for a fabulous meal?

PAUL MILLER: I take clients out when they're in town, absolutely. But I think what you're trying to refer to is members of Congress and/or their staff. I take clients out. There's nothing wrong with that. They're paying me to do a job. I'm helping advocate on behalf of them. It's an opportunity for me to sit down with my clients and strategically put down on paper and explain to them what we're doing and why we're doing a certain thing. But I think this is being blown out of proportion.

What you're really talking about is lobbyists taking out congressional staffers. And that's really what it comes down to. Yes, on a very rare occasion you'll take a member of Congress out, but that's not happening on a day-to-day basis for, again, 99.9% of us. I think there's probably a small few that do have long-term relationships with members of Congress and so they do have those ears, and opportunities to take them out for dinner. What we're talking about is taking a staffer out. And I think they are valuable opportunities. You're not buying access; what you're doing is buying somebody a meal. You're getting to know them and you're spending time with them more so than you would have by going to their office where the phones are ringing, there are people in and out, you're sitting in the hallway or in the lobby, they're distracted. This is an opportunity to get away from the office, have a cup of coffee, have a drink, have a meal, have a breakfast, and talk about the issues in depth.

MARGOT ADLER: Coming up, more of our debate with Paul Miller and Melanie Sloan. Also, my conversation with the author of a new book that reveals how some Republican lobbyists went from being political idealists to becoming criminals. Don't go away.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. On today's show: influencing power and votes in Washington. What reforms will really work when it comes to changing lobbying practices? Paul Miller and Melanie Sloan are with me to talk about lobbyists and their influence on politicians in Washington. Paul Miller is president of the American League of Lobbyists. Melanie Sloan is the executive director of Citizens for Responsibility in Ethics in Washington. Let's get back to our conversation. Let's talk about what you both think about earmarks.

That's part of a spending bill that allocates money to specific projects. Do you think that there are benefits to having earmarks attached to legislation, Melanie?

MELANIE SLOAN: There may be some benefits to having earmarks in some particular respects, but clearly the system we have now is totally out of hand. That allows members to put earmarks on bills that have already gone through conference in the dead of night and no one knows who put them in or how they got there. And our spending is running rampant in large because of the huge increase in the number of earmarks. So we would, at the very least, call for much more regulation of earmarks. Basically, before an earmark was introduced, I think it needs to go through the regular committee process and then be voted on in regular order. None of this sticking them on in the last hours before a report comes down.

MARGOT ADLER: Paul, what do you think about earmarks?

PAUL MILLER: I think they're a valuable piece of what members of Congress do. Let's not forget that the constituents back home, whether they're in a district or in the entire state for the United States Senate, they vote for these people because of what they bring home to the state and to the district. Money and projects are important to constituents and they vote for people in many regards for those very reasons. So, yes, there seems to be a few problems with the system that I think are easily to be fixed. And I think the Senate and the House should do that. I think we're making, again, a big issue out of nothing.

MELANIE SLOAN: It's hardly a big issue out of nothing. I mean, the earmarks are... We can look at the just numerous examples we've seen in just the past year alone of rampant problems with earmarks. That includes the Bridge to Nowhere in Alaska, it includes the numerous earmarks that Duke Cunningham was putting in for a defense contractor. House Appropriations Chairman, Jerry Lewis, is now—has been the subject of some press attention for giving earmarks to the clients of a lobbyist who's a good friend of his and who makes a lot of campaign contributions. Alan Mollahan, the ranking Democrat on the ethics committee is now under investigation for giving over 170 million dollars in earmarks to five nonprofit organizations in West Virginia. So I think there's a lot of reason to have concern about earmarks now.

PAUL MILLER: I think, again, we're painting a picture of two members of Congress who, to my knowledge, have not done anything wrong, have not been proved guilty of anything. Mr. Mollahan and Mr. Lewis, to my knowledge, have been living by the rules, until somebody shows me how they have been breaking them. Just because they know a lobbyist or a lobbyist supports them and the member actually may stick an earmark in the bill for a client that they may represent, there's nothing wrong with that.

That's part of the process. I agree there are some abuses. The Bridge to Nowhere is probably the biggest one we've read about or the one that everyone seems to know about. But let's not pick on an earmark process or pick on members of Congress just because

they know lobbyists. And that's what, I think, Mr. Lewis and Mr. Mollahan right now are being judged unfairly for.

MARGOT ADLER: Now one of the things that everybody's been talking about is transparency. Some of the new bills that are being discussed might increase the transparency of lobbyists' actions. We talked a little bit about oversight, but can the industry police itself, Paul, or does it need federal oversight?

PAUL MILLER: I think one thing that this whole process can bring about is some reforms as to how we do the filings. Right now in the House and Senate we file very differently. The Senate system's a little bit better. But if you want to view my lobbying disclosures in the House, you still have to come to Washington to do that. Why not come up with one unified electronic filing system that gets these reports up on the website for the general public to view within 48 hours. That would be more of a step in the right direction than what you're talking about with a lot—in a lot of these proposals right now.

MARGOT ADLER: And, Melanie, if we do something like that, should lawmakers also be forced to make their interactions with lobbyists more transparent?

MELANIE SLOAN: Absolutely. I don't think it is nearly enough. You know, lobbyists who disclose now at twice a year having to disclose four times a year, I don't think is gonna make all that much of a difference. What I think the public would like to see is on members' websites exactly who they've been lobbied by and who they've—they should have to tell us who they went out to dinner with, who they went out to lunch with, who they let take them on a trip. So I think that kind of information, which is almost impossible to come by... For example, the travel disclosure forms are now in the basement of one of the House office buildings and you can't find them without going to that one office. And so I agree that more transparency is required, but not just for lobbyists, for members of Congress.

PAUL MILLER: The proposals that we're talking about here, I don't know how you make that work. If it's just a requirement that we have to do it, it comes down to a he said/she said argument. If I wanna become the next Jack Abramoff, all I have to do is look up every senior staffer who's working on issues that I—that may be important to me or potential clients, write those down, take those to the potential clients and say, "Hey, look it. I have all this access. I know all these people. I can get into meet with them whenever I want to." At the end of the day who's gonna prove that I did or did not meet with these folks. So there are a lot of problems with that. So my statement to members of Congress is be careful what you wish for.

MARGOT ADLER: [laughs] Well, thank you so much for joining me in this conversation.

MELANIE SLOAN: Thanks for having me.

PAUL MILLER: My pleasure.

MARGOT ADLER: Paul Miller is the president of the American League of Lobbyists. He works for Miller Wenhold Capital Strategies, a lobbying firm in Fairfax, Virginia. Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington. Prior to this she was an assistant U.S. Attorney in the District of Columbia.

MARGOT ADLER: Many people who have risen to power find the combination of money and influence seductive and alluring. In his new book “The K Street Gang,” Weekly Standard reporter Matthew Continetti tells the story of how some Republican strategists succumb to greed. Their names are now infamous: Tom Delay, Jack Abramoff and Randy Cunningham. Matt Continetti, thanks for joining me. Could you describe K Street in Washington for us? What is it?

MATTHEW CONTINETTI: K Street is the avenue in downtown Washington, D.C. where lobbyists ply their trade. It’s right in the middle of the city, a few blocks away from the White House. The K Street Project was an attempt by conservative activists and Republican lawmakers on Capitol Hill to strengthen the connection between Republicans in positions of elected power and lobbyists on K Street, and by doing that shape not only legislation but also the political donations of the lobbyists on K Street.

MARGOT ADLER: Your book tells the story of powerful Republican mavericks who grew to become some of the biggest names in Republican power, Tom Delay and Jack Abramoff among them. They started out as political idealists. Did they simply succumb to money and power?

MATTHEW CONTINETTI: I think it was a combination of factors that have put The K Street Gang, as I call them, in the positions they’re in now. You know, when you talk to people about Jack Abramoff, for example, there are competing theories about his personality. On the one hand one group of people will tell you that he always was attracted to the dangerous, kind of always attracted to flirting with the convention and the bounds of even legality. On the other hand people say that Abramoff always generally meant well and he just got caught up in things that he shouldn’t have. I think actually both answers have a kernel of truth to them.

MARGOT ADLER: And what about Tom Delay?

MATTHEW CONTINETTI: Tom Delay, I think, was perhaps a little bit too aloof from his office. And many of his deputies and his staff members worked closely with Abramoff and, in fact, just recently his former deputy chief of staff pleaded guilty to counts in connection to the Abramoff investigation. And before that, last November, his former Press Secretary Michael Scanlon also pleaded guilty. So Delay, I think, was either inattentive or perhaps too consumed by power to realize what was going on.

MARGOT ADLER: You write in your book, “The K Street Gang,” and this is my favorite quote: “For ambitious politicians, lobbying has it all—money, power, influence and a

multitude of opportunities to trade favors for campaign contributions. It's as though someone dismantled the great urban political machines of gilded age America and shipped the parts to downtown Washington where they laid dormant for years, scattered lazily among the glass and steel boxes that line K Street. All that the parts needed was an engineer. Enter Tom Delay."

MATTHEW CONTINETTI: Yes.

MARGOT ADLER: That's pretty intense.

MATTHEW CONTINETTI: Thank you.

MARGOT ADLER: What enabled Tom Delay to totally change the way influence was peddled on K Street?

MATTHEW CONTINETTI: Oh, well, the short answer is the election of 1994 which brought this great wave of Republican power to Washington, and Republicans found themselves in control of Congress, both houses, for the first time in 40 years. And then in December of 1994, to me, an even more important election was held and that was for the Republican House leadership. Of course, Newt Gingrich won the speaker of the House position in a landslide, but Tom Delay faced a fight for the majority whip position. He won that fight and he went on to turn that position into one of incredible power, perhaps, in retrospect, even more powerful than the speaker of the House. And so Delay used that power to strengthen the tie between the Republicans on Capitol Hill and the lobbyists on K Street.

MARGOT ADLER: Newt Gingrich said just a few months ago in response to the Abramoff affair that it was not just the result of one person doing a bad thing and that it's not about corruption among lobbyists. The problem, he said, is big government. What did he mean and do you agree?

MATTHEW CONTINETTI: Well, Gingrich has reappeared on the scene as these scandals have metastasized recently, and his argument is that the explosion in the number of lobbyists that we've seen—simply in the past five years the number has doubled to about 36,000 registered lobbyists—is a function of the expansion of government. And certainly the two have occurred at the same time. As the number of lobbyists has grown, the government has grown and vice versa. Gingrich, coming from a limited government conservative perspective, says that the way to squelch the number of lobbyists is to squelch the government. And I think he may have a point there simply because we live in an interest group democracy and interests are always competing with one another. And the more interests that are affected by government, the more interests you're gonna have hiring lobbyists to work with government or for those interests. And so that does ring true to me.

MARGOT ADLER: What do you think needs to be done to change the way lobbying is done in Washington? Do you have any confidence in what Congress has been doing?

MATTHEW CONTINETTI: Well, the fact is that the crimes that I write about in “The K Street Gang” remain illegal, and no one is talking about making them legal. So I think we can be reassured about that. I think really what’s necessary is for Congress to form itself, for the congressmen to ask themselves: “Are we doing enough to squelch the need for lobbyists? Are we doing enough to shrink government? These Republican congressmen should be asking: “Are we living up to our own ideals?” That’s up to them. I mean, I can just write about it.

MARGOT ADLER: Thank you so much for talking with me today. Matthew Continetti’s new book is called “The K Street Gang.” He’s a staff writer at the Weekly Standard magazine.

MARGOT ADLER: When we think of the worst of Washington lobbyists, someone like Nick Naylor would fit right in. He’s the main character in the recent movie “Thank You for Smoking.” Naylor, a fictitious cigarette lobbyist, is a smooth spin doctor, even when he’s talking before a classroom of kids.

[BEGIN MOVIE CLIP]

NICK NAYLOR: How many of you wanna be lawyers when you grow up? Right. How about movie stars? Ohhhh! How about lobbyists?

STUDENT: What’s that?

NICK NAYLOR: It’s kind of like being a movie star. It’s what I do. I talk for a living.

STUDENT: What do you talk about?

NICK NAYLOR: I speak on behalf of cigarettes.

STUDENT: My mom used to smoke. She says that cigarettes kill.

NICK NAYLOR: Really? Now is your mommy a doctor?

STUDENT: No.

NICK NAYLOR: A scientific researcher of some kind?

STUDENT: No.

NICK NAYLOR: Well, she doesn’t exactly sound like a credible expert, now does she?

[END MOVIE CLIP]

MARGOT ADLER: But not all lobbyists are cut from the same cloth as the imaginary Nick Naylor. Just ask James Copple. He's a senior policy analyst at the Pacific Institute for Research and Evaluation, and he's a lobbyist.

JAMES COPPLE: As we were watching a story on the evening news about the extravagance and excesses of lobbyists, my 16-year-old son asked me, "Aren't you a lobbyist?" "Yes," I said. He replied, "Well, you must not be very good at it." By some modern standards, maybe not. I don't own an airplane. I've never played golf at St. Andrews. The most I ever paid for a suit was \$450, and I got married in it. I don't have an office on K Street, although sometimes I hold meetings at a Starbucks on K Street. I don't buy lavish dinners for members of Congress on behalf of my clients.

What I do as a lobbyist is petition Congress on behalf of nonprofit groups to protect lives and health through the prevention of substance abuse. In pursuit of my cause I will cajole, wheedle, plead, beg and even reason with members of Congress and their staff for earmarks or any other kind of funding. Some say earmarks are the problem because they circumvent the traditional appropriations process. They say funding should be appropriated strictly by need, merit, in the best interests of society.

If funding were based on merit, then I wouldn't need earmarks and my clients wouldn't need me. But that's not been my experience. And I've been around federal, state and local government for three decades. The criticism of earmarks as backdoor dollars for pet projects fails to recognize the changing role of government in public services. Since the Reagan administration, the downsizing of government has meant that a lot of human and health services are outsourced.

Indeed today most program innovation is found outside of government. Outside experts now petition government for support. Much of this outside expertise resides at nonprofits working to improve the health and safety of communities. These organizations struggle to survive and are constantly seeking funding. I work for these people and if I can get them earmarks to provide consistent, successful programs that are proven to benefit public health and wellbeing, I'll sleep well at night.

There are many cause-based lobbyists like me standing with cell phones pressed to our ears on Washington street corners, working to catch a handful of whatever pennies we can. Most of us believe that the institution of lobbying needs reform, particularly the practices of gift-giving and campaign donations. When it comes to earmarks, rather than eliminate earmarks altogether as some have argued, we should require that earmarks have clear planning goals, cost benefit analyses, evaluations, annual reports to Congress, time limits and a solid rationale for being connected to existing authorizations. I could guarantee that for every dollar I request.

There's enormous pressure right now in Washington to rein in lobbyists. Unfortunately, that may happen at the peril of serious reform and could jeopardize valuable programs and services in the process. Yes, get rid of the sky box and junket lobbying, but do it

without stifling the work of lobbyists for the public good. I'm not Jack Abramoff and I don't deserve his disrepute.

MARGOT ADLER: James Copple is a senior policy analyst at the Pacific Institute for Research and Evaluation, and a lobbyist.

MARGOT ADLER: Tell us what you think about the issues we've talked about on today's show. Do you think that lobbyists have too much power? Should members of Congress have stronger reporting requirements on the gifts they get and the free meals they eat? You can share your thoughts at our website, justicetalking.org. While there, you can also listen to past shows or you can sign up for our podcasting service. Thanks for joining me. I hope you'll tune in next week. I'm Margot Adler.
