

My colleagues sometimes refer to me as a recovering lobbyist, even though I haven't had a taste of the business since 2004. At that time I sold my interest in the firm I had co founded and ran over the previous 20 years to join Senator' Daschle's leadership staff.

Subsequently, I chose not to return to the lobbying profession. There was no moral conflict in making this decision. I simply wanted new way to use my experiences to make a living in Washington when not serving in government.

I now do management consulting for organizations. This work along with my writing and teaching at American University on advocacy and lobbying continues to keep me very close the profession's practioners, developments and challenges.

Although I consider myself an avid proponent and student of the profession, I have to admit, to the chagrin of some of my lobbyist friends, that I agree with this Administration's view, maybe for different reasons, that the profession and the political process in which it operates needs ongoing scrutiny and reform. My naive hope had been that the dialogue and proposed reforms would serve as opportunities to improve the professions credibility and rationally address and fix real problems that increase public confidence rather than cynicism similar to the discussions that led to the sunshine laws of the 70's.

Unfortunately, I have been deeply troubled by the impression the discourse has left so far, intentionally or otherwise, which is to suggest, that lobbying is an inherently bad or corrupt activity.

My experiences have led me to believe, being able to lobby our governmental institutions is essential to a vibrant democracy. I believe every citizen should at least know how to petition their government responsibly, and effectively.

This belief is not simply based on my three decades of working in DC. More fundamentally, it comes from earlier formative professional experiences I had as a community organizer in Milwaukee.

We worked with youth gang members to help them build community service organizations and develop advocacy skills to engage institutions to make policy changes that would improve their lives. (Advocacy model)

I knew instinctively then and over the years came to understand that this skill set, wherever applied, are tools of personal and organizational empowerment. Being able to lobby Washington or any other state capital is an extension of that skill set. I have come to deeply believe that learning these skills should be part of one's civic education and responsibility.

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

Accepting this reality, we are left for the foreseeable future with at least the question and certainly the perception of whether votes follow the money or does the money follow the votes. Furthermore, it is pretty obvious, that a given interest with money to spend in the political campaigns as well as on their lobbying activities will have advantages over those interests that don't have the resources to spend in either arena. Campaign contributions facilitate relationships, if not good will. Money for lobbying activities brings talent and broad engagement that is hard to match, but not impossible, without financial resources.

This reality often gets twisted further into moral knots as an argument that casts the public interest against special interest. It suggests that there is a public good intact somewhere, out there, that transcends all these petty little special interests that are trying to peck it apart with money. My experience is that we are a country of special interests, some of which try to claim the mantle of the “public good” while fiercely competing with other interests, for the country’s resources. I think a more accurate assessment might be that there is probably a public interest argument to be made for most any side of any issue but **the righteousness of it is in the eyes of the beholder.**

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

I am not a lobbying reform expert but I do have a couple of ideas I would like us to kick around today. These ideas have been inspired by lines from two popular movies. **Show Me the Money-** Jerry McGuire and **Follow the Money-** All the President’s Men. Together they serve as a guiding principle for achieving some reform by maximizing transparency any where money and policy might intersect

The Administration recently took a big step in that direction in announcing that they would make public all visitors to the White House. This is especially important since registered lobbyist s that is already subject to a regulatory regime of transparency is not welcomed in the white house and some agencies throughout the administration. So now, even after you killed all the lobbyists, we will now at least know if the lobbyist’s bosses are going to the white house to raise the issues their lobbyist couldn’t.

This reform could be made more muscular by simply requiring all senior government officials in the executive branch and for that matter on Capitol Hill, to post any contact with an outside interest (not just a lobbyist) that was expressly about shaping the content of a policy. (It would not be necessary to do so for general inquires regarding content and process)

I believe such a requirement would encourage officials to have positive public rationales for meetings with interest groups, instead of allowing as some do, to deny their value or relevance while quietly welcoming their financial support and expertise. Some might argue this would discourage having the meeting in the first place. It might, but I would contend that it might also encourage having a meeting or two that they might not otherwise happen to insure, at least, the perception of balance and thoroughness.

A second proposal in the spirit of “showing and following the money” is to blow up the fictional distinctions, made regarding what activities constitute lobbying. The current legal definition of what are reportable lobbying activities is fundamentally flawed. It fails to capture substantial money spent and work undertaken in areas that are increasingly critical to run effective lobbying campaigns. I have run many multimillion dollar lobbying campaigns over the years that were largely successful because of the use grassroots organizing, paid advertising, and survey research, among other tactics. These activities and the individuals, who conduct them, should be subject to the same lobbying disclosure requirements as the individual who speak directly to members of congress. This reform will provide further clarity as to who is lobbying, how they are lobbying and how much one is truly spending on the overall effort.

Lastly, legitimate concerns have long been raised about individuals who for no special interest but their own have tried to cash in on their government experience by using it to build lobbying careers when they are through. I think Congress over the years and this administration has done a great deal to limit these possibilities by enacting legislation and requiring personal pledges to limit access to former

colleagues and friends. These policies can always be tweaked to lengthen the cooling of period or expand the universe of officials that cannot be lobbied.

However, another avenue ethics officials should also examine is whether there are more jobs other than just lobbying ones that should have post employment constraints. Former government officials seek and get jobs that are directly related to the policy and regulations, and political process they may have been associated with as part of their government service. Many of these jobs require specific knowledge that they have learned while in government service and or the ability to contact government officials in a none lobbying way but to the benefit of their employer. Contact restrictions and cooling off periods may be applicable here as well.

Some might argue that the existing restrictions are more than enough. They may be right, especially as it relates to lobbying, but if we are going to have them at all, it needs to be explored if the logic of only applying them only to lobbying jobs makes sense or is there a rational for running more jobs through this prism of restraint.

In any event, tougher restriction on the back end of government service may be a more fruitful way of self select candidates for government service. It attract individuals who are willing to make the financial sacrifice in the first instance by going into government to serve the president and his agenda as well as discouraging any preoccupation with how they are going to cash in when they are through.

I understand some of the logic in having front end restrictions on lobbyists from entering the government. I have observed, and increasingly so, many come and stay in Washington for the sole purpose of pursuing a lobbying career, notwithstanding the issues they work on, and god bless them. However, entering government service is not a right nor should it be viewed as just another rung in their career ladder.

On the other hand, many have come here to fight for issues or deeply held beliefs and lobbying is just a means to that end . For others, it is something you do when you cannot serve in government.

Unfortunately, The Administration's current criteria are indiscriminate in this regard. They exclude individuals with substantial experience and or a devoted passion that is completely consistent with the administration's agenda. I can appreciate difficulty in sorting through every candidate's motivation for service. But is the price of doing otherwise really worth the opportunity costs you pay.

Off the record, while the suggestions I've mentioned today are basically valid, I recognize that some will see them as unrealistic and or even distasteful. They may both be valid criticisms.

What I think is really important is that all involved in this process should be able to consider any reform , especially if it is part of a honest narrative that realistically talks about how the policy making process in Washington works, the roles we all play, there interdependence and what all the participants have to do to make it better. We should embrace reforms that take corrective steps to fix real problems and address the public's cynicism and resist rhetoric and reforms that simply feed it. One of the challenges for folks, who care about these matters, knows the difference.