

President Obama, Congress and the Battle with Interest Groups and Lobbyists

By

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**Under the Patronage of His Highness Sheikh Dr. Sultan Bin
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Candidate Barack Obama, 2008

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.

<http://www.nhpr.org/node/14408>

Today as the Democratic nominee for president, I am announcing that going forward, the Democratic National Committee will uphold the same standard—we will not take a dime from Washington lobbyists,” Obama said at a town hall meeting in Bristol, Va.

“We are going to change how Washington works. They will not run our party. They will not run our White House. They will not drown out the views of the American people.

<http://www.msnbc.msn.com/id/24989468/wid/7468326/>

my argument is not that we’re perfect. I suffer from the same original sin of all politicians, which is we’ve got to raise money,” Obama said. “But my argument has been and will continue to be that the disproportionate influence of lobbyists and special interest is a problem in Washington and in state capitals.

<http://www.iht.com/articles/ap/2007/08/17/america/NA-POL-US-White-House-Obama.php>

Introduction

The role of interest groups and lobbyists was a major issue in the 2008 presidential campaign and has been a theme of President Barack Obama's administration. Both 2008 presidential candidates banned federal registered lobbyists from their campaign organizations and President Obama restricted them from serving in his administration. President Obama has attacked the role of lobbyists in Washington and has passed several major restrictions on their access to policy making in the executive branch. Congress also passed major lobbying and ethics reforms in 2007 following several years of lobbyist scandals.¹

Lobbyists and interest groups and advocates of all kinds are increasingly influential in American elections and participate in the campaigns in a variety of ways, whether banned or not. They have an impact on the quality of campaigns and elections and on governing after candidates are elected. They fundamentally influence the way issues and problems are framed and ultimately the way policy is made in Washington. They promote candidates and issues, raise money, sway voters, and continue their influence through major issue campaigns after an election. They provide critical campaign services such as issue advocacy advertising, polling, advice about media strategy, organizing get-out-the-vote (GOTV) strategies, general tactical guidance for candidates, and many volunteers.² These services continue during major issue battles in the policy process. However, scholars have focused primarily on lobbyist and interest group monetary contributions to campaigns, especially contributions through political

¹ Honest Leadership and Open Government Act of 2007 (Pub. L. 110-81, 121 Stat. 735 [September 14, 2007]).

² See James A. Thurber and Candice J. Nelson, eds., *Campaign Warriors: Campaign Consultants in Elections* (Washington, DC: Brookings Press, 2000), and Stephen K. Medvic, *Political Consultants in U.S.*

action committees (PACs).³ Less is known about the more subtle and nontransparent forms of services for candidates, political parties, and issue campaigns such as nonmonetary contributions.⁴ Professional campaign consultant services from lobbying groups are not easily measured, though they often play a key role in winning modern elections. It is the variety of services the lobbyist-consultant provides in the campaign that sets the foundation for the powerful roles many are beginning to play in post-election governing.

What is the difference between lobbying and public advocacy? Public advocacy and lobbying basically come from the same source, that is, a fundamental right of free speech, assembly and the right to petition government guaranteed by our Constitution; however, a federal registered lobbyist is defined in law.⁵ Lobbying plays an essential role in the five key functions of Congress (and state and local legislative assemblies): representation, lawmaking, deliberation, oversight, and the education of the American public. It also plays an essential role in the administration of public policy in the executive branches of government. Whether called lobbying or advocacy, it is an honorable profession, but this profession has been deeply sullied by the illegal actions and conviction of Jack Abramoff, the criminal convictions of Representatives “Duke”

Congressional Elections (Columbus: Ohio State University Press, 2001), for an analysis of the role of campaign consultants in elections.

³ For a thorough discussion of the money involved in election campaigns, see Larry Makinson, “What’s Ethics Got To Do With It?” in *Shades of Gray: Campaign Ethics*, ed. Candice J. Nelson, David Dulio, and Stephen K. Medvic (Washington, DC: Brookings Press, 2002).

⁴ See David A. Dulio and James A. Thurber, “The Symbiotic Relationship Between Political Parties and Political Consultants: Partners Past, Present and Future,” unpublished paper, Center for Congressional and Presidential Studies, American University, October 2001, for an analysis of the relationship of consultants and political parties in U.S. elections. See James A. Thurber, chap. 9, “From Campaigning to Lobbying,” in *Shades of Gray: Perspectives on Campaign Ethics* (Washington, DC: Brookings Institution Press, 2002), 151–70, for an earlier analysis on this topic.

Cunningham and Bob Ney, the conviction of Representative William Jefferson, the indictment and resignation of Representative Tom DeLay, the conviction (later overturned) of Senator Ted Stevens and questionable actions of Congressman Richard Pombo of California, who lost his seat in Congress, as well as many other lobbying scandals. Five former congressional aides pleaded guilty to criminal charges. On January 15, 2010, the House Ethics Committee announced they were investigating Representatives Todd Tiahrt (R-KS) and Peter Visclosky (D-ID) for their ties with the PMA group lobbying firm that was raided by the FBI in late 2008. A multitude of other accusations and convictions against more than two dozen lobbyists Members of Congress and staff resulted from these lobbying-related scandals occurred from 2006 to early 2010. All of this has damaged our democracy and weakened the people's trust in how Washington works. Even after major congressional reforms in 2007, presidential candidates Obama and McCain calling for more changes in the way Washington works, and President Obama's new lobbying and ethics rules, the scandals continue. The overwhelming public perception of lobbying is that it is bad, a corrupting influence on government (See Appendix).

By official estimates, lobbying is the third-largest enterprise in our nation's capital, after government and tourism. As of January 1, 2009, there were over 22,000 federal-registered lobbyists representing virtually every type of interest in America. The number of persons employed in Washington who either are lobbyists or are associated with all dimensions of the advocacy industry (registered and unregistered advocates and supporting institutions) has been estimated to be well over 150,000. Spending by registered lobbyists has increased sixty-two percent in the last five years from \$2 billion

Add 20%, two contacts definition from the LDA.

to \$3.18 billion in 2008, but that is just the visible, registered activities. The \$3.18 billion is just the tip of the lobbying expenditures iceberg, because it includes only what is recorded by registered lobbyists in public records. This averages to over \$17 million in lobbying expenditures each day Congress was in session in 2008. This does not include money spent for grassroots organizing, coalition building, issue advertising on television, radio, and in the print media, and advocacy on the Internet. Some estimate that the total spent on lobbying is closer to \$9 billion per year in Washington—or about three times the officially reported amount.

There are lobbying scandals that have nothing to do with breaking the law as did Jack Abramoff and others. Rather, these continuing ethical questions center on the huge sums of money put into the process by lobbyists and interest groups, and the strong human norm of reciprocity that naturally follows between those who spend large sums on lobbying for public policy outside of government and those in government who benefit, however indirectly, from those lobbying expenditures.

Congress passed the Honest Leadership and Open Government Act of 2007 (Pub. L. 110-81, 121 Stat. 735 [September 14, 2007]) (hereafter “HLOGA”).⁶ This major lobbying and ethics reform attempted to slow or stop the “revolving door” between public service and lobbying, to curb excesses in privately funded travel and gifts, and to enhance disclosure and transparency of lobbying activities. HLOGA was supposed to make it easier for the public to know about campaign contributions from lobbyists to lawmakers and to make it easier for the public to know about lobbyist advocacy topics,

⁶ This was a Senate and House Statutory Reform, by amending the Lobbyist Disclosure Act of 1995 (Pub. L. 104-65, 109 Stat. 691) (LDA), the Federal Election Campaign Act, the Ethics in Government Act, the Indian Self-Determination and Education Assistance Act, and revising congressional pension provisions in the Civil Service Retirement System.

targets, and expenditures. The LDA and HLOGA define lobbying and lobbyists and require those who register under the acts to disclose the identities of people attempting to influence government, the subject matters of their attempts, and the amounts of money they spend to accomplish their goals on a quarterly basis.

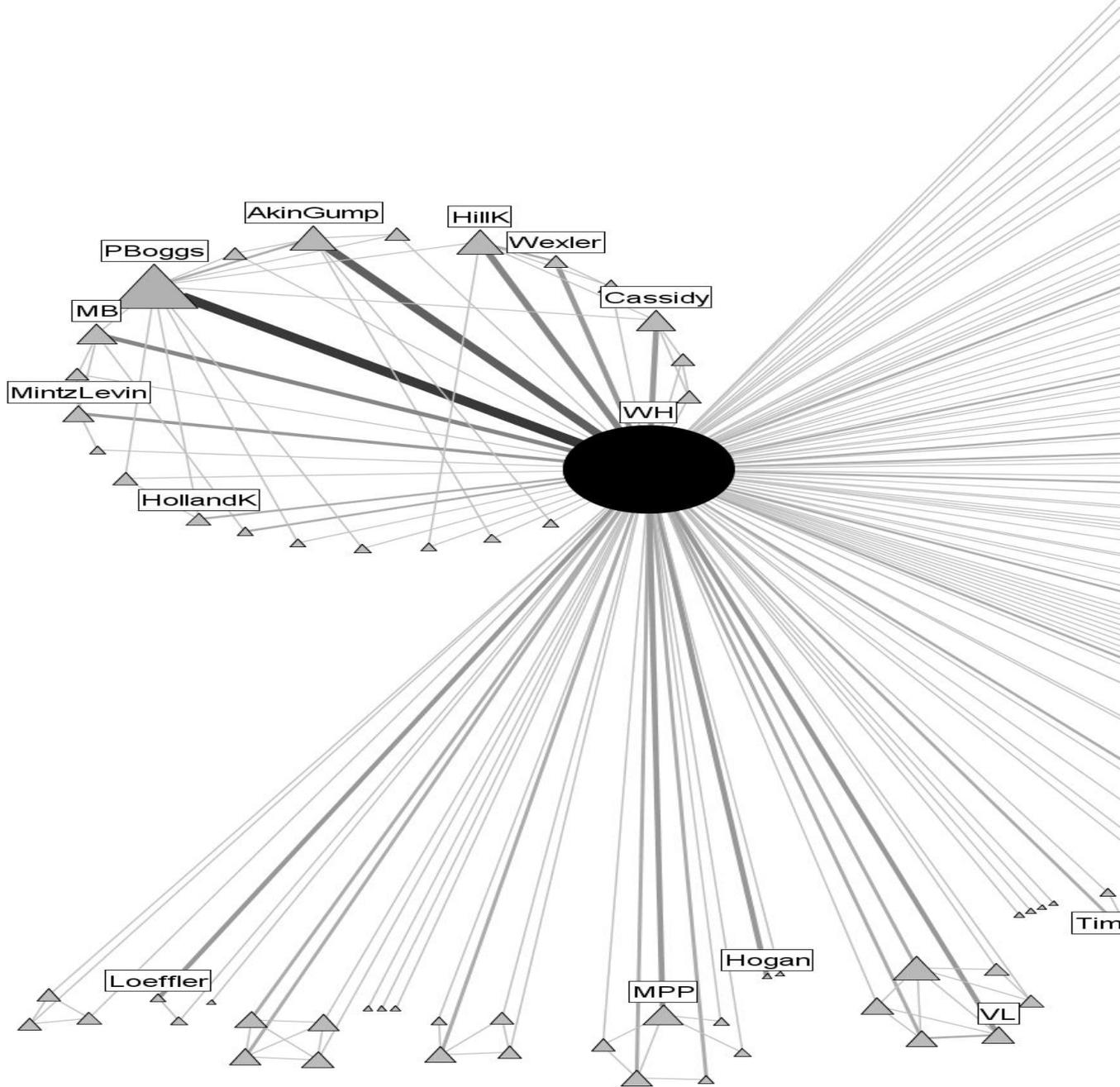
All of these reforms (and more) were pushed by Senators Obama and McCain and later used in the 2008 presidential campaign and part of President Obama's attempt to reform the way lobbyists work in Washington. President Obama has continued his zeal to reform lobbying and the way "Washington works" since his election, especially instituting a strong code ethics, gift ban, improving transparency in governing, and stopping the "revolving door" of lobbyists coming into government and leaving government. During the transition period, President-elect Obama limited participation by lobbyists, and on his first day in office he issued an executive order restricting the "revolving door" of lobbyists in and out of government (see Appendix for President Obama's January 21, 2009, executive order on the revolving door, "Ethics Commitments by Executive Branch Personnel"). This was a popular issue in the campaign (see tables in Appendix for CCES public opinion survey results). After the economic crisis, government corruption was the second-most important issue mentioned by voters in national surveys in 2008 and the most important issue among the electorate in the midterm election of 2006 (see Appendix for 2008 CCES questions and other surveys on lobbying reform). Both candidates promised not to hire lobbyists in their campaigns or after getting elected. What was the reality of the two campaigns with respect to lobbyists? Forty-two top campaign staffers for McCain were recently lobbyists/advocates and twenty-three top campaign staffers for Obama were recently lobbyists/advocates.

The 2007 congressional reform (HLOGA) prohibits senior Senate staff and Senate officers from lobbying contacts with the entire Senate for two years, instead of just their former employing office. The new act also prohibits senior House staff from lobbying their former office or committee for one year after they leave House employment, no change from the rule before passage of the act.

What has been the reality of the White House “revolving door” that President Obama has been trying to stop? The following diagram reveals the complexity and extent of that avenue in and out of power, before President Obama’s 2009 reforms. The network analysis of the White House “revolving door” shows the linkages among lobbyists reported from the official public LDA-filed reports, June 2006.⁷ The strongest linkages in and out of the White House were with Patton Boggs, Hill Knowlton, Akin Gump, Wexler Walker, and Cassidy and Associates. This revolving door is well established and something that will be difficult to control, even with the new presidential executive order (see

⁷ Each lobbyist is linked to the others by shared places of former employment. The circles indicate public employment; the White House is in the center. The triangles indicate private-sector positions. The darker shades indicate greater “betweenness” or centrality of those going through the White House “revolving door.” The larger and darker lines reveal a greater number of people to other nodes and suggest more centrality. Data for this network analysis was compiled by Professor Timothy M. Lapira, currently at the College of Charleston, while he was a research fellow with the Center for Congressional and Presidential Studies, American University, are combined across nine reporting periods from 1998 to 2006 to show the White House revolving door to lobbying firms. Only the top/largest twenty-five lobbying firms are shown.

appendix).



The White House revolving door shown in this network analysis is prohibited by President Obama's executive order, but it will be difficult to break old habits in the way

Washington works. Advocates, but non-federal registered lobbyists, have already populated the Obama White House and departments. After January 21, 2009, presumably this diagram will have no federal-registered lobbyists coming in or going out of the Obama White House, thus attempting to change the way Washington has worked.

The recent scandals and the campaign rhetoric of Obama and McCain are directly related to the metamorphosis of campaign consultants to advocates and federal-registered lobbyists. They play a key part in access and lobbying battles with the elected public officials. The election and later advocacy activities of former senator Tom Daschle and John Podesta, president of the Center for American Progress, who both played key roles in the Obama campaign and his transition, are outside existing campaign finance and lobbying laws because they are not federal registered lobbyists. Advocates and interest groups present serious ethical dilemmas for campaign consultants-turned-lobbyists who build close reciprocal relationships with candidates-turned-elected or appointed officials. Are the overlapping worlds and revolving door of lobbyists/advocates in campaigns overly influencing the outcomes of public policy debates and governing, and undermining campaigns and ultimately American democracy as argued by candidate/President Obama?

To answer this question, several ethical problems presented by lobbyist- interest group activity in contemporary election campaigns are described in this chapter. The first problem, the enormous amount of campaign money raised and spent by interest groups for candidates and political parties, raises serious ethical questions about corruption in financing elections.⁸ The cost of all presidential and congressional campaigns, including

⁸ Michael J. Malbin and Thomas J. Gais, *The Day After Reform: Sobering Campaign Finance Lessons from the American States* (Albany: Rockefeller Institute Press, 1998); Robert K. Goidel, Donald A. Gross, and

soft money and issue advertising by interest groups, reached approximately \$5 billion in the 2008 electoral cycle, more than doubling campaign expenditures four years earlier.⁹

A second problem, the amount of issue advertising, independent expenditures, and campaign services raised from interest groups, can dwarf the input from constituents and other groups, thereby introducing conflict of interest problems and narrow-interest-group influence on elections and public policymaking. This may undermine the “common good” through the maximization of narrow interests and the enhancement of oligarchy in the U.S. political system.¹⁰ This is something candidate Obama tried to reduce by soliciting small contributions for his campaign through the Internet and by encouraging people to give to his campaign rather than 527 groups that were involved in the campaign.

Third, interest groups feed the negative effects of the “permanent campaign,” defined by Hecla as, “the combination of image making and strategic calculation that turns governing into a perpetual campaign and remakes government into an instrument designed to sustain an elected official’s popularity.”¹¹ This results in an unrelenting demand from incumbents for campaign funds that are more easily collected from particular interest groups than broad-based networks. In an era of partisan parity, the permanent campaign creates the need for advice from campaign consultants-lobbyists

Todd G. Shields, *Money Matters* (Lanham, MD: Rowman & Littlefield, 1999); and David Magleby and Candice J. Nelson, *The Money Chase: Congressional Campaign Finance Reform* (Washington, DC: Brookings Press, 1990).

⁹ Burdett Loomis, “The Industry of Politics,” unpublished manuscript, Department of Political Science, University of Kansas (November 2001), 1.

¹⁰ See Jeffrey A. Winters and Benjamin I. Page, “Oligarchy in the United States?,” *Perspectives on Politics* Volume 7, Number 4, December 2009, pp. 731-751.

¹¹ Hugh Hecla, “Campaigning and Governing: A Conspectus,” in *The Permanent Campaign and Its Future*, ed. Norman Ornstein and Thomas Mann (Washington, DC: American Enterprise Institute and the Brookings Institution, 2000), 3; and see Sidney Blumenthal, *The Permanent Campaign* (New York: Simon and Schuster, 1982), 7, for definition of the permanent campaign.

that is broadened beyond the strategy of conducting a winning campaign to include which issues and policies to embrace in order to win the next election. National politics has thus gone past the stage of campaigning to govern and has reached the “more truly corrupted condition of governing to campaign,” with campaign consultants and lobbyists playing a central role in the phenomenon.¹²

Fourth, when interest groups participate in election campaigns, through money or services, and also hire or are their own lobbyists, it introduces serious ethical questions of conflict of interest about who is paying for what and with what consequences for public policymaking. Who are the lobbyist-consultants loyal to—the issues as lobbyists, or the candidates and campaign consultants? Ethicist Tom DeCair of the Josephson Institute of Ethics argues that “[t]his appearance of conflict can be as damaging as a real conflict.”¹³

Fifth, problems stem from a major norm of pluralist democracy and political life generally, reciprocity. Reciprocity is one of the strongest imbedded norms in public life. It is directly related to ethical dilemmas that occur in the linkage among consultants, lobbyists, and elected public officials. The “iron law of reciprocity” is like gravity. It is beyond dispute, but hard to confirm without rigorous testing. Reciprocity is defined as: “To return in kind or degree; the mutual or equivalent exchange or paying back of what one has received; a mutual exchange; mutual dependence, action or influence; a mutual exchange of privileges.”¹⁴ Reciprocity is expected in personal relationships and it is a strong influence on political relationships in campaigns, lobbying, and public policymaking.

¹² Heclo, *The Permanent Campaign*, 34.

¹³ See Connor, “Principles for the Ethical Conduct of Lobbying,” 5, and Tom DeCair of the Josephson Institute of Ethics quoted in McGreevy, *Los Angeles Times*, February 11, 2001, B-2.

¹⁴ *Webster’s New Ninth Collegiate Dictionary* (Springfield, MA: Merriam-Webster, 1983), 983.

Reciprocity can be the basis of the movement of people through the political and government “revolving door” shown above. Reciprocity, campaign contributions, and the drive for political self-preservation (reelection) are central to these ethical dilemmas. Candidates with the most campaign resources are often able to hire campaign professionals with the best reputations, thus improving their probability of winning elections. Most of these campaign contributions (money, volunteers, and services) come from powerful businesses, unions, associations, and interest groups.¹⁵ Campaign consultants with the best reputations also help generate campaign funds, thus helping to build incumbency advantage. These consultants are successful during an election year and also in off-election years because their business volume relies on both campaigns and lobbying. Thus, electoral success for consultants often leads to lobbying success and this presents a dilemma. Where is their loyalty when consultant-lobbyists are simultaneously working for an interest group and several candidates for public office, especially when income is involved? What are the motivations of those giving campaign contributions and hiring campaign consultants who are also lobbyists? This linkage of mutual exchange is at the heart of contemporary politics in the United States, but may undermine the civic responsibility of the actors and reduce public trust in the policymaking process.

Campaign consultants and lobbyists are at the nexus of policymaking networks as shown in the revolving door network analysis shown earlier.¹⁶ Both build relationships that help bring money to campaigns to help candidates win and to influence elected public officials. The influence starts in the campaigns and continues after elections. Relationships among campaign consultants, lobbyists, and elected and appointed officials

¹⁵ Makinson, “What’s Ethics Got To Do With It?” in *Shades of Gray: Campaign Ethics*, ed. Candice J. Nelson, David Dulio, and Stephen K. Medvic (Washington, DC: Brookings Press, 2002).

are mutually beneficial, but does that help the public? Does the advocacy relationship (protected by law) build an ethical blind spot and undermine the civic responsibility of the actors in the relationship? Is it ethical to have reciprocal relationships among consultants, lobbyists, and public officials when those alliances are not transparent and seem to go against the public interest?

The close ties of campaign consultant-lobbyist-public officials may be a factor fostering cynicism toward government and advocacy in a pluralist democracy (see Appendix for CCES 2008 questions about lobbying). Public complaints about the quality of election discourse and lack of trust in government is a sixth problem that some say stems directly from interest group activity in elections.¹⁷ The level of trust in our elections and governmental institutions has declined over the last three decades for a variety of reasons, and often the reasons given for this decline relate to the role of interest groups in campaigns and their strong influence in public policymaking generally.¹⁸

¹⁶ Thurber, "Political Power and Policy Subsystems," op.cit.

¹⁷ Jeffrey H. Birnbaum, *The Money Men: The Real Story of Fund-raising's Influence on Political Power in America* (New York: Crown Publishers, 2000), and Kenneth R. Mayer and David T. Canon, *The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma* (Boulder, CO: Westview Press, 1999).

¹⁸ Haynes Johnson and David S. Broder, *The System: The American Way of Politics at the Breaking Point* (Boston: Little Brown, 1996), and Gary C. Jacobson, *The Politics of Congressional Elections* (New York: Longman, 2001), 86–88.

All of these problems stemming from ethical dilemmas and outright scandals have serious consequences for public policymaking at all levels of government, but especially in Washington considering the scandals of the last five years. The role of interest groups and lobbyists in fund-raising, delivering campaign services, and massive unregulated political expenditures, leading to access and influence with public officials, has immeasurable effects on the quality of American democracy.

Consequences

Some scholars and journalists have presented evidence that the primary consequences of lobbyists and interest group election activities are unequal access to elected public officials, conflicts of interest, and increased suspicion, cynicism, lower voter turnout, and even resentment among the public.¹⁹ Interest groups and the lobbyists they hire have helped to transform electoral politics from party-centered, to candidate-centered, to the present “interest group”-centered system.²⁰ Interest groups have contributed greater and greater sums of money and services to candidates and parties in each campaign cycle over the last three decades. The passage of campaign finance reform legislation in 1971 and later amendments in 1974, 1976, 1979, 2002, and 2007; various tax codes; numerous regulations and decisions by the Federal Election Commission

¹⁹ See Jeffrey A. Winters and Benjamin I. Page, “Oligarchy in the United States?”, *Perspectives on Politics*, Volume 7, Number 4, December 2009, pp. 731-751; David S. Broder, *Democracy Derailed: Initiative Campaigns and the Power of Money* (New York: Harcourt, Inc., 2000); Diana Dwyre, “Campaigning Outside of the Law: Interest Group Issue Advocacy Activity,” in *Interest Group Politics*, ed. Cigler and Loomis (Washington, DC: CQ Press, 2002, 6th ed.); Ronald J. Hrebenar, Matthew J. Brubank, and Robert C. Benedict, *Political Parties, Interest Groups, and Political Campaigns* (Boulder: Westview Press, 1999); Kathleen Hall Jamieson, *Dirty Politics: Deception, Distraction and Democracy* (Oxford: Oxford University Press, 1992); Mark J. Rozell and Clyde Wilcox, *Interest Groups in American Campaigns: The New Face of Electioneering* (Washington, DC: CQ Press, 1999); and Stephen Ansolabehre and Shanto Iyengar, *Going Negative: How Political Advertisements Shrink and Polarize the Electorate* (New York: Free Press, 1995).

²⁰ Rozell and Wilcox, chap. 1.

(FEC); and a few court decisions had little or no effect on this growth of influence.²¹

Interest groups endorse candidates and contribute significant resources, both money and services, to help elect public officials and thus gain post-election access to those same officials. They do this not only to ensure electoral outcomes, but to gain access to elected public policymakers. Issue advertising and volunteered services for campaigns are nontransparent, unregulated, and have no limits.²² These interest group and lobbyist activities help build access and trust with candidates who are later elected to public office.

One problem with interest group activity in elections is that campaign consultants who help candidates get elected often have double roles and are lobbyists advocating for specialized interests to the same public officials they worked hard to elect. An example of this occurred with Mark Penn in the 2008 presidential campaign of Hillary Clinton. Mark Penn is CEO of Burson Marsteller, a major public relations firm in the WPP Group, the world's second-largest marketing and lobbying Agency Company. In addition, he is president of Penn, Schoen, and Berland Associates, a political consulting firm now also a part of the WPP Group.

Penn, a strategist for Bill Clinton's 1996 reelection campaign and for Hillary Clinton's 2000 Senate campaign, was hired by Hillary Clinton as chief strategist for her 2008 presidential run. His consulting firm was also retained by the Clinton campaign to conduct their survey research. As of spring 2008, Penn, Schoen had been paid a total of \$10.8 million by the campaign. Throughout the duration of his position with the Clinton

²¹ James L. Connor, "Principles for the Ethical Conduct of Lobbying" (Washington, DC: Georgetown University, Woodstock Theological Center, 2002), 2.

²² Makinson, "What's Ethics Got To Do With It?" in *Shades of Gray: Campaign Ethics*, ed. Candice J. Nelson, David Dulio, and Stephen K. Medvic (Washington, DC: Brookings Press, 2002).

campaign Penn retained his position as CEO of Burson and continued his work with Burson lobbying clients.

One of Penn's Burson clients was the government of Colombia, which was seeking a free trade agreement with the United States. On March 31, 2008, Penn met with Colombian officials at their embassy to help plan the strategy for pushing the Colombian Free Trade Agreement through Congress. When news of this meeting became public, the Clinton campaign faced a dilemma. Senator Clinton not only opposes the free trade agreement, but was at that point pursuing the endorsement of the United Steelworkers, whose support was available following John Edwards' exit from the presidential race.ⁱ

Clinton had remained loyal to Penn despite previous calls for his replacement; insiders stated that his strategies simply were not working and that he constantly fought with the campaign's leadership. When she heard about the meeting with the Colombian officials, however, Senator Clinton acted. On April 6, 2008, the campaign announced that Mark Penn would no longer serve as the campaign's chief strategist.ⁱⁱ Media reports and interviews with outside political figures stressed the conflict of interest inherent in Penn's dual role: representing clients on both sides of a contentious issue. There had been calls from union officials for his ouster, and Clinton could not afford to retain him as chief strategist for her campaign.

She did, however, continue to rely on him for polling. According to some campaign sources, he was also included in strategy discussions taking place after he left his position as official strategist.ⁱⁱⁱ This is not surprising; since a campaign's pollster provides the data and analysis on which the strategies are based, the pollster generally plays a part in the strategy discussions.

Colombia had contracted with Burson to help promote passage of the trade agreement, but despite an apology from Penn, the contract was immediately cancelled. Colombian president Uribe said that Penn's calling the meeting "an error in judgment" showed "a lack of respect to Colombians."^{iv} While most media sources seemed to take the offense very seriously, the general response from Burson and others in the industry was that Penn's error was not that serious.

The American League of Lobbyists code of ethics (see Appendix), Article IV, in proscribing conflicts of interest, states that "a lobbyist should not continue or undertake representations that may create conflicts of interest without the informed consent of the client or potential client involved."

The ALL code specifically deals with the situation in which Mark Penn placed himself. It states that "a lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position." Although large public relations firms often find themselves in just this position, they justify it by erecting a "firewall" between the individuals working with the two opposing clients. When the same individual is working with both clients simultaneously, however, there can be no firewall. It is a clear breach of the ethics code. According to the ALL Code, Senator Clinton was fully justified in asking Penn to leave his position as chief strategist for the campaign. He crossed a clear line in representing clients on opposing sides of an issue, and another line in apparently failing to seek "informed consent of the client or potential client involved." Still, she retained him as a pollster for the campaign and, according to a Burson memo released by *The Wall Street Journal*; he continued his involvement in strategic discussions in that capacity.^v CBS News reported on April 8 that

Penn was working with several additional clients whose positions were diametrically opposed to Clinton's campaign rhetoric, including Royal Dutch Shell, U.S. Tuna Foundation, tobacco's Altria Group, Merck and Pfizer, and others. Fred Wertheimer, president of Democracy 21, an ethics watch organization, called Penn's activities "a classic example of how big money has inextricably intertwined the advising and lobbying worlds of modern-day Washington with potential conflicts of interest all over the place."^{vi}

WPP and Burson, however, while agreeing that Penn made an error in judgment in the Colombia case, defined that error differently. According to Howard Paster, executive vice president of WPP, Penn's visit with the Colombians was a routine courtesy call, not a meeting to discuss the trade agreement. The "error" for which Penn apologized was not in creating a conflict, but in causing negative publicity for one client and political problems for the other. "If he'd not gone to the embassy," Paster said, "there would have been an appropriate firewall between him and the client."^{vii}

It is common practice for large public relations and lobbying firms to represent clients who happen to have conflicting positions on specific individual issues. They defend this practice by explaining that their contracts with those clients involve consulting on a variety of matters and it is possible for individual conflicting issues to arise during the course of the general contracts. A firewall is set up between personnel working on behalf of the two sides and there is no information sharing between those sides.

Even when a firm is very large, some people believe that it is not possible to create a firewall sufficient to keep information from the opposing sides totally separate

and that the situation must be considered a conflict of interest. In an April 7 *Newsweek* column, titled “What Was Hillary Thinking?” Howard Fireman pointed out: “Only among insiders in Washington would this kind of arrangement [Penn’s dual lobbying and advising roles] be considered even vaguely acceptable.”

Other consultants have given up their outside roles when working with presidential campaigns. Karl Rove, for example, was instructed to get rid of the political direct mail firm he had headed for eighteen years when he signed with the Bush campaign.^{viii} John McCain established a strict conflict of interest policy for his campaign that reflects his strong position on lobbying and ethics. Obama had a similar policy when he entered the presidential race.^{ix}

Many political consultants combine lobbying with their political practices. When campaigns first professionalized in the late 1960s and early 1970s and political consulting became a profession, political professionals faced huge drops in income between election years. Gradually, many turned to representing other interests, especially in the off years, since those clients could benefit by the consultants’ connection to political figures. Today, many of these firms rely far more heavily on commercial clients than on their political clients—the income as well as the regularity of that income is far better.

Interest groups and lobbyists are heavily involved in campaigns in myriad ways. For example, *Fortune Magazine*’s top twenty-five lobbying groups and lobbyists (lobbying firms) in Washington, D.C. (see Tables 1 and 2), contributed millions of dollars to candidates in the 2000, 2004 and 2008 election campaigns to gain access to public officials. Campaign contributions are only one route to their power. Many of the top twenty-five groups and firms also contributed services (free or for a charge), such as

critical campaign advice about finance, media, and grassroots activities, directly to the 2000 presidential and congressional campaigns. Almost all of the top twenty-five firms have hired former prominent campaign activists who contributed their time to the campaigns in the 2000, 2004 and 2008 election cycles.²³ For example, several of the lobbyists-campaign consultants helped candidates for interest group clients with grassroots get-out-the-vote campaigns, such as for the National Rifle Association of America (NRA) for Republican Party candidates and the AFL-CIO for Democrat Party candidates.²⁴ Both of these interest group organizations also purchased millions of dollars worth of issue ads to assist the campaigns.²⁵ The Association of Trial Lawyers of America contributed over \$3.5 million, and the American Medical Association and the American Hospital Association over \$3.6 million, to candidates supporting their positions on the patient's bill of rights (See Appendix).²⁶ In the last decade of electoral cycles, these organizations also hired several of the top twenty lobbying firms to help candidates in the election and then to present their case to members of Congress.²⁷ These monetary and in-kind contributions (such as giving strategic campaigning advice, doing opposition research, producing media spots, paying for public opinion polls, sponsoring issue advocacy advertising to help candidates, engaging in get-out-the-vote grassroots organizing, and building electoral coalitions among groups) and the alliance between the

²³ Based on personal interviews with principals from several of the top twenty-five lobbying firms, September–October 2001.

²⁴ Based on personal interviews with principals from selected top twenty-five lobbying firms from 2001–2008. For further evidence of this activity, see case studies by David B. Magleby, ed., *Election Advocacy: Soft Money and Issue Advocacy in the 2000 Congressional Elections* (Provo, UT: Brigham Young University, Center for the Study of Elections and Democracy, 2000).

²⁵ Diana Dwyre, “Campaigning Outside of the Law: Interest Group Issue Advocacy Activity,” in *Interest Group Politics*, ed. Cigler and Loomis (Washington, DC: CQ Press, 2002, 6th ed.).

²⁶ David B. Magelby, ed., *Election Advocacy: Soft Money and Issue Advocacy in the 2000 Congressional Elections* (Provo, UT: Brigham Young University, Center for the Study of Elections and Democracy, 2000), 2.

lobbyists and these groups helped to build strong ties to those in Congress and the White House.²⁸ Candidate Obama attempted to limit campaign contributions and volunteers from the lobbying world in his 2008 campaign, but with somewhat limited success. President Obama directly attacked lobbyists by prohibiting their service in his administration.²⁹

Lobbying is the third-largest enterprise in our nation's capital after government and tourism (See Appendix). There are thousands more people lobbying legislatures, councils, and executive branches at every level of American government. Similarly, three to four thousand people are also full-time campaign professionals at the national level, but many thousands more are part-time campaign consultants for local and state politicians.³⁰ Hundreds and even thousands of people are involved in campaigns and then lobby politicians, and this presents a problem for democracy because of the lack of transparency in the relationship between elected public officials and campaign consultants-lobbyists.³¹ As the campaign consultant-lobbyist-public official identity blurs, so may their loyalty in terms of the cause, the candidate, the issue client, and the public good. Participation in the democratic process of campaigns and elections should

²⁷ Six-month lobbying reports from Secretary of the Senate/Clerk of the House for registered lobbyists, clients, issues lobbied, and expenses incurred, Legislative Resource Center, 1999–2001.

²⁸ Burdett Loomis, "The Never Ending Story: Campaigns without Elections," in *The Permanent Campaign and Its Future*, ed. Ornstein and Mann, 162–84.

²⁹ There have been eight exceptions to his revolving door rule as of January 17, 2010.

³⁰ James A. Thurber, Candice J. Nelson, and David A. Dulio, "Portrait of Campaign Consultants," in *Campaign Warriors: Political Consultants in Elections*, ed. James A. Thurber and Candice J. Nelson (Washington, DC: Brookings Press, 2000), 10–36; and Dennis W. Johnson, *No Place for Amateurs: The Professionalization of Modern Campaigns* (New York: Routledge Press, 2001).

³¹ See Hrebenar, Burbank, and Benedict, *Political Parties, Interest Groups, and Political Campaigns*, 251–70. The exact number of lobbyists involved in campaigns each election cycle is estimated to be in the thousands by party and campaign activists and interest group representatives in Washington, D.C.; however, a definitive number has not been established. The number involved in campaigns varies over time and is dependent upon the competitiveness of the presidential and congressional races.

be encouraged, but must be distinguished from questionable secret linkages among campaign consultants, lobbyists, candidates, and eventually public officials.

The exponential growth of campaign consultants and lobbyists/advocates during the last three decades has also created a proliferation of strong election campaign–lobbying-elected public official alliances. They are often not transparent to voters and they influence public policymaking at all levels of government.³² The network of alliances is not unregulated—campaign consultants, lobbyists, interest groups, candidates, and elected public officials must all abide by local, state, and federal statutes. Members of Congress for example, are bound by an extensive set of congressional ethics stemming from the Constitution, federal laws, party provisions, and House and Senate rules and codes of conduct. There are hundreds of detailed laws and rules about campaign contributions, gifts, and lobbying practices that must be obeyed throughout the United States. Lobbyists, campaign professionals, and political party professionals also have detailed codes of conduct (see Appendix, American League of Lobbyists Code of Ethics).

Do these laws and ALL code protect our elections and our democratic system from abuses by lobbyists and campaign consultants? Do they help protect the “public good”? What is the “public good” that should be preserved?³³ James Madison argues in *Federalist* No. 10 that factions or narrow interests undermine the rights of other citizens and that it is the duties of government to regulate the factions so that they do not do harm to others.³⁴ Madison continues by stating that factions are “adverse to the rights of other

³² Hrebenaar, Burbank, and Benedict, eds., *Political Parties, Interest Groups, and Political Campaigns*, 211–94.

³³ See James L. Connor, “Principles for the Ethical Conduct of Lobbying,” Woodstock Theological Center, Georgetown University, 2–3, for a discussion of lobbying and the public good.

³⁴ James Madison, “No. 10,” in *The Federalist Papers* (New York: A Mentor Book, New American Library, 1962, 2nd ed.), 79.

citizens or the permanent and aggregate interests of the community.”³⁵ In *Federalist* No. 45, Madison emphasizes that the public good seems to be a collective or communal interest that is different from the individual rights of special interests. He argues that:

It is too early for politicians to presume or forget that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object.³⁶

Where do campaign actors’ responsibilities lie—to their own interests only or to the broader body politic? The framers conclude that the civic responsibility conception of ethics is the best standard because it better serves the public good.

The major lobbying and ethics reforms in 2007 (HLOGA) and President Obama’s new regulations over lobbyists do not seem to reduce public and media suspicion of lobbyists and campaign consultants nor unethical behavior (see CCES survey results on this in Appendix).³⁷

Are the nontransparent (private) promises made to interest groups by campaign consultants (who are later lobbyists) in the names of candidates who will later become public officials ethical? Do these agreements and connections create public cynicism and distrust of government when the secret relationships are later revealed? Is the norm of reciprocity in conflict with that which is in the public interest when elected public officials are lobbied by campaign consultants who also have interest groups as clients? Do the motivations, expectations, and deliverables in the mutual exchanges of privileges among campaign consultants, lobbyists, and candidates (public officials) undermine the public trust in government and ultimately our democracy? There are no clear answers to

³⁵ Madison, *The Federalist Papers*, No. 10, 83

³⁶ Madison, *The Federalist Papers*, No. 45, 289.

these questions. They are dilemmas to be resolved by consultants, lobbyists, and elected public officials, as shown by the language about lobbying used by President Obama and candidate Senator John McCain in the 2008 presidential campaign and beyond.

Conclusions

A free, competitive, and objective media covering the electoral and issues battles, transparency of the campaign-advocacy-government connection, and strong norms of conduct by the campaign professionals, lobbyists, and elected public officials, with the voter as the judge, may be the best solution to the problems with interest group activity in elections. Ethical standards and a system of checks and oversight are necessary in our nation's democratic process if our governmental institutions are to maintain their institutional legitimacy, but can this be done simply through competition, the free press, and general guidelines for ethical behavior?

If campaign consultants, lobbyists, interest groups, and elected officials must abide by statutes, rules of the House and Senate (or other governmental bodies), and codes of ethics, then why has their activity in elections, lobbying, and government been troubling? Large sums of political contributions find their way to the nation's capital and to every state capital through election campaigns and lobbying. Public distrust and concern about ethical behavior may stem from the influence of this money and other resources flowing into election and lobbying campaigns by specialized interests, thus undermining the "public good." The corrosive effects of distrust and negative opinions about campaigns and government may come from the dilemma of clearly defining what is good and bad about campaigning and advocacy for our democracy.

³⁷ See CCPS voter survey of campaign activity, November 2000.

Campaign and lobbying ethics may help give guidance to the question of what is politically good or bad in terms of moral duty and obligation.

The activities of campaign consultants and lobbyists often present two or more equally inconsistent alternatives of what is good or bad for our democracy, as well as for themselves as professionals. What is good or bad for campaign advocacy (by campaign consultants) and/or issue advocacy (by lobbyists/advocates) is not always what is good or bad in terms of civic responsibility (protection of our democratic values) in elections and in the policy making process.³⁸ Are the lobbyists acting in support of the “public good” or for their narrow special interests?

Under First Amendment rights, interest groups have the right to lobby for their public policy goals, but they also have a civic responsibility to the overall democratic system. However, ultimately the ethical behavior of consultants and lobbyists should support the common good. The common good is about the enduring well-being of the political community as a whole. The common good comprises a “broad range of human goods to which people are jointly committed and for which they accept final responsibility.”³⁹ As the preamble of the U.S. Constitution makes clear, America is not a collective for individual or group benefit, but a carefully balanced network of free institutions deliberately designed to secure the common good through competition and division of power. The founders articulated the common good in memorable terms: “to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for

³⁸ See Dale E. Miller and Stephen K. Medvic, “Chapter 2--Campaign Ethics: A Framework” *Shades of Gray: Perspectives on Campaign Ethics*, Nelson, et al. (Eds.), (Washington, D.C.: Brookings Institute, 2002), pp. 18-38.

³⁹ Connor, “Principles for the Ethical Conduct of Lobbying,” p. 2.

ourselves and our posterity.” The ultimate public good for campaign consultants, lobbyists, interest groups, and elected officials is not to ban lobbyists from government and campaigns but to rise above private interests and desires in order to discern what is good for the country as a whole. This public-spirited frame of mind is tough to achieve but an indispensable ingredient of ethics and civic virtue and good campaign conduct. It is a fundamental condition of a sustainable democratic civilization.

The lobbying and ethics reforms of 2007 and President Obama’s efforts to change the way Washington works (see 2009 executive orders in Appendix) boil down to three basic principles of sound government: transparency, accountability, and enforcement.

First, there must be transparency. In the broadest terms, transparency means that decisions should be made in the open, following rules that are universally understood. The reasons why a decision is made should be stated clearly and debated fairly. Reasonable alternatives must be allowed to be presented and must be weighed against each other. All parties must be heard.

Second, there must be accountability. In general, it must be clear who is assigned a given task—including who is responsible for monitoring and maintaining ethical behavior for an organization. Those who are assigned a task must be judged according to their performance, which must be documented fairly and openly. Also, those with responsibility must be given the tools to fulfill it, and other authorities must not interfere to pursue their own purposes.

And finally, there must be enforcement. In the first instance, rules should be followed. If and when rules are violated, those who have done so must be identified and suitable

sanctions must be imposed, lest the failure to do so should encourage successively greater and greater violations.

Today in Washington, lobbying and its regulation and enforcement of existing law related to lobbying fall far short of fulfilling these three basic principles. Lobbying disclosure, especially with the dramatic growth in deregistration of federal registered lobbyists in 2009, is limited in its reach across the many forms of public issue advocacy. Increased deregistration (about 4,000 in 2009) has resulted a lack of transparency about who is advocating for whom, on what issue, and most importantly, about how much they are spending on those lobbying campaigns.

Accountability and compliance with the law, let alone strong ethical norms, is spotty and often relies completely on media investigation and reporting of questionable behavior. Do the networks among lobbyists, campaign consultants and public officials identified earlier in this analysis matter? Do these networks dominate major public policy making? Do these networks push public policy in directions harmful to most citizens, against the common good? President Obama has set a new high standard of transparency, accountability, enforcement, and participation to address these questions, but the implementation and impact his reform policies are not yet transforming the way Washington works. The pathway to influence in Washington is constitutionally and politically based on a pluralist-representative democracy that produces economic policies that are often against the public interest.⁴⁰ Moreover, he has worked closely, often in a non-transparent way, with networks of interest groups and lobbyists/advocates in crafting the economic stimulus funding, health care reform, the federal budget, climate change

⁴⁰ See Jeffrey A. Winters and Benjamin I. Page, "Oligarchy in the United States?", *Perspectives on Politics*, Volume 7, Number 4, December 2009, 731-752.

legislation, education reform, and a wide array of other issues on the public policy agenda in 2010. President Obama’s rhetoric of greater transparency, more accountability, increased enforcement, and wider participation by the American public, is popular. They are worthy goals. However, the constitutional-political reality of Washington has so far blocked his ability to bring major change to the way decisions are made. Nevertheless, President Obama’s ethics and lobbying reforms and the congressional reforms of 2007 have helped move our democracy in the right direction.

Appendix I

Fortune Magazine’s Top 25 Lobbying Firms

Rank	Firm	Total amount given during 2000 cycle
1	Barbour, Griffith & Rogers	\$191,251
2	Patton Boggs	\$389,457
3	Verner, Liipfert, Bernhard, McPherson & Hand	\$316,175
4	The Duberstein Group	\$282,354
5	Akin, Gump, Strauss, Hauer & Feld	\$235,890
6	Timmons and Co.	\$247,594

7	Baker, Donelson, Bearman & Caldwell	N/A
8	The Dutko Group	\$201,237
9	Podesta and Mattoon	N/A
10	Clark & Weinstock	\$174,091
11	Quinn Gillespie	N/A
12	Bergner Bockorny	N/A
13	BKSH & Associates (Black, Kelly, Scruggs & Healy)	N/A
14	Cassidy & Associates	\$832,981
15	Williams & Jensen	\$270,258
16	The Wexler Group	N/A
17	Hogan & Hartson	N/A
18	Wilmer, Cutler & Pickering	\$324,850
19	Van Scoyoc Associates	\$207,343
20	The Smith-Free Group	\$197,255
21	Greenberg, Traurig	N/A
22	Washington Counsel	N/A
23	OBC Group (O'Brien Calio)	\$233,209
24	PricewaterhouseCoopers	N/A
25	Griffin, Johnson, Dover & Stewart	N/A

Sources: "The Power 25," *Fortune*, May 28, 2001; Center for Responsive Politics: <http://www.opensecrets.org/>.

Notes on data: "N/A" denotes not available or not applicable. Fund-raising data is taken from the Center for Responsive Politics, <http://www.opensecrets.org/>. The center compiles fund-raising data for only the top contributors in each industry. Therefore, financial contributions from associations/firms that are not "top contributors" do not appear in the tables. The totals listed include contributions from state/local chapters of the parent organization. The totals also include only contributions from registered lobbyists/firms. Therefore, firms that engage in both legal and lobbying work are not necessarily included. Finally, the totals do not reflect contributions from individuals within associations/firms, or from individual members of trade associations.

Appendix II

President Obama First Executive Order:

http://www.whitehouse.gov/the_press_office/ExecutiveOrder-EthicsCommitments/

Executive Order—Ethics Commitments by Executive Branch Personnel

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2009, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban Lobbyists Entering Government. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency that I lobbied within the 2 years before the date of my appointment.

“4. Revolving Door Ban Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment.

“5. Revolving Door Ban Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non career Senior Executive Service appointee for the remainder of the Administration.

“6. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“7. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 21, 2009, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that for purposes of this order “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full time, non career Presidential or Vice-Presidential appointee, non career appointee in the Senior Executive Service (or other SES type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3) and (j) (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States

Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(h) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(i) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(j) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee’s former employer to whom the appointee did not personally provide services.

(k) “Directly and substantially related to my former employer or former clients” shall mean matters in which the appointee’s former employer or a former client is a party or represents a party.

(l) “Participate” means to participate personally and substantially.

(m) “Post-employment restrictions” shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(n) “Government official” means any employee of the executive branch.

(o) “Administration” means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(p) “Pledge” means the ethics pledge set forth in section 1 of this order.

(q) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2009.

Sec. 3. Waiver.

(a) The Director of the Office of Management and Budget, or his or her designee, in consultation with the Counsel to the President or his or her designee, may grant to any

current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of the Office of Management and Budget, or his or her designee, certifies in writing (i) that the literal application of the restriction is inconsistent with the purposes of the restriction, or (ii) that it is in the public interest to grant the waiver. A waiver shall take effect when the certification is signed by the Director of the Office of Management and Budget or his or her designee.

(b) The public interest shall include, but not be limited to, exigent circumstances relating to national security or to the economy. De minimis contact with an executive agency shall be cause for a waiver of the restrictions contained in paragraph 3 of the pledge.

Sec. 4. Administration.

(a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; to ensure that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President or his or her designee prior to the appointee commencing work; to ensure that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and generally to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or his or her designee.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) above;

(2) in consultation with the Attorney General or the Counsel to the President or their designees, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) in consultation with the Attorney General and the Counsel to the President or their designees, adopt such rules or procedures as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 1 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.205 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations;

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(4) in consultation with the Director of the Office of Management and Budget, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure and on steps the executive branch can take to expand to the fullest extent practicable disclosure of such executive branch procurement lobbying and of lobbying for presidential pardons, and to include in the report both immediate action the executive branch can take and, if necessary, recommendations for legislation; and

(5) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, or their designees, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service; and to include in the report both immediate action the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement.

(a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures

to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions.

(a) No prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(1) authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(f) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

BARACK OBAMA

THE WHITE HOUSE,

January 21, 2009

Appendix III

<i>Fortune Magazine's Top 25 Lobbying Groups</i>		Total Amount Given During Cycle		
Rank (in 2000)	Firm	2000	2004	2008
1	National Rifle Association of America	\$3,140,346	\$1,150,130	\$1,161,612
2	AARP	N/A	N/A	N/A
3	National Federation of Independent Business	N/A	N/A	N/A
4	American Israel Public Affairs Committee	N/A	N/A	N/A
5	Association of Trial Lawyers of America	\$3,637,450	\$2,661,000	N/A
6	AFL-CIO	\$2,486,689	\$1,472,210	\$1,302,858
7	Chamber of Commerce of the United States of America	N/A	N/A	N/A
8	National Beer Wholesalers Association	\$2,244,911	\$2,472,574	\$3,049,800
9	National Association of Realtors	\$4,144,846	\$4,042,227	\$4,322,090
10	National Association of Manufacturers	N/A	N/A	N/A
11	National Association of Home Builders of the United States	\$2,548,177	\$2,418,913	\$2,685,625
12	American Medical Association	\$2,281,519	\$2,327,260	\$1,899,642
13	American Hospital Association	\$1,843,719	\$2,087,977	\$2,103,761

14	National Education Association of the United States	\$3,175,488	\$2,123,497	\$2,550,147
15	American Farm Bureau Federation	N/A	N/A	N/A
16	Motion Picture Association of America	\$134,201	N/A	N/A
17	National Association of Broadcasters	\$819,650	N/A	N/A
18	National Right to Life Committee	\$110,009	N/A	N/A
19	Health Insurance Association of America	N/A	N/A	N/A
20	National Restaurant Association	\$889,534	\$1,032,182	\$981,850
21	National Governors' Association	N/A	N/A	N/A
22	Recording Industry Association of America	\$466,243	N/A	N/A
23	American Bankers Association	\$1,927,583	\$2,261,170	\$3,154,361
24	Pharmaceutical Research & Manufacturers of America	\$454,332	N/A	\$2,555,986
25	International Brotherhood of Teamsters	\$3,169,140	\$2,155,502	\$2,508,576

Sources: “The Power 25,” *Fortune*, May 28, 2001; Center for Responsive Politics: <http://www.opensecrets.org/>.

Notes on data: “N/A” denotes not available or not applicable. Fund-raising data is taken from the Center for Responsive Politics, <http://www.opensecrets.org/>. The center compiles fund-raising data for only the top contributors in each industry. Therefore, financial contributions from associations/firms that are not “top contributors” do not appear in the tables. The totals listed include contributions from state/local chapters of the parent organization. The totals also include only contributions from registered lobbyists/firms. Therefore, firms that engage in both legal and lobbying work are not necessarily included. Finally, the totals do not reflect contributions from individuals within associations/firms, or from individual members of trade associations.

John Murtha’s 2010 PMA Earmarks and 2008 Campaign Contributions

Earmark recipient and address	Value of requested earmark in 2010 budget ⁴¹	Payments to PMA in 2008 for lobbying services ⁴²	Contributions in 2008 election cycle ⁴³
Advance Acoustic Concepts Lemont Furnace, Pa.	\$5 million	\$120,000	\$40,200
Argon ST Smithfield, Pa. (branch office)	\$8 million	\$190,000	\$42,500
MTS Technologies Johnstown, Pa	\$5 million	\$40,000	\$26,600
Planning Systems Inc. Uniontown, Pa. (branch office)	\$2.3 million	\$120,000	\$ 35,950
UFR/QTL Chem-Bio Defense Systems Lemont Furnace, Pa	\$3.5 million	\$160,000	\$5,600
MobilVox Inc. Indiana, Pa. (branch office)	\$2 million	\$70,000	\$18,400
PMA Group	n/a	n/a	\$28,300
Totals	\$29.8 million	\$730,000	\$197,550

⁴¹ Earmark figures can be found on Rep. Murtha's website at http://www.murtha.house.gov/index.php?option=com_content&task=view&id=646&Itemid=84

⁴² Source: Center for Responsive Politics, "PMA Group," available at <https://www.opensecrets.org/lobby/firmsum.php?lname=PMA+Group&year=2008>

⁴³ Most of these figures are from Center for Responsive Politics, "Top 100 Contributors: John Murtha at <https://www.opensecrets.org/politicians/contrib.php?cid=N00001408&cycle=2008&type=C&newMem=N&recs=100>. The UFR/QTL donations required further searches on the Center for Responsive Politics website. Includes PAC contributions.

Jim Moran's 2010 PMA Earmarks and 2008 Campaign Contributions

Earmark recipient and address	Value of requested earmark in 2010 budget ⁴⁴	Payments to PMA in 2008 for lobbying services ⁴⁵	Contributions in 2008 election cycle ⁴⁶
General Dynamics Fairfax, Va.	\$2 million	\$280,000	\$12,300
DDL Omni Engineering McLean, Va.	\$3 million	\$80,00	\$2,300
EM Solutions Arlington, Va.	\$3 million	\$40,000	\$4,000
ITT Corporation Alexandria, Va.	\$2 million	\$550,000	\$10,000
MobilVox Inc. Reston, Va. (Headquarters)	\$2 million	\$70,000	\$6,600
Rockwell-Collins Reston, Va.	\$1 million	\$120,000	\$12,000
Argon ST Fairfax, Va. (Headquarters)	\$3 million	\$190,000	\$10,300
Artis Falls Church, Va.	\$1 million	\$80,000	\$4,000

⁴⁴ Earmark figures can be found on Rep. Moran's website at http://moran.house.gov/appropriations_requests.shtmlhttp://www.murtha.house.gov/index.php?option=com_content&task=view&id=646&Itemid=84

⁴⁵ Source: Center for Responsive Politics, "PMA Group," available at <https://www.opensecrets.org/lobby/firmsum.php?lname=PMA+Group&year=2008>

⁴⁶ Most of these figures are from Center for Responsive Politics, "Top 100 Contributors: Jim Moran at <https://www.opensecrets.org/politicians/contrib.php?cid=N00002083&cycle=2008&type=I&newMem=N&recs=100>. The figures for DDL Omni Engineering required further searching.

Planning Systems Reston, Va. (Headquarters)	\$1.5 million	\$120,000	\$21,900
PMA Group ⁴⁷	n/a	n/a	\$38,500
Totals	\$18.5 million	\$1,530,000	\$121,900

Appendix IV

CCPS/CCES Lobbying and Ethics Questions—Pre and Post Election Surveys, October and November 2008

CCPS/CCES Lobbying and Ethics Questions—Pre Election Survey

1. If elected President, how likely is it that Barack Obama will be influenced heavily by lobbyists and special interest groups? [*Percent listed is percent of those answering the question. Number in parentheses is actual number of respondents selecting that answer.*]

Very likely	41.05% (408)
Somewhat likely	19.22% (191)
Not very likely	20.82% (207)
Not at all likely	9.46% (94)
Not sure	9.46% (94)

2. If elected President how likely is it that John McCain will be influenced heavily by lobbyists and special interest groups?

Very likely	34.44% (343)
Somewhat likely	23.69% (236)
Not very likely	22.99% (229)
Not at all likely	9.34% (93)
Not sure	9.54% (95)

⁴⁷ PMA Group was actually Rep. Moran's top contributor for the 2008 election cycle.

3. Is it possible to run for President in today's world without having ties to any lobbyists and special interest groups?

Yes	24.80% (248)
No	48.60% (486)
Not sure	26.60% (266)

4. Is Barack Obama more ethical, less ethical, or about as ethical as most politicians?

More ethical	36.67% (366)
Less ethical	32.57% (325)
About as ethical as most	25.15% (251)
Not sure	5.61% (56)

5. Is John McCain more ethical, less ethical, or about as ethical as most politicians?

More ethical	35.87% (358)
Less ethical	21.64% (216)
About as ethical as most	35.97% (359)
Not sure	6.51% (65)

6. If elected President, how likely is it that Barack Obama will change the way Washington works?

Very likely	30.39% (303)
Somewhat likely	27.68% (276)
Not very likely	14.64% (146)
Not at all likely	20.66% (206)
Not sure	6.62% (66)

7. If elected President, how likely is it that John McCain will change the way Washington works?

Very likely	13.04% (130)
Somewhat likely	23.67% (236)
Not very likely	27.88% (278)
Not at all likely	30.29% (302)
Not sure	5.12% (51)

CCPS/CCES Lobbying and Ethics Questions—Post Election Survey

1. How likely is it that President Elect Obama will be influenced heavily by lobbyists and special interest groups?

Very likely	37.82% (306)
Somewhat likely	19.65% (159)
Not very likely	24.35% (197)
Not at all likely	9.77% (79)
Not sure	8.41% (68)

2. Is President Elect Obama more ethical, less ethical, or about as ethical as most politicians?

More ethical	37.79% (305)
Less ethical	24.41% (197)
About as ethical as most	29.12% (235)
Not sure	8.67% (70)

3. How likely will President Elect Obama change the way Washington works?

Very likely	24.41% (197)
Somewhat likely	31.60% (255)
Not very likely	18.71% (151)
Not at all likely	19.21% (155)
Not sure	6.07% (49)

Appendix V

American League of Lobbyists Code of Ethics

ARTICLE I—HONESTY & INTEGRITY

A lobbyist should conduct lobbying activities with honesty and integrity.

- 1.1. A lobbyist should be truthful in communicating with public officials and with other interested persons and should seek to provide factually correct, current and accurate information.
- 1.2. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information of a significant, relevant, and material nature, the lobbyist should promptly provide the factually accurate information to the interested person.

- 1.3. If a material change in factual information that the lobbyist provided previously to a public official causes the information to become inaccurate and the lobbyist knows the public official may still be relying upon the information, the lobbyist should provide accurate and updated information to the public official.

ARTICLE II—COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS & RULES

A lobbyist should seek to comply fully with all laws, regulations and rules applicable to the lobbyist.

- 2.1. A lobbyist should be familiar with laws, regulations and rules applicable to the lobbying profession and should not engage in any violation of such laws, regulations and rules.
- 2.2. A lobbyist should not cause a public official to violate any law, regulation or rule applicable to such public official.

ARTICLE III—PROFESSIONALISM

A lobbyist should conduct lobbying activities in a fair and professional manner.

- 3.1. A lobbyist should have a basic understanding of the legislative and governmental process and such specialized knowledge as is necessary to represent clients or an employer in a competent, professional manner.
- 3.2. A lobbyist should maintain the lobbyist's understanding of governmental processes and specialized knowledge through appropriate methods such as continuing study, seminars and similar sessions in order to represent clients or an employer in a competent, professional manner.
- 3.3. A lobbyist should treat others—both allies and adversaries—with respect and civility.

ARTICLE IV—CONFLICTS OF INTEREST

A lobbyist should not continue or undertake representations that may create conflicts of interest without the informed consent of the client or potential client involved.

- 4.1. A lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position.
- 4.2. If a lobbyist's work for one client on an issue may have a significant adverse impact on another client's interests, the lobbyist should inform and obtain consent from the other client whose interests may be affected

of this fact even if the lobbyist is not representing the other client on the same issue.

- 4.3. A lobbyist should disclose all potential conflicts to the client or prospective client and discuss and resolve the conflict issues promptly.
- 4.4. A lobbyist should inform the client if any other person is receiving a direct or indirect referral or consulting fee from the lobbyist due to or in connection with the client’s work and the amount of such fee or payment.

ARTICLE IX—DUTY TO GOVERNMENTAL INSTITUTIONS

In addition to fulfilling duties and responsibilities to the client or employer, a lobbyist should exhibit proper respect for the governmental institutions before which the lobbyist represents and advocates clients’ interests.

- 9.1. A lobbyist should not act in any manner that will undermine public confidence and trust in the democratic governmental process.
- 9.2. A lobbyist should not act in a manner that shows disrespect for government institutions.

Source: American League of Lobbyists, <http://www.alldc.org/ethicscode.htm>.

Appendix VI

If elected President, how likely is it that Barak Obama will be influenced heavily by lobbyists and special interest groups?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	43 (10.54%)	233 (57.11%)	107 (26.23%)	12 (2.94%)	13 (3.19%)	408 (100%)
Somewhat Likely	83 (43.46%)	31 (16.23%)	58 (30.37%)	7 (3.66%)	12 (6.28%)	191 (100%)
Not Very Likely	123 (59.42%)	15 (7.25%)	63 (30.43%)	1 (.48%)	5 (2.42%)	207 (100%)
Not at All Likely	66 (70.21%)	4 (4.26%)	21 (22.34%)	1 (1.06%)	2 (2.13%)	94 (100%)
Not Sure	31 (32.98%)	11 (11.7%)	27 (28.72%)	3 (3.19%)	22 (23.4%)	94 (100%)
NR	2 (33.33%)	2 (33.33%)	2 (33.33%)	0 (0%)	0 (0%)	6 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)

$\chi^2 (20) = 398.9922$
Pr = 0.000

If elected President how likely is it that John McCain will be influenced heavily by lobbyists and special interest groups?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	196 (57.14%)	30 (8.75%)	99 (28.86%)	8 (2.33%)	10 (2.92%)	343 (100%)
Somewhat Likely	79 (33.47%)	74 (31.36%)	66 (27.97%)	7 (2.97%)	10 (4.24%)	236 (100%)
Not Very Likely	21 (9.17%)	130 (56.77%)	66 (28.82%)	5 (2.18%)	7 (3.06%)	229 (100%)
Not at All Likely	19 (20.43%)	47 (50.54%)	22 (23.66%)	2 (2.15%)	3 (3.23%)	93 (100%)
Not Sure	31 (32.63%)	14 (14.74%)	24 (25.26%)	2 (2.11%)	24 (25.26%)	95 (100%)
NR	2 (50%)	1 (25%)	1 (25%)	0 (0%)	0 (0%)	4 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)

$\chi^2 (20) = 305.9317$
Pr = 0.000

Is it possible to run for President in today's world without having ties to any lobbyists and special interest groups?

	Dem	Rep	Ind	Other	Not Sure	Total
Yes	95 (38.31%)	70 (28.23%)	74 (29.84%)	4 (1.61%)	5 (2.02%)	248 (100%)
No	154 (31.69%)	160 (32.92%)	137 (28.19%)	13 (2.67%)	22 (4.53%)	486 (100%)
Not Sure	99 (37.22%)	66 (24.81%)	67 (25.19%)	7 (2.63%)	27 (10.15%)	266 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)

$\chi^2 (8) = 25.6701$
Pr = 0.001

Is Barack Obama more ethical, less ethical, or about as ethical as most politicians?

Dem	Rep	Ind	Other	Not Sure	Total
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More Ethical	240 (65.57%)	16 (4.37%)	94 (25.68%)	6 (1.64%)	10 (2.73%)	366 (100%)
Less Ethical	27 (8.31%)	193 (59.38%)	85 (26.15%)	9 (2.77%)	11 (3.38%)	325 (100%)
About as Ethical as Most	65 (25.9%)	78 (31.08%)	81 (32.27%)	6 (2.39%)	21 (8.37%)	251 (100%)
Not Sure	15 (26.79%)	8 (14.29%)	18 (32.14%)	3 (5.36%)	12 (21.43%)	56 (100%)
NR	1 (50%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)	2 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (16) = 397.9491$ Pr = 0.000						

Is John McCain more ethical, less ethical, or about as ethical as most politicians?

	Dem	Rep	Ind	Other	Not Sure	Total
More Ethical	36 (10.06%)	204 (56.98%)	103 (28.77%)	10 (2.79%)	5 (1.4%)	358 (100%)
Less Ethical	141 (65.28%)	9 (4.17%)	58 (26.85%)	4 (1.85%)	4 (1.85%)	216 (100%)
About as Ethical as Most	141 (39.28%)	78 (21.73%)	103 (28.69%)	7 (1.95%)	30 (8.36%)	359 (100%)
Not Sure	28 (43.08%)	5 (7.69%)	14 (21.54%)	3 (4.62%)	15 (23.08%)	65 (100%)
NR	2 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	2 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (16) = 346.1144$ Pr = 0.000						

If elected President, how likely is it that Barak Obama will change the way Washington works?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	160 (52.81%)	59 (19.47%)	71 (23.43%)	4 (1.32%)	9 (2.97%)	303 (100%)
Somewhat Likely	134 (48.55%)	36 (13.04%)	85 (30.80%)	8 (2.90%)	13 (4.71%)	276 (100%)
Not Very Likely	27 (18.49%)	64 (43.84%)	46 (31.51%)	4 (2.74%)	5 (3.42%)	146 (100%)

Not at All Likely	15 (7.28%)	123 (59.71%)	54 (26.21%)	3 (1.46%)	11 (5.34%)	206 (100%)
Not Sure	11 (16.67%)	14 (21.21%)	21 (31.82%)	5 (7.58%)	15 (22.73%)	66 (100%)
NR	1 (33.33%)	0 (0%)	1 (33.33%)	0 (0%)	1 (33.33%)	3 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 277.0156$ Pr = 0.000						

If elected President, how likely is it that John McCain will change the way Washington works?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	19 (14.62%)	77 (59.23%)	28 (21.54%)	2 (1.54%)	4 (3.08%)	130 (100%)
Somewhat Likely	18 (7.63%)	132 (55.93%)	72 (30.51%)	5 (2.12%)	9 (3.81%)	236 (100%)
Not Very Likely	116 (41.73%)	60 (21.58%)	84 (30.22%)	7 (2.52%)	11 (3.96%)	278 (100%)
Not at All Likely	183 (60.6%)	20 (6.62%)	83 (27.48%)	5 (1.66%)	11 (3.64%)	302 (100%)
Not Sure	11 (21.57%)	6 (11.76%)	11 (21.57%)	5 (9.8%)	18 (35.29%)	51 (100%)
NR	1 (33.33%)	1 (33.33%)	0 (0%)	0 (0%)	1 (33.33%)	3 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 400.1283$ Pr = 0.000						

Post: How likely is it that President Elect Obama will be influenced heavily by lobbyists and special interest groups?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	25 (8.17%)	179 (58.5%)	83 (27.12%)	9 (2.94%)	10 (3.27%)	306 (100%)
Somewhat Likely	55 (34.59%)	42 (26.42%)	46 (28.93%)	5 (3.14%)	11 (6.92%)	159 (100%)
Not Very Likely	123 (62.44%)	13 (6.6%)	54 (27.41%)	2 (1.02%)	5 (2.54%)	197 (100%)
Not at All Likely	51 (64.56%)	4 (5.06%)	23 (29.11%)	1 (1.27%)	0 (0%)	79 (100%)

Not Sure	22 (32.35%)	8 (11.76%)	21 (30.88%)	2 (2.94%)	15 (22.06%)	68 (100%)
NR	72 (37.7%)	50 (26.18%)	52 (26.7%)	5 (2.62%)	13 (6.81%)	191 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 321.9966$ Pr = 0.000						

Post: Is President Elect Obama more ethical, less ethical, or about as ethical as most politicians?

	Dem	Rep	Ind	Other	Not Sure	Total
More Ethical	195 (63.93%)	12 (3.93%)	87 (28.52%)	6 (1.97%)	5 (1.64%)	305 (100%)
Less Ethical	18 (9.14%)	119 (60.41%)	48 (24.37%)	7 (3.55%)	5 (2.54%)	197 (100%)
About as Ethical as Most	38 (16.17%)	101 (42.98%)	68 (28.94%)	3 (1.28%)	25 (10.64%)	235 (100%)
Not Sure	25 (35.71%)	13 (18.57%)	23 (32.86%)	3 (4.29%)	6 (8.57%)	70 (100%)
NR	72 (37.31%)	51 (26.42%)	52 (26.94%)	5 (2.59%)	13 (6.74%)	193 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (16) = 314.4458$ Pr = 0.000						

Post: How likely will President Elect Obama will change the way Washington works?

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	115 (58.38%)	26 (13.2%)	48 (24.37%)	1 (.51%)	7 (3.55%)	197 (100%)
Somewhat Likely	116 (45.49%)	40 (15.69%)	79 (30.98%)	9 (3.53%)	11 (4.31%)	255 (100%)
Not Very Likely	19 (12.58%)	73 (48.34%)	48 (31.79%)	1 (.66%)	10 (6.62%)	151 (100%)
Not at All Likely	10 (6.45%)	91 (58.71%)	41 (26.45%)	7 (4.52%)	6 (3.87%)	155 (100%)
Not Sure	16 (32.65%)	14 (28.57%)	11 (22.45%)	1 (2.04%)	7 (14.29%)	49 (100%)
NR	72 (37.31%)	52 (26.94%)	51 (26.42%)	5 (2.59%)	13 (6.74%)	193 (100%)

Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 218.0193$ Pr = 0.000						

ⁱ Anne Kornblut, "Doubts Remain After Mark Penn's Exit," *CBSNews.com*, April 8, 2008.

ⁱⁱ Statement from Maggie Williams, April 6, 2008, at www.hillaryclinton.com/news/release/view/?id=6949.

ⁱⁱⁱ Karen Tumulty, "Clinton's Mark Penn Problem," *TIME*, April 9, 2008.

^{iv} Ted McKenna, "Penn Retains Burson Job Despite Recent Misstep," *PR Week*, April 11, 2008.

^v Tumulty, op. cit.

^{vi} Kornblut, op. cit.

^{vii} Todd McKenna, "Penn Retains Job," *PR Week*, April 11, 2008.

^{viii} Tumulty, op. cit.

^{ix} Mark Ambinder, "McCain Campaign to Re-Vet Entire Staff," *The Atlantic.com*, May 15, 2008.

[Note: Change these to footnote numbering from endnotes)