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The Lobby: Third House of Congress

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THE LOBBY: THIRD HOUSE OF CONGRESS

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CHAPTER I

BACKGROUND AND EVOLUTION OF THE LOBBY

The first amendment to the Constitution of the United States secures for the people the right to petition the government for a redress of grievances. In the earliest days of the Republic the right to petition had a very broad meaning which lasted until the passage of the Tariff Act of 1789.

It is common knowledge that lobbying is as old as legislation, and that pressure groups are as old as politics. As a result of our constitutional form of government lobbying has become an integral part of our governmental process. Finer has said, "It is clear that the lobby in its American form and efficiency is a direct product of American Condition."¹ In the days when the activities of the government were narrow and the economics of the nation relatively small, the use of petition to Congress was a tool for acquiring justice in individual, isolated cases. With the expansion of the economy, economic specialization has developed, and with it has brought conditions favorable to the development of an extremely large number, and wide variety, of organized groups interested in bringing their weight to bear on public policy. The presence of the "pressure groups" has been recognized since the beginning of the nation but the greatest growth has been since the end of World War I. These groups have arisen as individuals felt the need for some formal, organized way of expressing their

¹Herman Finer, Theory and Practice of Modern Government (New York: Mc-Graw-Hill, 1950), p. 462.

demands in the discussion of Public Policy. The broadening scope of governmental control of private activity has lent impetus to the growth. Any regulatory or taxing effort on the part of the government is bound to cause those effected to group together to protect their interests. The broader and more pervasive governmental control becomes, the greater is the likelihood that any particular group will have such common interests to protect.

These then are the principal reasons for the growth of pressure groups in the United States. In this paper we are primarily concerned with the study of one of the principal tools of the pressure group: the lobby, its place in the federal government, and its control.

Members of Congress seldom introduce bills on their own initiative. Bills are introduced at the request of patriotic organizations, individuals, social groups, and very often economic groups. Many organizations, some of them very powerful, maintain agents in Washington, whose business it is to secure favorable legislative action upon measures advocated by their group and accomplish the defeat or deferring of bills to which they are opposed. This business, sometimes thought of as an "art," is called "lobbying" and those who are engaged in it are called "lobbyists." We have already noted the reasons for the growth of the pressure groups; e.g., extension of national government power over important social and economic matters. For many of these same reasons the lobby has broadened its own activities and refined its processes.

Many students of government find in the lobbyists' activities the performance of a needed function. Representation in the Congress is geographical. A member of the Senate or the House represents an area, and not, unless his region is remarkably homogeneous economically, a functional or economic interest group. Bonds that tie people together today are economic as well as geographic.

A congressman may well represent his local area generally, but he may be unable to represent the more important economic interest groups. The lobby can serve to provide this needed "functional representation." It promotes the individual's or minority group's actual interest in the halls of government in a way which is impossible for geographically selected representatives. In the minds of many, the Lobby has become the "Third House" of Congress. In this "Third House" the balance of competing interests is fought and decided. The lobby serves to express the mixture of public opinion that is held by the minority groups throughout the nation. Representation in the lobby is social or economic, usually the latter, and much more direct than in the regularly established houses. Competition for the promotion of favorite causes is severe and energetic in the "Third House." No bill that is the least controversial arises that is not supported by one group and attacked by another. In this conflict which produces policy the various lobbyists combine and divide readily according to their views on various questions. The two constitutional houses represent the great unorganized public, which has only hazy and conflicting notions of what it wants, whereas the lobbyists, informally, but often very successfully, represent interests that know exactly what they want, by placing pressure on Congressmen.

Many lobbies were founded and are maintained partially because those people behind a lobby feel that popular "electoral" action every few years is insufficient to direct the activities of the federal government in the direction that the group feels is proper. As a rule these groups feel that the government does not know enough about their particular circumstances to treat them fairly. They take the attitude that in order to provide equity, they must inform the government representatives of the number of people who will be

effected, and those people's opinions on proposed legislation. They feel that they must provide them with the factual and justifying foundations and consequences of their claims. The purposes or objectives of lobbies concern not only internal domestic policy but foreign relations affecting peace, and justice and general welfare on a world wide basis. The lobbies have refined all the technical devices necessary to their operations, and have become expert on the sources and channels of administrative and legislative power. They gather together the aims, desires and impulse of a coherent mass of people. Lobbies have come into a public and well recognized position because of the growing realization that political parties in a country so vast as the United States do not properly represent the many diverse purposes of the people. This lack of representation springs from the political parties themselves. What in other countries is accomplished by the partial dissolution or blending of interests in the political parties and the legislature is accomplished in the United States by two organizations which are almost mutually exclusive, the political party and the lobby. The political parties apparently are fully occupied trying to cope with the obstacles and separations inherent to American politics. They seem to have very little time or energy remaining for other activities. As a result the lobby has taken a place, a very prominent one, in the picture. As a result, one writer has said, "the lobby is the necessary adjunct to the American party system for it makes the policy while the parties are necessarily occupied with other functions."² They have been so fully recognized that they are freely admitted to the councils and committees of Congress where the effective work of legislation is accomplished.

²Ibid.

Lobby history in the United States may be divided into two distinct eras, that of the "old lobby" and the "new." Roughly defined the "old lobby" may be considered to have had its days of glory from the middle fifties in the last century until the end of the first decade of the twentieth century. This so called "old lobby" was a thing of fascination. It provided corruption and dishonesty within the federal government almost beyond belief. In almost all cases during the period the lobbyist was either the creature of some special commercial interest seeking support from the public treasury or else a professional who acted as an agent for persons having private claims against the government. As a rule the methods used in either case were underhanded and generally corrupt. It is well known that in many instances women were employed to cooperate with the regular lobbyists in pressuring the legislators. The general attitude toward the lobbyist in those days was one of contempt. The word "lobbyist" was a term of opprobrium, and very justly so. People were extremely reticent to be known as lobbyists. Even today with the capitol swarming with lobbyists, it is most difficult to discover one. A searcher may encounter legislative agents, executive secretaries, special counsels, research secretaries, and public relations councilors, but very seldom is an acknowledged lobbyist seen. In 1913 when lobbying had improved its stature somewhat a House committee declared, "The word (lobbyist) at one period carried with it a certain idea of acts, sinister and corrupt, and the first impression now made upon the mind of the average man when this word is used in connection with legislative bodies is probably in line with this conception."³ Concerning the

³ U. S. Congress, House, Report on Charges Against Members of the House and Lobbying Activities., H. R. Report 113, 63rd Cong., 1st Sess. (Washington: Government Printing Office, 1913), p. 15.

general feelings of the public toward lobbyists of the earlier period one observer said, "I asked for an explanation and soon learned that the 'Third House' consisted of old ex-members of either House or Senate, broken down politicians, professional bores, and other vagrants who had made themselves familiar with the modus operandi of legislation, and who negotiated for the votes of members on terms to be agreed upon by the contracting parties--in short these were the lobby members of the legislature, a portion of mankind which I had never heard mentioned in terms other than those of contempt and disgust."⁴ The type of lobbyist alluded to was well financed, free spending and skillful at getting what he wanted. His tools were comfort, good food, sometimes an outright bribe, and the provision of feminine companionship for the harassed legislator. In addition to this type of agent, there were polished representatives of the great financial and economic interests on the national scene. Instead of relying entirely upon the lobbyist, the great national financial groups found that splendid results could be obtained by recruiting directly members of the House and Senate. There were legislators who represented most of the large interests from meat to railroads. Fortunately this type of abuse has decreased tremendously. The legislators of today can seldom be listed as the definite spokesmen for some particular corporation or interest.

Early in the twentieth century a very noticeable change took place in lobbying activities. The Washington offices of the associations, boards, leagues and institutes, organized on a nationwide scale, formed the great lobbies in the capital. During this period the representatives of corporations,

⁴E. Pendleton Herring, Group Representation Before Congress (Baltimore: John Hopkins Press, 1929), p. 35, quoting "Experiences in the Lobby," Continental Monthly, III (June, 1863), 688.

patronage-brokers, "wire-pullers," and like ilk faded from predominance. These group representatives took the ear of Congressmen and were paid proper attention. The groups worked out in the open; felt they had nothing to hide; knew exactly what they wanted and the best way to go about getting it. They became the assistant rulers or "invisible" government. They discarded the wine, women, and song approach to Congress and replaced it with precision work and efficiency. There were various significant causes which brought about this change, some of which should be noted.

Some of the severest blows dealt the "old lobby" were delivered by the Congress itself. The adoption of new rules of procedure in the House of Representatives in 1911, broke up the "clique in power" type domination, and the process of lobbyist control by bribery and cajolery was weakened. When the Congress decided to hold open hearings on all important bills, at which proponents and opponents might state their views publicly, the lobbyist suffered another major setback. By testifying openly before the committees, the lobbyists of legitimate interests could make their appeals to the public as well as to the Congress. The openness of legitimate interests forced the questionable lobbyist to adopt the same tactics. No longer could he hope to have important questions decided in passageways or hotel rooms. The general public could now understand and evaluate (to some degree) the forces for or against most legislation.

Prior to 1913, it was no great task for the great financial interests in any state to get their candidates elected to the Senate by coercing the state legislatures. As a result the Senate was regarded as the guardian of special privilege. The elected lobbyists were extremely valuable as inside agents. The passage of the Seventeenth Amendment eliminated much of this weakness. Today

very seldom do you hear of a legislator being elected as the tool of some definite special interest. One authority, however, stated, as late as 1950, that "Every interest has a sympathizer in the seat of power, and he forms the permanent open door for successful prosecution of the special claims to accomodation in the law and its administration."⁵

The above reforms in government had far reaching effects beyond the Halls of Government. There arose a more intelligent and keener public awareness and scrutiny of the affairs of government. The clamor and turmoil necessary to bring about the legislative reforms stirred up the public interest and centered the eyes of the nation upon the Congress. With the direct primary and elections the people had a new control over their elected servants. No longer were men elected and reelected who showed nothing more than a half-hearted interest in the desires of their constituents. A great deal of reform legislation was passed, and much of it was concerned with the relations between the government and private business interests. The action on the part of the government that had the most direct effect upon the reform of the Lobby System came in 1913. This was an extensive investigation carried on by both a House and Senate Committee as to the maintenance of a lobby to defeat the passage of the Underwood Tariff Bill.⁶ This inquiry was stimulated by President Wilson and was thoroughly aired in the newspapers and periodicals throughout the nation. The investigation projected a good deal of light on the activities and methods of the Washington Lobbyists. The investigation did not accomplish all that might be desired, but it is important for one principal reason. This in-

⁵Finer, op. cit., p. 460.

⁶U. S. Congress, House, Hearings before Judiciary Committee, 63rd Cong., 2d Sess., March 17-24, 1914 (Washington: Government Printing Office, 1914).

vestigation and its results constitutes the first official expression on the part of Congress concerning the status of the lobbies. The report clarified the situation and set forth what was regarded as a new code of practice for the subsequent activities of these organizations.

The investigations did not do away with the lobbies, indeed, it had no desire to do so.⁷ It did call public attention to them and indicate in some measure the changing methods of persuasion being employed. One student of this period remarked, "Coercion through propaganda and the artificial creation of opinion were recognized as the new weapons. Moreover, it was shown that the bribery that had disgraced legislative bodies in the past was not the instrument of the modern lobby. In this sense the investigation of 1913 marked the close of an era in the history of the lobby."⁸

In the years since 1913, a completely new lobby system has developed in the United States. This is not to say that the poor reputé of lobbyists has been eliminated from all Congressional and newspaper descriptions of lobbies, but some of this prior ill reputé has been alleviated by the present day openness of the lobby members. The organizers and negotiators in today's lobbies are those people with a special knowledge of the channels of legislation and the operations of the Congress. Some lobbyists are men of high standing in the legal profession. They are capable of presenting to the committees or individual members of Congress the various aspects of proposed legislation that is of interest to their clients, and they can do this in a convincing and thoroughly plausible manner. Many authors feel that the higher types of lobbyists are equal to the Legislators, if not superior, in ability and stature, not to mention

⁷H. R. 113, op. cit., pp. 24-25.

⁸Ibid., p. 46.

financially. Among the many types of lobbyists are the ex-members of Congress. These ex-solons are hired for a variety of reasons. Sometimes it is because they have a particular interest in and knowledge of the business they represent, but more often they are hired in the expectation that they will make use of their knowledge of Congressional procedures and their associations and friendships with the present members of Congress. In late years the ranks of the lobbyists have swollen with an influx of former journalists. Very often these journalists have exceptional success as lobbyists because they are skilled in the use of the press for establishing a public opinion for or against an issue. Many of the lobby members are selected because they have an expert knowledge of the matters they are to present to the lawmakers. Regardless of his previous positions, the average successful lobbyist is a man of better than average ability. This excludes some very obvious frauds who are easily found out. Concerning the better qualified lobbyist, one writer in the field said "the expert lobbyist is a master in the intricacies of Congressional procedure. His complete knowledge of procedure makes him a legislative strategist of the highest order. He knows when to attack and when to withdraw; when to take the citadel by storm and when to settle down to a long siege. He knows the Representatives and Senators, their moral and political strength, their ambitions, their mental processes, and he uses this knowledge skillfully, sometimes too skillfully for the public good."⁹

It is generally agreed by most current day authors that offers of direct bribes to legislators by lobbyists are few and far between. This was a favored tool of the "old lobby," but has limited potential at present. There is reason to believe that in some instances lobbyists offer future positions in business

⁹Claudius O. Johnson, American Government (New York: Thomas Y. Crowell, 1951), p. 353.

to legislators who manage to see a particular point of view, but even this belief is not as widely held as it was twenty or thirty years ago. In order to be successful the lobbyist must first get the legislator to listen to what he has to say. In order to accomplish this purpose on a personal basis the Lobbyist makes use of his greatest personal attribute; his expert ability. His greatest personal strength lies in the fact that he knows infinitely more, as a general rule, about the matter he is trying to affect than does the average lawmaker. In such cases it is the part of wisdom for the legislator to make use of this technically qualified information. Lawmakers of the very highest order have testified repeatedly to the expert abilities of various lobbyists. It is accepted as natural that even the most honestly motivated lawmaker, after making allowances for the special interest aims of these experts, should be impressed and perhaps influenced by the arguments, documents, and other materials presented by these experts.

It would be a serious misconception to think that the success of the lobbyist is based solely on his expert knowledge. Nothing could be further from reality. Most lobbyists are the Washington representatives for powerful economic or social organizations. Very often these organizations contribute handsomely to party "war chest" funds, or to the campaign funds of individual candidates. Some of these same groups control or exert an influence on many thousands of organized votes. It is well recognized that in some district where their strength is heavily concentrated they can easily make or break a legislator, or would-be legislator. It is for this reason that legislators from areas strongly manned with a certain type of economic interest cannot ignore the interest's lobby agent with impunity, but rather must treat these lobbyists with some deference. A legislator who shows little interest in the counsels of

the interest's lobbyist may be sure of receiving certain attentions from the home district. When the lobbyist reports back that the Congressman's attitude is lacking, the harassed legislator finds himself flooded with telegrams, letters, and phone calls, all devoted to showing him the error of his ways and pointing out the possible dire consequences of his attitude. Rare is the congressman who is never threatened by the power of the lobbies. Fear of being voted out of office may cause the beleaguered congressman to view certain matters in the same light in which the lobbyist views them.

The lobbies that are active in Washington can be roughly divided into four groups. The first of these groups is the permanent group organization for which lobbying is only one activity out of many. The National Association of Manufacturers, or the Association of American Railroads provide two examples of this type lobby. The second type of lobby includes the dozens which promote causes that reflect the interests of their members in principles and programs which may have no direct bearing on the livelihood of the members. Some of these are the pro-war and anti-war groups, the Birth Control Federation of America, or the National Child Labor Committee. The third principal type is that devoted to special projects, rather than a continuing campaign. These groups exist only for a limited time; until they succeed or fail in their mission. They serve an excellent purpose in that they bring to light certain issues that would normally get very limited attention.

The fourth type of lobby is represented by the Federal Government. The government itself now maintains the biggest and possibly the most active lobby of all. This federal lobby is best described as a "two-way" lobby, in that it operates on the Congress and on the Public. Some critics of this lobby have maintained that the agencies of government "out-lobby" the lobbyists. Generally

this is regarded as a result of the tremendous powers acquired by the federal government, including the money powers, spending powers and the extensive regulatory authority of the Executive and the Agencies. It is no secret that government agencies send aloft "trial-balloons" in order to determine public sentiment on any of a number of issues. If the reaction is the least bit encouraging from the agencies' point of view, a propaganda campaign is launched. In an effort to condition public opinion, the agencies may make use of quantities of press releases, radio and television broadcasts, and pamphlets and brochures. The intended result of these efforts is that government initiated and stimulated public opinion will convince the Congress that the public wants, and demands, that certain things be done. One Washington observer feels that these agency pressures are not sporadic efforts, but heavy and constant, and stated, "Every department has its 'liaison men' who work constantly on Capitol Hill. Reluctant Congressmen are whipped into line by promises of appointments for themselves or friends, by withholding use of public money in their districts, or threats of campaigning against them in the next election."¹⁰ The lobbying by federal agencies as such has never been encouraged nor condoned and in the strict sense of the word is illegal. The semi-lobbying conduct of the departments before the congress has been considered as proper, within limitations. The departments are generally expected to refrain from many of the tactics and stratagems employed by civilian organizations. Whether such expectations are realistic is another question. Albert Lepawsky has stated, "Governmental or administrative lobbying is sometimes frowned upon, but the administrator and his staff who will not, with discretion, do their share may soon find them-

¹⁰Willard M. Kiplinger, Washington is Like That (New York: Harper, 1942), p. 288.

selves without anything to administer."¹¹ This subject cannot be fully explored in this paper, but it is safe to say that there is no indication that the agencies intend to cease their efforts, nor that it would be prudent to do so.

As a combat patrol scouts and probes an enemy position for the best avenue of attack, pressure groups search for the sector of government that is least likely to resist their efforts. It is in the legislative branch of our democratic government that this point of least resistance is found. Congress, as one of the authors of overall national policy, is extremely vulnerable to the attacks of organized minority interests. In times of very sharp political conflict, the Houses of Congress become the maneuver areas for mobilized pressure groups.

There must be no misconception that these groups operate only through the legislative bodies. There are administrative agencies which have been known for their close kinship with organized interests, which affect appointments, policy making, and policy execution. Nor can it be said that the President (the other author of National Policy) can be totally oblivious to pressures from interests. As another elected representative he must take cognizance of the interest groups. The difference between the President's position and that of Congress is one of degree. The President is dependent upon the support of the majority of the nation, and thusly can judge the various groups with a degree of objectivity and perspective. The Congressman on the other hand is elected and judged by small concentrated groups, and is both unable and unwilling to withstand the demands of organized minorities.

It is obvious that the President and the Congress will and do react

¹¹Albert Lepawsky, Administration (New York: Alfred A. Knopf, 1949), p. 53.

differently to the actions of pressure groups. The reasons are equally obvious. Organized minorities will always have a far more significant role in Congressional elections than they do in Presidential. In the election of Congressmen the public issues are usually less well defined, and national problems receive less emphasis. In these circumstances the purely local issues become the central question and the organized voters exercise relatively greater weight. Presidential elections raise questions that are above the petty demands of small groups. The presidential candidates naturally listen to the appeals of the minority but they do so without the fear that a minority can make their claims a campaign issue. Any such attempt would be smashed by the majority of the voters who would deny the right of any minority to press their claims on a national election level. This then is the difference between the relationship of the President to the minority, and the relationship of Congress to the special interests.

CHAPTER II

THE FUNCTIONING OF THE NEW LOBBY SYSTEM

Regardless of the interests of the particular groups, the lobbying procedures employed are usually very similar, with some exceptions occurring in the Lobbying done by government agencies. In all cases the major part of lobbying is done "back home," in the "grass roots." It is carried on through various interested groups in the home districts, especially in the home districts of congressmen who are in a position to help or hurt the cause. The stronger the support from back home for any lobby cause, the easier is the work of the lobbyist encamped in Washington.

There are various manifestations of the grass root lobbying activities. The delegations of voters which converge on the Capitol are usually the product of coordinated lobbying activities. At times these delegations take the form of "marches," as was the case with the soldier's bonus groups, or the anti-war groups. Very often the action takes the form of witnesses who appear before committees; groups that call upon individual congressmen; or possibly staged demonstrations. No matter what form the action takes, there is always a key group stationed in Washington which directs and coordinates the maneuvers. The mass crusade technique is mostly employed by the "cause" lobbies, and are most effectively exploited by women. These maneuvers are generally avoided by the large national organizations, who have more subtle and less publicized means of attaining their objectives.

The actions taken and the courses followed by a lobbyist in seeking his

objective in Congress are a study in energy and determination. The process of seeing a bill through congress calls for a wide variety of tactics, but there is a familiar, often repeated pattern that is followed in many lobbying campaigns.

When a lobbyist has certain ends that can be best attained through formal legislation, he first makes certain that he has mustered all possible "home" support. When he is sure of this support the agent next seeks out a legislator to introduce a bill. It is at this stage that the lobbyist first shows his skill: selecting the right legislator for the job. He looks for a man who has at least one of several favorable attributes. He should be either: a Representative of the region to be effected by the bill; a favorite of the administration currently in power, an ardent and vigorous campaigner who is also a skilled strategist in maneuvering legislation through the intricate channels of Congress; or a member of an important committee, preferably the one which will have jurisdiction over the bill. When this selected congressman willingly identifies himself with a special interest, and has shown himself to be in sympathy with the cause there is no problem presented. There are times however, due to the nature of the desired legislation, or other causes, that one particular congressman is desirable, if not essential. If this needed Congressman is not sympathetic he must be shown the error of his ways through persuasion. This persuasion usually takes two forms; technical argument is the first of these; and the other is a thinly veiled threat that since he misrepresents public opinion, the holders of that opinion will retaliate at a future election date. The technical argument approach is effective and has two principal values. It is in itself usually based in sound logic, and secondly it provides the legislator with expert information to be used in the campaign,

with little or no effort on his part. At the present time legislators are so deluged with information proffered by interests of all kinds that one of the earliest evils of lobbying is again present; namely, the solicitous interests are too numerous for the congressman's time and legislative capacity. In such circumstances the congressman must pick and choose among the many issues and champion those he feels most worth his efforts. His motives for espousing various alternatives are often difficult to determine. It is safe to say that in many instances there flashes through his mind the fact that the active groups may be small, but that they are more effective electorally than the apathetic mass, and that unless they are placated they may seriously effect his future in public life.

Having gotten the best man available for the job the lobbyist now faces what might best be called a "problem of timing." The agent will take the greatest pains to see that the bill is introduced at the time that will afford the best publicity. The introductory speech is formed around the information that the lobbyist provides for the lawmaker, and in many cases the speech is written entirely by the lobby member. When his bill has been introduced the lobbyist goes into his most active role--manipulator. It is not uncommon that several committees will claim jurisdiction over a proposed piece of legislation. When this happens the lobbyist strives to get it before the committee he feels is most favorable to his cause. The campaign then goes into one of its most critical phases; obtaining a favorable report from the committee. As a rule, the Committee's first step is to seek an advisory opinion from the executive department that would have charge of administering this legislation if it became law. The lobbyist usually does all he can to see that the departmental attitude is favorable. One generally accepted precept of lobbying is that every

lobbyist should enlist the aid of one or more important government agencies. A lobbyist can get invaluable assistance from an agency if he chooses his agency and methods with care.

The most important opportunity provided the lobbyist to accomplish his ends is furnished in the hearings before the Committee. Decisions on bills are largely made in the committee rooms, not in full House assembly. It is the practice and custom to take evidence from any interests concerned with the bill who desire to testify. The lobbyist puts written and printed material before the committee, and selects and sends before the committee the most expert witnesses available. At these hearings the congressmen are able to sift the evidence and to guess at the truth about the public support alleged by the lobby, and to give weight to the evidence in proportion to its authenticity. When the hearings are terminated, the lobbyist employs whatever influence he can muster to see that the committee reports the bill favorably to the floor of the House. In many cases the lobbyist provides assistance in the actual drafting of the committee report. This report and the record of the Hearings on which it is based are extremely important for they serve as a source of information for members of the Congress, and may be consulted by the Supreme Court, if, at a future date, it is necessary to determine the intent of Congress.

If, when the bill is reported to the House, the lobby can exert pressure on the rules committee, the bill may get quick consideration. At this stage the lobby goes to work on all the members of the House. An appraisal of the favorable legislators and the opposing will serve to focus the attention of the lobby on the undecided members or the weakly negative. If the tactics of the lobby are successful, and the bill is passed in the House, the lobbyist then goes through a very similar procedure in the Senate. Often he will in-

directly guide a compromise version that is required to settle differences between the Senate and the House. If a bill is finally sent to the President for signature, the lobbyist may arrange for a staunch public advocate of the measure to approach the President on the matter. He may also cause to be sent to the White House a flood of telegrams and letters recommending prompt and affirmative action. If the bill is signed then the lobbyist has won his battle.

It would be wrong to assume that the lobbyist faces only the Congress as possible barriers to success. In the cause of a legislative lobby campaign, there are numerous lobbies at work on the same bill, or facets of it. Well organized and vigorous lobby forces working on an issue will usually arouse equally energetic forces on the other side of the question. In this way the Congress is unofficially provided with a many sided research organization, for the interplay of opposing and proposing forces brings out many facets of the issue that would normally escape detection.

There has always existed a widespread public opinion that lobbying and pressure group activities are confined solely to influencing the actions of law making bodies. This opinion is unfounded in fact. It is true that pressure groups try to obtain the passage of bills they favor, the defeat of measures they do not endorse, and the remolding of some into acceptable form; but their efforts do not stop at this point.

When they are unsuccessful in their efforts to control or influence the legislative process, they next concentrate their efforts on the Executive branch. In the past it has been possible to accomplish through a favorable interpretation of a statute what couldn't be achieved through influence in formulating its provisions. One author quotes the authority, Pendleton Herring, who pointed out that "when a democratic government undertakes to alleviate the

maladjustments of the economic system, it stirs up a greed that it may lack the power to control. The voice of the people sometimes suggests the squeal of pigs at the trough."¹ The executive administration in a republic is designed and pledged to adjust the national policy in the interests of the general public as a whole and not to the advantage of separate groups with minority interests. According to Herring, "this concept of the public interest is a verbal symbol designed to introduce unity, order and objectivity into administration. It is to the bureaucracy what the due process clause is to the judiciary."² Much of the difficulty that the administrative agencies experience in fulfilling their obligations is caused by the pressure groups which seek to create the impression, for the administration and the public, that their aims are identical with those of the people in general. In many cases the interests of the minority group actually do conform to the interests of the public. As a result the relationship between the two is often an intricate one and adjustments are difficult. To a large extent, the effectiveness of an official will depend on the type of person he is. An administrative official must be familiar with the groups with which he deals, but must take care not to become closely identified with them. If the official is not imbued with a sincere motivation to provide public service, his success is doubtful. He is required to solve the problems and resolve the issues in fairness both to the public (whom he primarily represents) and the group. He must exercise diligence to be sure he follows a middle course, being neither unnecessarily adverse to the groups interests, nor overwhelmed by their pressures. It takes strength to resist these pressures,

¹ W. Brooke Graves, Public Administration in a Democratic Society, (Boston: D. C. Heath, 1953), p. 707, quoting E. Pendleton Herring, Public Administration and the Public Interest, 96.

²Ibid.

especially when legislators become involved. It has been said that the responsiveness of many administrative agencies to minority pressures is partly a result of control by Congress over agency personnel and funds. For this reason as well as future political consequences the administrator must exercise great care in his relations with representatives of pressure groups functioning within his agency's field of authority.

Fortunately, the judicial branch of the government is not so much subject to pressure as the legislative and administrative departments. The courts have always maintained a position somewhat above the sound and fury of petty politics. In history, the controversies over the selection of judges have been the greatest examples of pressure politics affecting the judiciary. A good example of this was the claim that President Roosevelt had "packed" the Supreme Court with Justices amenable to his views. By and large any pressures exerted on the courts are of a subtle nature. According to their particular point of view various elements will praise or criticize the courts for various rulings on legislative matters. Lobbyists have sought to exert pressure on the courts through the initiation of a great hue and cry from the public when the courts make particularly adverse rulings. History shows, nevertheless, that the courts are not so easily swayed from the path of conscience as the other branches of government.

It is easily seen that there are certain benefits derived from the existence of lobbies in a republican form of government. There is no denying that the lobbyists provide an economic form of representation in the halls of government, which under certain conditions can be a valuable adjunct to the representative form of government. It has been proven and acknowledged that the lobbyists provide a ready source of well qualified technical information

for the legislators. Due to some staffing inadequacies in the Congress, much information would never be revealed or considered if it were not for the efforts of the lobbyists. In spite of this recognition of the beneficial aspects of lobbyism there is a far stronger feeling, generally, that lobbies are in themselves an evil, or at least an evil due to the methods of operation employed. It is difficult to find agreement, among students of the subject, on the issue of to what extent the lobby system is an evil. No intelligent citizen will deny that individuals and organizations should be allowed to present their claims or proposed programs to the lawmaking bodies. Almost equally undeniable is the fact that some individuals or groups, in conjunction with their lobby agents, seek to accomplish their objectives in an above-board, forthright manner. Admitting then, that the benefits derived from lobbying are not insignificant, and that many, if not to say most, lobbyists are men of some integrity and scruple, the question arises as to what are the evils of lobbying.

There is reasonably general agreement among students on the principal evils extant in the lobbying system in the United States. The first of three principal evils seems to lie in the fact that the organizations represented by lobbies have more than their fair share of influence in shaping legislation. Unfortunately, the general public has no effective lobby, and its interests may be passed over when well organized groups apply pressure to congressmen. The second often cited evil is that much of the work of the lobbies is carried on in secret. It is feared that as a result lobbies can, and do, resort to pressure methods that would not bear the full light of day; especially the use of large amounts of money, placed indirectly into campaign funds, and perhaps even bribes, for which there is no adequate accounting. The last principal effect or evil that we will cover here is possibly the most dangerous of all.

It is felt that the effect of the lobby system has been to undermine the faith of the people in their government. The people become cynical in their attitude toward representative government. People served by the lobbies come to believe that anything can be wrested from the government if you work and howl long enough and diligently enough. The citizen not connected with a lobby may well come to the conclusion that he is a third class citizen, and of less concern to his elected representative, than a pressure group with some cause to further. There is widespread belief that the lobbies enter into every type of legislative activity, and that they exert wide influence on the legislators. There seems to be little, if any, lessening of this belief as a result of the public disclaimers by the lawmakers. As a result of these three weaknesses of the lobby system, it is safe to say that although many lobbyists neither have base motives nor use insidious methods, the modern American lobby is an institution to be regarded with grave concern.

The next step after the creation of a powerful institution is for the state to attempt to control it. In our democratic form of government, the legislators are primarily the defenders of the state. The efforts of congress to regulate the efforts and methods of the lobbyists has resulted from its fear of the lobbies, and from a recognition that they may acquire power to which they are not entitled. This to be accomplished either by the lobby's representativeness in terms of genuine membership or by the reasonableness of its claims compared to those of the nation in general. Congress has had to steer between prejudicing the rightful freedom of any group to approach it for a hearing, and submitting to undue pressure for privileges. The next chapter is concerned with a study of the way in which congress has attempted to handle this intricate problem of navigation.

CHAPTER III

CONTROL AND REGULATION OF LOBBYING

As early as 1907 proposals to regulate lobbying were introduced in the Congress. At sporadic intervals thereafter other half-hearted efforts were made, but the overall effect was negligible. The seventy-fourth Congress was besieged with bills designed to place some semblance of restraint on lobbying activities. These intensive efforts were the direct result of the flagrant and intensive lobbying carried on for the influencing of Utility Holding Company legislation. As has often been the case, the two houses of the legislature failed to come to any agreement and no general legislation on lobbying was forthcoming. Under tremendous public pressures the Congress did manage to pass the Public Utility Holding Act of 1935. This act specifically prohibited the utilities from contributing to campaign funds and required the registration of all utilities lobbyists. In following years there were several bills passed which had as their purpose preventing specific groups from lobbying, but none of them were concerned with the regulation of lobbying in general.

The year 1946 seemed especially propitious for the enactment of a general federal lobbying law. In this first year following the end of the Second World War, there was an unprecedented amount of lobbying in connection with many controversial questions before Congress. Among the more important of these issues were price control, public power projects, and low cost housing for veterans.

As early as 1945 the Special Joint Committee on the Organization of Congress was giving attention to the need for a Congressional Lobbying Law.

Many complaints of the attempts of organized pressure groups to influence the decisions of the Congress were heard during the hearings of the Committee. Some of the most vehement protests, and pleas for relief, were provided by the legislators themselves. In its final report the Committee recommended that the Congress enact a law that would provide for the registration of organized groups and their agents who seek to influence legislation, and that such registrants be required to submit statements showing the aggregate amount spent in these activities. On the second day of August, 1946, the President signed the Legislative Reorganization Act; Title III of which is the Regulation of Lobbying Act.

In order to understand the successes and failures of the Act it is necessary to have summary knowledge of the more pertinent provisions. Section 307 of the Act defines the application of the title and includes any "person" (defined as an individual, partnership, committee, association, corporation, and any other organization or group of persons) who by himself, or through any agent, or employee, or any other persons in any way whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing to be used principally to aid, or the principal purpose of which person is to aid in the accomplishment of any of several purposes. These purposes include the passage or defeat of any legislation by the Congress, to influence directly or indirectly the passage or defeat of any legislation. Section 305 of this same Act requires that any person receiving contributions for the purposes listed under Section 307 must file with the Clerk of the House a statement containing the name and address of each person who has contributed five hundred dollars or more, or any person who has received ten dollars or more, with the date, amount and purpose of such expenditure. Section 308 is similar to this section but more extensive. It requires that any person who engages himself for pay or any other consideration

for the purpose of attempting to influence the passage or defeat of any legislation must register with the Secretary of the Senate as well as the Clerk of the House. This registration must be accomplished before the agent undertakes any lobbying activity. The registrant must state his name and business address, the name and address of the person by whom he is employed and in whose interest he appears or works, the duration of such employment, how much he is paid and to receive, by whom he is paid, the extent of his expense account, and what expenses are included in the allowance.¹

Section 308 contains the exemptions from the act. Among the exemptions are: (1) Any person who merely appears before Congress in support of or opposition to legislation; (2) any public official acting in his official capacity; (3) any owner, publisher, or employee of a newspaper or other regularly published periodical acting in the regular course of business. The act further exempts party committees, and all practices and activities regulated by the Federal Corrupt Practices Act. The title apparently does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purpose for which formed.²

Today, after the Act has been in operation for ten years, many organizations still turn to this last statement for clarification of legislative intent, and for an explanation of the words "principally" and "principal" as used in Section 308. These organizations base their failure to comply with the statute upon their defining principal as "primary" or "major." Most writers on this subject agree that a true, literal reading of the Act presents a mass of con-

¹See Appendix 1.

²U. S. Congress, Senate, Joint Committee on Organization, Report on Legislative Reorganization, Senate Report 1400, 79th Cong., 2d Sess. (Washington: Government Printing Office, 1946), p. 28.

traditions and ambiguities. As a result there are organizations which have held that they do not solicit or receive funds for the "principal purpose" of lobbying, but who nevertheless expend money in hiring professional lobbyists. The implementation of the act during its first year clearly demonstrated that many organizations are holding Section 307 to be the key to the coverage of the Act, thus exempting from the strongest provisions of the Act, organizations whose legislative activities are not their principal concern, and who are extremely careful not to accept funds which can be clearly shown to be earmarked for lobbying.

Despite extensive efforts by individuals and corporations to interpret otherwise, it is apparent that the Congress was thinking of the broad form of application for the statute. The intention was clearly to encompass a wide variety of pressure groups and lobbyists, and their diverse efforts at swaying the Congress. In 1946, the Joint Committee stated "A pressure group economy gives rise to government by whirlpools of special interest groups in which the national welfare is often neglected. Without impairing in any way the right of petition or freedom of expression, Senate 2177 provides for the registration of organized groups and their agents who seek to influence legislation. Full information regarding the membership, source of contributions, and expenditures of organized groups would prove helpful to Congress in evaluating their representations and weighing their worth. Publicity is a mild step forward in protecting government under pressure and in promoting the democratization of pressure groups.³ Clearly, the Committee endorsed the idea of full publicity. That the lobbyists generally cared little for the committees opinion has been clearly shown. In further defense of the "broader intent" interpretation of

³Ibid., p. 5.

Congress is the fact that the lobbying title is part of an omnibus bill dealing with the improvement of the organization and operation of Congress, and did not come as the result of a demand to check the lobbyist pressures on the Congress. In any event, the many organizations supposedly covered by the Act spent great amounts of time, energy, and money in searching out any reasons why they were not required to register. The tax exempt organizations shied away from registration because of a clause in the revenue act that requires that an exempt organization loses its exemption if a substantial part of its activity is concerned with influencing legislation. Other organizations found similar loopholes and made excellent use of them.

The objections raised to the Act have been varied and many, and not a few objections appear to have great validity. There is little doubt that the draftsmanship was sloppy and careless. In the earliest days the Act was criticized for its ambiguities, and newspapers made news of the fact that the law as signed by the President held a conspicuous spelling error. Unfortunately, this did not reign long as the biggest weakness in the legislation. A wave of protest crested over the provision of Section 308 which exempted "any public official acting in his official capacity." Many organizations protested this exemption, maintaining that the agencies of government spend huge sums of public money for the purpose of influencing legislation but these agencies and their employees were not to be considered lobbyists. This claim would bear more weight if it were not for the fact that lobby legislation is intended to identify the private organizations and their agents who are engaged in lobbying. There is no denying that the agencies lobby, but the primary purpose of the bill was to publicize those lobbies not so well defined. In addition there are other means available to Congress to keep obstreperous agencies in line. The control of funds is certainly no meagre tool.

There have been claims, not infrequently, that the Lobbying Act is unconstitutional in that it violates the First Amendment. This theory has been tested in the courts and found wanting. The regulations of the Lobby Act can not be said to interfere with the rights of free speech, free press, or the right of petition. The right of the people to appeal to Congress or the Public in order to influence legislation is not denied. At most this legislation can be regarded as a curb to the abuse of the right of petition, in the same way as libel or slander laws are curbs against the rights of freedom of speech and freedom of the press. There have also been complaints from some factions that the Act is not extensive enough, and other factions have maintained that it is too extensive in its coverage.

The problems of administering the Act were many, and the violations were beyond tabulating. In the early years of the Act, the number of individuals and organizations that registered was minute in comparison to the hordes of lobbyists swarming over Washington. The lobbyists were having a field day and little was done to control them, the Act notwithstanding. The administration of the Act was in the hands of the Clerk of the House and Secretary of the Senate, and the effectiveness of their efforts was open to question. The burden of interpreting the Act fell upon these two officers and in many cases this burden was handily passed on as the responsibility of the individual registrants.

Recommendations for improving the Act have not been wanting. Both unofficial, impartial students and representatives of the Congress have considered the subject at great length. The impartial observers came up with various ideas shortly after the Act had been put to the test and found deficient. Many of these ideas were, and are, worthy of notice. Recommendations were made for

broad revisions, to include the filing and coverage requirements; the centralization of administrative responsibility in an agency adequately staffed and equipped to perform this essential function; provision for the statutory termination of inactive registrations; and the specification of the exact financial data required. One of the most highly regarded suggestions recommends the requirement of submitting full information regarding an organization's membership, internal structure, and methods of policy determination. Many students feel strongly that the coverage of the act should be revised to apply to lobbying before administrative agencies.

In 1951, the Buchanan Committee, a Select House Committee, was established to investigate lobbying in the Federal System. The Committee made use of expert witnesses in the field and delved extensively into the present day status of lobbying. The Committee noted that filings under the Lobby Act grossly understated the numbers and expenditures of the pressure organizations. It further observed that the individual registrations failed to reveal the actual numbers of persons actively engaged in activities designed to influence the governmental process. There is little doubt that lobbying in recent years has become more extensive and expensive than at any other time in the nation's history. One respected student of government has listed the top ten lobby spenders in the first quarter of 1955.⁴ Among the top five are found three organizations representing utilities, and the other two represent the American Federation of Labor and the Congress of Industrial Organization. It is worth noting that many large organizations have submitted reports that are only partially complete, and many others have not reported at all, maintaining that

⁴George B. Galloway, Congressional Reorganization Revisited, A Report to the University of Maryland Seminar in Public Affairs, College Park, October 28, 1955 (University of Maryland, 1956), p. 22.

they are exempted by the principal purpose clause. Other organizations represent that the registration of their agents precludes the necessity of the firms reporting.

In its final report the Buchanan Committee made certain specific recommendations for amendments to the Lobbying Act. The first recommendation was that the word lobby be eliminated from the title of the Act. Apparently the Committee felt that this might induce more people to comply with the law. The next suggestion was that the radio and television services be made exempt from the Act. This seems an excellent idea since the press and periodicals were already exempt. The Committee advocated the abolishment of the stipulation in the law that barred convicted violators of the Act from appearing before Congress for three years. The reasons behind this notion are difficult to grasp. The Committee proposed that the minimum reportable expenditure be raised to fifty dollars, in an effort to eliminate trivia, and that lobbyists receiving less than a thousand dollars per annum be exempt from registering. The most vigorous recommendation is one that recommends revision of the Criminal Code to make contingent-fee lobbying illegal. In addition to this specification the Committee had suggestions on improving the administration of the Act. One notable idea was that standing sub-committees be established by the Administration Committees in both Houses to provide continuous analysis and evaluation of the filings under the Lobby Act. In addition, the Committee recommended that lobby efforts to influence administrative agencies be investigated.

The recommendations of the Committee were far from unanimous. A minority dissented and submitted a supplementary report which differed greatly from the majority version. The minority found fault with the conduct and methods of the staff provided the Committee, protested the high handed tactics of the

Chairman, and generally seemed to feel that little was actually accomplished because the majority group was more concerned with partisan politics than it was in digging up information. The history of lobbying investigations is notable for the similarity of the pattern. It would be difficult to recall a committee concerned with the subject that was not accused of playing politics to some extent. Nothing of great note came as a result of the committee's efforts. In June of 1955, Senator Kennedy of Massachusetts introduced a bill into the Senate, the purpose of which is to revise and strengthen the regulation of lobbying. The hearings are scheduled for the present session of Congress, but whether they will be deferred in favor of the various committees set up or reactivated since the recent campaign contribution fiasco remains to be seen. This year may well be an interesting year in the history of lobby control efforts.

There are various ways in which the Act as it now rests can be improved and strengthened. The registration statements of organizations should be expanded to include concrete evidence of actual membership; how the organization establishes its lobbying policies; and by what right the lobbyist speaks for the group. One of the most effective potential powers of the Law is the power to publicize. Provision should be made for the widest possible circulation in a simplified and intelligible form of the information revealed on registration statements and financial reports. The reports should be made available to press and broadcasting services, and publicized widely. The Act could best be administered, in my opinion, by a separate group set up for the purpose. This group could investigate the accuracy of statements filed and the compliance of those to whom the Act applies. The findings of this group could be made effective through the use of wide publicity.

Despite the apparent failure of the Lobbying Act, and despite its glaring

weaknesses, the Act is still a step in the right direction. It is ridiculous to expect that it would have been letter perfect in effectiveness, anymore than it was expected that the Legislative Budget would be an unqualified success. The Act, it is to be hoped, will be revamped and revitalized with an eye toward greater effectiveness. As long as most legislation is proposed and opposed by minority interests it is vital that these interests be identified. Only through requiring the various interests to stand and show themselves and their activities can the general public be assured that there is no conspiracy shared by the special interest parties and the people's elected representatives. The citizens of the country have displayed a good deal of contempt in the past for some of the activities of their elected servants. They have displayed even more contempt for the unwillingness of the colleagues of offending legislators to do anything about their erring brothers. Not all of this contempt is unjustified, as history clearly shows.⁵ The belief and trust of the majority of the citizens in the integrity of their legislators is basic to the success of a republican government. If a modified lobby law can serve to strengthen this faith and confidence of the people, it should be championed, and made effective despite any petty politicians and pressure agents who may stand in the way.

⁵For an excellent discussion of this subject see H. Hubert Wilson, Congress: Corruption and Compromise, (New York: Rinehart, 1951).

CHAPTER IV

CONCLUSIONS AND THE FUTURE

One thing may be said to stand out from past experiences and recent investigations, and though it is not an original discovery it bears repetition. The modern day system of pressure politics through lobbying has assumed extraordinary proportions in recent years, and is now assumed by many not to be a total evil, but rather an important and necessary ingredient of our democracy. There is every reason to believe that if it is unchecked the system will expand to far greater size in the future. Some students of the subject feel that it may eventually challenge the existence of representative government as understood in the terms of our Constitution. At the same time, many of these same observers feel that the Constitutional right of petition must be preserved and that no restriction should be put upon "legitimate" lobbying. In 1951, the Buchanan Committee recognized this conflict and concluded that it was one of the most pressing problems facing the lawmakers.¹

We have seen the limited effectiveness enjoyed by the only Act specifically designed to control all lobbying. Recommendations for improvement of the Act are many, varied, and easily come by. Adoption of certain specific revisions and additions would, in my opinion, put greater strength and effectiveness into the Act.²

¹U. S. Congress, House, Select Committee on Lobbying Activities, General Interim Report, H. R. 3138, 81st Cong., 2d Sess. (Washington: Government Printing Office, 1950), p. 65.

²Supra, p. 38.

Thoughtful observers must question whether any legislative act, though far stronger than the one now in force, is the ultimate answer to the problem of pressures in the governmental process. It is true that more adequate regulation of lobbying will bring more light upon the methods and activities of these organizations and their agents, but no legislation will change the basic aims or nature of lobbying. The feelings of more than a few students are reflected in a statement by Ogg, "But mere outward compliance with the rules, even if assured by more adequate machinery of enforcement than now exists, does not necessarily render lobbyist activities less predatory; and it is difficult to see how ill effects can be obviated except as Congress finds ways to stiffen members' resistance, e.g., by making them less dependent upon the information with which the lobbyists too often overwhelm them."³

This, then, is another possible answer to the problem of lobby power. Give the Congress more adequate staff assistance and they will be free of the lobbies and their pressures. The supporters of the theory that maintains Congressmen bend to the will of the lobbies because they can't obtain information in any other way are legion. LaFollette wrote, "Lobbying may be a pernicious evil at one extreme or an indispensable part of the legislative process at the other, depending on the circumstances and the methods of the lobbyists. Few, if any, legislators would hold a brief for the avaricious, anti-social, or unscrupulous tactics to which some special interests sometimes resort; but even fewer would be willing to abolish lobbying and cut off essential sources of information in exchange for "protection" against the unscrupulous."⁴ There is

³ F. A. Ogg and P. O. Ray, Essentials of American Government, (New York: Appleton-Century-Crofts, 1950), p. 263.

⁴ Robert M. LaFollette Jr., "Some Lobbies are Good," New York Times Magazine, May 16, 1948, pp. 15-58.

some good evidence that Congress has need of better and fuller staffing service, but to maintain that all the Congressmen that have ever taken a bribe, compromised with their consciences, or betrayed the confidences of their constituents did so because they didn't have adequate staffs exceeds the credibility of the most gullible.

There is another school of thought that argues that the lobbies are hopelessly evil and should be legislated right out of existence. The State of Georgia made lobbying illegal many years ago, but there are reasons to doubt that lobbies are no longer active there. I hold very little brief with the idea of outlawing the lobbies. I don't think lobbying can be effectively outlawed under our Constitution, nor do I think such a course would be desirable, even if it were practical.

In a factually free society pressure groups seem both inevitable and desirable. It is the activities of the groups, their methods, and the amount of success they attain that is the question of concern. Too great a success by any interest will cause other groups to rise up and energetically seek favors. In his inaugural address as President of Columbia University, Dwight Eisenhower declared, "If we do not eliminate selfish abuse of power by any one group, we can be certain that equal retaliation by other groups will ensue."⁵ That people are very concerned with getting "their share" is not a new discovery. Today, unfortunately, the people regard the government as a huge feed bag, and are eager to get their muzzles in. The success of lobbies begets still more lobbies.

Agreeing with most recognized authorities that the lobbies are here to

⁵ James MacGregor Burns, Congress on Trial (New York: Harper, 1949), p. 76, quoting New York Herald Tribune, (October 13, 1948), p. 15.

stay, the problem facing the people of this country is how to best limit the lobbies' sphere of influence. There is no denying, except by some legislators attempting to impress their constituents, that the lobbies through their diversified activities exert considerable influence in the governing of the country. Accepting the idea that the principle behind lobbying and the services it renders justify its existence, we are presented with the problem of lessening the evil effects which result from the lobbies existence.

In line with this limitation there have been espoused two theories, both of which ignore the idea of control through legislation, and both of which require radical departures from our present system of government. It has been suggested very often, but seldom with any clear outline for practical implementation, that the government should support the interests which do not have adequate resources, so that they may contend on an equal basis with groups that are well supplied with funds. This idea was thoroughly examined in 1941 by a member of the Temporary National Economic Committee.⁶ The basic flaws in such a proposal are readily apparent. This device might help to solve the temporary imbalance between groups, but this partial good would be quickly counteracted by more pressure, rather than less, on policy making. A second large flaw is that it would be literally impossible to select any reasonable criteria on which to base the level of support to be afforded the various groups.

The second theory embraces the often tried idea of providing occupational representation in the legislature. Some students feel that if occupational and professional groups were given representation, lobbying would disappear since all economic interests would be represented. This program would require changes

⁶Donald C. Blaisdell, Investigation of the Concentration of Economic Power, A Report to the Seventy-Fifth Congress. Prepared by the Temporary National Economic Committee (Washington, 1941).

in the Constitution that would provide for some representatives to be elected by occupational constituencies. This reform is not likely to ever see the light of day, nor would it put a stop to lobbying. Once represented these groups would suffer internal fractures whenever certain elements of the group felt they were not being equitably considered in the general group program, and new lobbies would spring up to press their claims. The basic spirit of lobbying is based on a singular devotion and service to some separate segment of a business or activity which is too narrow to be allowed a group representation in the legislative bodies. The legislature would be little more than a horde of special interests fighting constantly for special economic privileges.

I certainly feel that more exact, and strictly enforced, legislation will do a great deal in controlling the methods and devices of the lobbies. These improved regulations should be regarded as a stop gap only. No law is ever going to be a panacea for the ills inherent in the lobby system as we know it in the United States. Efforts to control lobbying in the past have always bogged down due largely to the partisan tactics employed by the members of the Congress. These men have been vociferous in berating the lobbies and their methods, but the same men have been sadly lacking in spirit when unity and inter-party action was necessary to do something constructive.

I think the power of the lobbies can be controlled, and controlled within the framework of the Constitution as it now exists. Theories recommending occupational representation or federal support of impecunious lobbies provide materials for writing texts but are largely impractical and unnecessary. As I've already stated I view strong regulatory measures as only a stop gap, to be used until better methods are contrived.

In my opinion, the most potentially effective tool for limiting the powers

of the lobbies consists of stronger political parties, and greater and more effective party discipline. Our political system is so constructed that only with this strong party discipline can it function to the best interest of all concerned. Experience has shown that when party leadership and sense of responsibility are weakest is the time when the lobbies enjoy their greatest opportunities and exert the greatest influence in government. Whenever the parties have failed to assume and maintain leadership of the people, the pressure groups have moved in and assumed the lead by default. Strong party platforms and programs, and a determination to carry them out through disciplined party action, with the parties taking definite stands on current problems and living up to their commitments to their members would considerably relieve the threat of government by pressure.

Earlier in our history, political parties were established on certain beliefs of their members. The parties were said to stand for something. Today the tendency is for all parties to stand for everything. As they operate today, the parties change their views and beliefs as readily as the chameleon does its color. Within the parties there is next to no discipline at all. It is common for a legislator to change parties from election to election. This is easily done because the distinction between the parties is very small. They may vary their emphasis from year to year, but the idea is still to present a program that will apply equally to all sections of the country and all economic interests. The parties suffer from a severe lack of leadership within themselves. It is no wonder then, that they are no longer able to control their candidates nor lead the people.

It should be possible for the major parties to establish basic platforms that are distinct. These platforms should further provide a balance of economic

power and interests between the parties. With this platform established, and coupled with a determination to adhere to it, the parties should present candidates to the electorate who are wholly in agreement with the platform and who possess the requisite loyalty to further the platform. Two strong parties, emphasizing contrasting views and beliefs will provide a battle of competing interests in the two constitutional houses, and as a result will relegate the Third House to the role of an adjunct, not the policy forming arena of our national government. The lobbies will still serve valuable purposes in making the desires of the minority known, and in providing excellent sources of technical information. At the same time legislators will not be easily swayed since they will realize that concessions granted contrary to the party beliefs will result in party retaliation seriously affecting their legislative longevity.

Mechanical measures for controlling the methods of the lobbyists, and widespread publicity of lobby activities, coupled with strong leadership in the political parties and supported by the people through the intelligent and united use of the still powerful ballot are the likely tools for limiting the effectiveness of pressure groups within our governmental framework. In the very final analysis it is only through the efforts of an intelligently aroused citizenry that the government established in the Constitution can be maintained and made to represent the people as a whole. It is primarily the indifference of the unorganized voters, fostered by the diminishing stature of the party politicians, that has allowed pressure group government to get as firmly established as it is. By the same token, it will require the actions of these same citizens lead by united, and energetic parties to bring government by special interest to an end.

FILE TWO COPIES WITH THE SECRETARY OF THE SENATE AND FILE THREE COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:
This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.
"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

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NOTE on ITEM "A."—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee," state (in Item "B") the name, address, and nature of business of the "employer." (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee.")

(ii) "Employer".—To file as an "employer," write "None" in answer to Item "B."

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B."—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers; except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C."—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302 (e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed, in connection with legislative interests, set forth: (a) description, (b) quantity distributed, (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this Item "C 4" and fill out Items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ←

↓ State or Territory

AFFIDAVIT

I, the undersigned affiant, being duly sworn, say: (1) That I have examined the attached Report, numbered consecutively from page 1 through page ----, and the same is true, correct, and complete as I verily believe. (Be sure to fill in number of last page.)

[If the Report is for an individual, strike out paragraph "2."] ←

(2) That I am ---- of the above-named organization, for whom this Report is filed, and that I am authorized to make this affidavit for and on behalf of such person.

[Print or type name below signature]

(Signed)
(Typed)

..... Affiant

Subscribed and sworn to before me on -----, 19-----

[Print or type name below signature]

(Signed)
(Typed)

(Official authorized to administer oaths)

9. \$.....	TOTAL for this Quarter (add "1" through "8")	Amount	Date or Dates—Name and Address of Recipient—Purpose
		\$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
10. \$.....	Expended during previous Quarters of calendar year	\$2,400.00	7-15, 8-15, 9-15: Britten & Blatten, 3127 Gremlin Bldg., Washington, D. C.—Public relations service at \$800.00 per month.
11. \$.....	TOTAL from January 1 through this Quarter (add "9" and "10")	\$4,150.00	TOTAL

NOTE on ITEM "D."—(a) IN GENERAL. The term "contribution" includes anything of value. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." The term "contribution" includes a gift, subscription, loan, advance, or deposit of money, or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302 (a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) In General. Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) Receipts of Business Firms and Individuals.—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) Receipts of Multi-purpose Organizations.—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of \$500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) In General. In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) Employer as Contributor of \$500 or More.—When your contribution from your employer (in the form of salary, fee, etc.) amounts to \$500 or more, it is not necessary to report such contributions under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS)

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. \$_____ Dues and assessments
2. \$_____ Gifts of money or anything of value
3. \$_____ Printed or duplicated matter received as a gift
4. \$_____ Receipts from sale of printed or duplicated matter
5. \$_____ Received for services (e. g., salary, fee, etc.)
6. \$_____ TOTAL for this Quarter (Add items "1" through "5")
7. \$_____ Received during previous Quarters of calendar year
8. \$_____ TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . loan . . ."—§ 302 (a).

9. \$_____ TOTAL now owed to others on account of loans
10. \$_____ Borrowed from others during this Quarter
11. \$_____ Repaid to others during this Quarter
12. \$_____ "Expense Money" and Reimbursements received this quarter.

Contributors of \$500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": _____
14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total \$500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	Name and Address of Contributor
	("Period" from Jan. 1 through _____, 19____)
\$1,500.00	John Doe, 1621 Blank Bldg., New York, N. Y.
1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
\$3,285.00	TOTAL

NOTE on ITEM "E."—(a) IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Expenditures (other than loans)

1. \$_____ Public relations and advertising services
2. \$_____ Wages, salaries, fees, commissions (other than Item "1")
3. \$_____ Gifts or contributions made during Quarter
4. \$_____ Printed or duplicated matter, including distribution cost
5. \$_____ Office overhead (rent, supplies, utilities, etc.)
6. \$_____ Telephone and telegraph
7. \$_____ Travel, food, lodging, and entertainment
8. \$_____ All other expenditures
9. \$_____ TOTAL for this Quarter (add "1" through "8")
10. \$_____ Expended during previous Quarters of calendar year
11. \$_____ TOTAL from January 1 through this Quarter (add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . loan . . ."—§ 302 (b).

12. \$_____ TOTAL now owed to person filing
13. \$_____ Lent to others during this Quarter
14. \$_____ Repayments received during this Quarter

15. Recipients of Expenditures of \$10 or More

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following headings: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	Date or Dates	Name and Address of Recipient—Purpose
\$1,750.00	7-11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
\$2,400.00	7-15, 8-15, 9-15:	Britten & Blatten, 3127 Gremlin Bldg., Washington, D. C.—Public relations service at \$800.00 per month.
\$4,150.00	TOTAL	

I, the undersigned affiant, being duly sworn, say: (1) That I have examined the attached Report, numbered consecutively from page 1 through page and the same is true, correct, and complete as I verily believe. (Be sure to fill in number of last page.)

[If the Report is for an individual, strike out paragraph "2."] ←

(2) That I am of the above-named organization, for whom this Report is filed, and that I am authorized to make this affidavit for and on behalf of such person.

[Print or type name below signature] (Signed) Affiant
(Typed)

Subscribed and sworn to before me on 19.....

[Print or type name below signature] (Signed) (Official authorized to administer oaths)
(Typed)

Issued 1-1-51 by the Secretary of the Senate and the Clerk of the House of Representatives. (Superseding Form issued 3-31-50)

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