

## LOBBIES AS AN AMERICAN INSTITUTION

Script for a two<sup>2</sup>part 27-minute Educational  
and Public Service Film (1960?)

The title of this film is "LOBBIES AS AN AMERICAN INSTITUTION". That may disturb some people. Perhaps it would be more popular to call it "THE MENACE OF LOBBIES" or "THE INSIDE STORY OF LOBBIES."

However, we believe that the American public has become mature enough to regard the problem of lobbies rationally. Practically every political scientist of this generation who has studied lobbies has declared -- either frankly or by timid implication -- that the lobbies are an essential and inevitable ingredient in our governmental system.

The first thing to realize is that anybody who has any kind of active interest in public affairs is a member of a group that lobbies -- in spirit if not in person.

Are you a member of a church group? Probably it is connected with a lobby. Are you a member of a profession---a doctor, lawyer, teacher? You may well be paying for a lobby. Are you a worker? Unions lobby. Are you a veteran? Veterans lobby. Are you a farmer? Farmers lobby.

Suppose you absolutely hate groups of any kind. You join nothing, no church, no union, no association, no boy scouts (boy scouts lobby), no neighborhood center (neighborhood groups lobby). Nothing. Very well.

But maybe sometime in your life? No? Never? No affiliation

from the cradle to the grave. Do you never sign a petition for a cause? No? Very well. Such a person is not rare in America. There are millions of the same type.

But far from being the cream of the civic crop, these persons are likely to be politically and civically passive, inert, non-participating citizens. Only a few of them are that romantic, lone wolf type who knows all about the world, like Henry Thoreau, but will not join in its work.

To repeat, the active citizens of our country are almost all connected in some way with lobbying.

I can make these statements clearer by stating three fundamental facts every person should know about groups and politics.

First: to get one of our big and complicated governments to take action on any matter, requires a considerable exercise of civil force, and that means getting people together to exert pressure. If you were to read some of the thousands of reports of congressional hearings on proposed laws, you would often note congressmen asking people who are testifying to the committee, "Mr. (or Miss) Smith, please state whom you are representing here".

Second: The active and leading people in American politics are also the ones who are most involved in group activities. The more politically apathetic a person is, the less likely he is to belong to organizations that maintain lobbies.

Let us look a little more closely into this basic fact of American life:

A great number of people undertake scarcely any political or civic activity.

A small number of people, about 12 millions, are modestly active.

A VERY SMALL NUMBER OF AMERICANS (ABOUT 4 MILLIONS) ARE

## REGULARLY ACTIVE.

Those who are inactive belong to few groups. Those who are a little active belong to more groups. Those who are active belong to many more groups.

Third: Most of the American people are organized into thousands of interest groups that overlap and criss-cross in a million ways and that act in their names. Suppose we were to take a cross-section of the social anatomy of an American. (We would look at him in a social way as the physiologist does in a biological way, examining the social sections of his anatomy.)

The typical person will have half a dozen social organs within him. In sociology these are called roles. One part of his sentiments will be tied to his family. Another would be tied to his school. A third would bind him to his occupational grouping--his business, his labor union, or a professional association. He would then also be joined to a church. He may be involved in a reform group, such as a league to give aid to blind children, or a league to strengthen the powers of the United nations. He may also think in terms of a veterans group, a fraternal or nationality, or racial group. His last major affiliation might be with his neighborhood, as for example, the West Side Improvement Association. I have left out one affiliation, his feeling of patriotism, or his tie with the nation. That is because the lobby and organization of the nation is the government itself.

All of these roles do not rest in neat layers. They overlap and often conflict with one another. They truly lobby within us. Sometimes the family feeling agrees with the religious feeling and both agree with the neighborhood feeling and with the

occupational group feeling.

Such would be the case, for instance, if I share my family's belief in the Methodist Church and the church is joined with our neighborhood association and the Retail Merchants Association to support a city ordinance providing new parking space in our neighborhood. I am then at ease with myself. I am of one heart and mind on the matter.

But suppose the same situation were changed a bit. My family has its own garage, and feels strongly about spoiling the surroundings with a noisy parking lot. The church decides it will take no position on a non-religious issue. We like the position of the neighborhood association which wants to put a park there instead of a parking lot. But my father's drug store would profit from the new parking facilities offered to his customers and we cannot dispute the case of the Merchant's Association on this point.

Well, you see, I am in for some difficult decisions. My internal legislative process is getting complicated. The various lobbies within me are agitated and active.

If we were to show more accurately the ways in which the roles within us work together, in combination, or at cross-purposes, we should have to cross each lobby within us with each other lobby,

..... like this .....

.... like this .....

.. and even like this ..

Complicated, isn't it?

Well, people are complicated. This isn't the half of it. Each individual person is different. People have many different

combinations and types of roles. They feel each role with different intensities of emotion. They have different loyalties to each. Some people feel part of many groups: Others may see all life through the eyes of their family, or a religious order, or their little business enterprise.

But now let's move from the single person to the whole society. The switch can be made more easily than you may think.

Simply change our focus from the lobbies within the individual to the lobbies of the whole society.

And here, across the map of the country instead of across the profile of a person, we discover the same general types of lobbies and interest groups.

The family

The educational interest

The occupational group

Religions

Reform groups and lobbies

Fraternal, veteran and nationality lobbies

and Neighborhood groups.

We call them lobbies. They can be called groups. They can be called pressure groups or interest groups. Here is one way of arranging the terms in your own mind:

\*\*\*\*\* Call by the name Interest Group any group of people organized around some common concern. It may be the American Red Cross, the Italy-America Society, the Vassar Class of 1911, or the Marching and Chowder Society of Lower Basin Street.

\*\*\*\*\* Use the word Pressure Group when you mean a little more specifically any interest group that strives to influence the

character of the laws as an important part of its work.

\*\*\*\*\* The lobby then refers to the spearhead of the pressure group, that is, the part of the group that is devoted to bringing the pressure to bear on those who are making the laws.

There is no strict count of the number of groups existing in America. Nor is there any way of saying how many of the groups are engaged in pressuring the government or even how many have lobbying agents.

If you said there are millions of informal, unorganized groups, you would be correct.

If you said that there were probably over 150,000 organized interest groups, you would probably again be right.

If you said that there are probably 100,000 lobbies in America working at all levels of government--local, state and national--you would not be far off the truth.

You can see how complex the total political situation must be with these many thousands of groups trying off and on to pry their way into the centers of power. It is the same as the individual person, magnified ten million times.

.... The groups criss-cross

.... They make alliances with one another

.... They fight one another.

The interest groups that lobby are by no means organized alike. If you think of the lobby as the spearhead of pressure, and its parent interest group as the spear shaft, you may have all spearhead and no shaft. As when a group of indignant citizens advance upon the city council to demand that a certain tanning factory cease venting its perfumes upon the public air.

Or you may have both spearhead and shaft, as with an association formed to educate the public against the perils of alcoholism and to agitate for the banning of the sale of alcoholic beverages.

Or you may have a small lobby spearheading a giant group, as it would be with a great religious group, which, as a small part of its activities, is seeking a stronger law on morals.

Hence the organization of groups that support lobbies may be of many kinds. One common type of organization of a pressure group resembles closely the organization of the government itself. It is a "little government". Examples would be the American Legion, or the Farmers' Union. Such a pressure group will have:

\*\*\*\*\* A constituency composed of those who identify with its general aims

\*\*\*\*\* A set of officers elected by the constituency, usually headed by a president

\*\*\*\*\* A constitution, adopted by the constituents, declaring the purposes and rules of the organization.

\*\*\*\*\* A staff, carrying out the orders of the officers, usually headed by an executive secretary or director. Frequently the staff and officers run the whole show, while the constituency plays a passive part.

\*\*\*\*\* And a lobby proper, usually part of the staff and called legislative representatives or some other title (but never "lobbyists"). This lobby maintains contact with government.

How lobbies are organized, and what they are aiming for, determine to some extent their tactics. For example, a big wealthy group such as the American Farm Bureau Federation will go directly to its multitude of members and try to enlist their support in urging

favorable legislation. By contrast, a group of ship-owners seeking favorable laws, may depend upon their legislative representatives alone.

But speaking in general, there are three major arenas in which lobbies operate and their tactics in each are the same:

\*\*\*\*\* They operate in the legislative process as laws are being made.

\*\*\*\*\* They work in the administrative offices of government as the laws are being carried out.

\*\*\*\*\* And they labor in the field of public opinion, including the press and elections. Wherever he goes, the lobbyist carries a motto of the boy scouts, "Be helpful". In some cases he may come dangerously close to bribery, so helpful is he, and a few lobbyists will resort to bribery in violation of the laws.

The boundary line between helpfulness and corrupt influence is not always clear. People who think that morality is an easy open-and-shut matter often have had little experience in politics and lack profound insight into themselves. It is a little thoughtless to say, "Congressmen should not have friends who are interested in legislation". That's like saying musicians shouldn't be friendly with other musicians. The basis of friendship is, after all, mutual interests. Equally thoughtless is the expression, sometimes heard, that "people with a special interest in legislation should be prevented from having access to legislators." But that is taking all the politics out of politics. Politics is largely the process of channeling special interests into the government.

Lobbying is a natural part of the governmental process. It may

seem less important than the presidency or the congress, but we cannot do without it any more than the head and limbs can do without the unglamorous liver. Once understood, lobbies can be controlled, as other institutions of government are. They can be an instrument of good government for the legislator and official, letting them perceive human needs and adjust group differences. The lobbies, often without intending to do so, ehlp to achieve social peace, and that is a rather good justification for an institution of government.

— END OF PART I —

The tactics of the lobbyist in the legislative process are delicate, ~~in other respects as well.~~ The job requires professional and diplomatic skills. Often lobbyists are well-trained lawyers, of former congressmen, or ex-officials.

First the lobbyist has to achieve access to the people who handle the problems that concern him. Without such access he is useless. He has to know legislators and officials. He has to know some of their staff. He should have friends who know nearly everybody and can introduce him on occasion if necessary.

Then he must present his case at every opportunity:

In private conversations;

In letters and memos to everybody concerned

And especially in committee hearings where he must testify for his cause, refute the opposition, supply ideas and facts, and help his allies plan their tactics.

Once upon a time in America most lobbying was done in or near the halls of the legislature. Then came an enormous increase in governmental activities. Offices sprang up to deal with welfare, defense, labor -- everything from art museums to zoos. Important decisions concerning millions of people and dollars were assigned to non-elected officers. In consequence a new group<sup>of</sup> administrative lobbyists grew up, and they are increasing in activity and numbers.

The lobby also functions increasingly in influencing and forming public opinion. Pressure groups came to realize over a period of time that neither administrative nor legislative lobbying often were fully effective unless they were backed up by signs of public support. So public relations men, advertising firms,

newspaper editors, public speakers, and opinion organizers have entered the picture as allies of the lobbyists. A lobbyist is in an ideal position if as he talks to officials the sounds of favorable public opinion are heard through the door.

Sometimes lobbyists are volunteers and paid nothing at all. There are always groups forming, for example, to go to the city council or state capitol, or Washington to urge a policy upon the government: they may actually pay out their personal funds for causes that bring no monetary benefit at all. At other times lobbyists may receive as much as \$50,000 a year plus expenses. Their compensation depends mostly upon the size of their organization's treasury. Direct spending by single lobbies in congress and in some big states may range from a mere dollar to a couple hundred thousand dollars a year.

Money is always nice to have. But still there is little connection between success in lobbying and the amount of money spent.

Except in those cases, mostly found in state and local governments, where the money is spent as bribes. No doubt there are thousands of bribes every year. But there are millions of cases where lobbyists are working without thought or possibility of bribery. In fact, it is difficult to calculate the influence of lobbies-- either all lobbies taken together or any single lobby. The lobbies are one of many institutions of government. It is hard to say whether the president or congress is more important: it is equally difficult to gauge the importance of the lobbies in relation to the presidency or congress. If pressed for an estimate, I should say that an average of about ten out of every one hundred major

federal laws come rather clearly from a lobby or alliance of lobbies, and another twenty out of a hundred are a product of direct lobby effort in alliance with a congressional group or the president. The lobbies affect the other 70 measures in degrees ranging from minor modifications to almost no participation at all. One the state and local levels of government, the lobbies would play a larger role on the average.

If we were to examine these laws that clearly show the hand of the lobbies in their design and passage, we should have a difficult time deciding whether they were any more or less in the interest of the whole people than the average law passed without the influence of lobbies.

Yet, unlike the experts of American government, a great many people believe that lobbies are terribly powerful and almost always bad. There are several reasons why this belief persists even to this late date.

\*\*\*\*\* In the first place, let us admit that there have been many cases where lobbyists have corrupted officials for private gain.

\*\*\*\*\* In the second place, nobody likes the other fellow's lobbies. Most of us like to believe our position is for the good of everyone, whereas our opponent's position is selfish. We believe we represent the national interest, while they represent special interests. Lone individuals may wish vainly that their brilliant ideas would impress government officials, and in their sour frustration blame the lobbies for capturing the officials' minds.

\*\*\*\*\* Thirdly, there is a widespread belief that in the good old days there were no lobbies. This is untrue. We read documents

coming from the Middle Ages in England, with the same cast of characters of today lobbying for all they were worth in the Court and Parliament -- the merchants, the labor Guilds, the churches and one office of government lobbying against another.

We read of pressures of different types working on the Colonial legislatures of America, and locked in a struggle to influence the adoption of the Constitution in the states legislatures and constitutional conventions. We hear many complaints against the canal and railroad lobbies in the decades before the Civil War. No, lobbying is not a recent invention, and if anything, like government institutions in general -- it is conducted today much more in the framework of the public interest than it was a century ago.

\*\*\*\*\* Fourth there is no mention of lobbies as such in the constitution: therefore some people feel this puts them outside of the law. But several important American institutions are not mentioned in the Constitution either. There is no word there about political parties, for example.

As a matter of fact, the basic guarantee of lobbying is to be found in the Constitution, to be exact in the first amendment to the Constitution, as part of the Bill of Rights. There it states that

"Congress shall make no law ... abridging the freedom of speech, or of the press: or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

As this clause has been interpreted, no major restriction on our sending lobbyists to pressure legislators or officials in congress or in the state and local governments would be permitted by the courts.

Still there are many minor laws regulating lobbies. The federal government, most states, and many localities seek to control the pressures being exerted upon them.

\*\*\*\*\* The law almost everywhere forbids the bribery of officials.

\*\*\*\*\* The law often requires some of the more obvious types of lobbies to register with the government and to publish figures on their spending.

\*\*\*\*\* Some laws limit how much lobbies may spend.

Few of these laws satisfy everybody. It is often hard to distinguish bribery from favors, and it is also difficult to prove bribery. Moreover, it is difficult to define lobbies for legal purposes. The fish net may be loose and only a few will register. Or it may be too fine and thousands of groups will be compelled to register under protest.

So far as spending goes, it is easy to hide and can masquerade under other costs of doing business.

If the head of a giant corporation speaks to a number of officials about legislation affecting his company in the course of the year, should part of his salary be reported as a lobbying expenditure? If a pastor goes around Washington to seek help for missionaries being held prisoner by Communist China, should his salary be entered as a lobbying expense by his bishop?

You can see that regulating lobbies is not easy. Yet there must be regulations, just as congress, the president, and other institutions are regulated.

The best forms of regulations are, first, publicity of all organization activity. Let all leaders put on paper what they have done. There will usually be somebody, either belonging to his group or

on the outside, who will challenge any significant omission, fraud, or perjury.

Second, let the laws on bribery be more carefully enforced.

Little more can be done now. Someday it may be wise to write a new "national charter of functional representation" (a Magna Charta of lobbying). In it, specific public responsibilities might be assigned to all groups that try to take a hand in determining public policy.'

But meanwhile it is well to remember the constructive functions of lobbies:

\*\*\*\*\* Lobbies bring legitimate grievances to the attention of the government.

\*\*\*\*\* They help to inform and educate hard-pressed government officials.

\*\*\*\*\* They call attention to each other's faults and fallacies, thus creating helpful public debate and supplying inside information on the true state of affairs.

\*\*\*\*\* In general they help to organize the vast, multifarious American people in a way that develops public interest in important issues and channels the resulting beliefs toward the sources of law and decision.

These reasons, it seems to me, are good reasons for regarding the lobbies as an important contribution to the American system of government.

Their faults are not yet adjusted. Their place is not yet fixed in the constitutional scheme of things. The public view of lobbies is still unsettled.

Therefore, rather than say that the answers are all here, and that

you need go no <sup>32</sup>father, I would say that you might want to do a lot more thinking about interest groups in America. A good deal of public study and discussion is certainly in order.

All that we would assert by way of conclusion is that we can properly regard the lobbies as a legitimate institution of American government.