

Guidelines to Ethical Lobbying

Today's lobbyists bear scant resemblance to characters in "Lincoln."



BY PEGGY KERNS

The name of the first lobbyist is not recorded in time. But rest assured, lobbying has been around since governments were formed and political decisions were first made.

Lobbying is simply communicating a point of view to a lawmaker in an attempt to influence government action. It is a right protected by the 1st Amendment to the U.S. Constitution. It's one way different views, opinions and concerns get expressed. No one disagrees with this. But "how" lobbying is done sometimes creates controversy. Like in the movies.

An Image Problem

Movies have not been kind to lobbyists. "Thank You for Smoking" (2005) and "Casino Jack" (2010), are recent examples that depict people who practice lobbying, an honorable and respected profession, as conniving and manipulative.

To some, the recent movie "Lincoln" is guilty of such a portrayal. In the movie, the president and Secretary of State William Seward strategize on how to persuade the House of Representatives to pass the 13th Amendment to abolish slavery. With the Republicans on board, Lincoln and Seward identify a handful of Democrats they may be able to win over to pass the amendment. Lincoln rejects the idea of buying their votes, but stays open to the possibility of offering them appointments to government jobs.

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Enter W.N. Bilbo, along with a couple of fellow lobbyists, to get the needed votes. They sit in the gallery of the U.S. House and watch the selected Democrats in action, sizing up their mannerisms and style. Then Bilbo and his buddies lobby the targets one by one—not railing against the evils of slavery, but describing what the lawmaker will receive if he switches votes. It is difficult and slow going. Lincoln, too, meets with some, using his eloquent words to convince them to vote yes.

In an emotional scene with Seward and the lobbying team, Lincoln expresses how essential it is that they get those last two votes. "I am president of the United States, clothed with great power ... those two votes must be procured. I leave it to you to determine how it shall be done."

Sticking to his principles, yet exerting and even expanding his powers to get what he wants, Lincoln pushes ahead for passage. Abolishing slavery justified the lobbying tactics taken. To him, the end justified the means.

The State of Lobbying

Fast-forward to today. The days of patronage are long gone, and lobbying standards have vastly improved. The profession is regulated in all states, and lobbyists are required to register, disclose their activities and limit gifts.

Still, unethical lobbyists look for loopholes and ways to skirt laws, says Keeneland Association's Judy Taylor, the first professional female lobbyist in Kentucky. If they don't get caught, she says, they get bolder, and at some point convince themselves that their actions are common and acceptable.

But the vast majority of lobbyists follow the rules, and honesty is one of their essential attributes.

"As a lobbyist, the only thing you have to sell is your credibility," says Peg Ackerman of Ackerman Information, a

Colorado lobbying firm. “Legislators must be able to rely on you to give accurate information,” which means being honest about the provisions of a bill and the reasons for a client’s position.

“It is not unethical to argue your client’s case in the most favorable way possible, as long as this does not entail being less than truthful or withholding significant information,” she adds.

Taylor says ethical lobbying is the product of an “ethical culture where there is respect for the law, respect for the individual and respect for the public—many of whom do not have a voice.”

So what should lawmakers expect from ethical lobbyists? Without exception, they should:

1

Maintain trust.

Ethical lobbyists build strong relationships, show mutual respect and honor commitments with legislators, staff and fellow lobbyists.



2

Conduct business with integrity.

Good lobbyists are proud of their profession and see themselves as problem solvers and resources for information.

The American League of Lobbyists’ Code of Ethics (Key Elements)

A lobbyist shall:

- ◆ Conduct lobbying activities with honesty and integrity.
- ◆ Comply fully with all laws, regulations and rules applicable to the lobbyist.
- ◆ Conduct lobbying activities in a fair and professional manner.
- ◆ Avoid all representations that may create conflicts of interest.
- ◆ Vigorously and diligently advance the client’s or employer’s interests.
- ◆ Have a written agreement with the client regarding terms and conditions of services.
- ◆ Maintain appropriate confidentiality of client or employer information.
- ◆ Ensure better public understanding and appreciation of the nature, legitimacy and necessity of lobbying in our democratic governmental process.
- ◆ Fulfill duties and responsibilities to the client or employer.
- ◆ Exhibit proper respect for the governmental institutions before which the lobbyists represent and advocate clients’ interest.

3

Obey state laws.

States have a variety of laws for lobbyists to follow—from how to register, to when to wear identification to how much they can give.





4

Treat fellow lobbyists with courtesy.

Lobbyists know they may be on opposite sides on one issue but allies on others.

6

Follow the spirit of the law.

It is not enough to just act within the law. Ethical lobbyists embrace the rule of law and its underlying principles.



5

Tell the truth.

Principled lobbyists don't mislead lawmakers or mischaracterize their clients' positions or supporting data.

7

Avoid conflicts of interest.

If a potential conflict arises, ethical lobbyists disclose it immediately to both parties and recuse themselves until the matter is resolved.

8

Strive for transparency.

Good lobbyists don't hide information—they share it.

A policymaker is entitled to expect candid disclosure from the lobbyist, including accurate and reliable information about the identity of the client and the nature and implications of the issues, according to WoodstockTheological Center's Principles for the Ethical Conduct of Lobbying.

But ethical behavior should be a two-way street. Legislators need to be just as ethical as lobbyists. This includes no surprises and no tricks. As Kurt Leib, lobbyist for Ohio's Capitol Advocates, told new lawmakers at their orientation session, "Don't introduce legislation Monday morning based on watching '60 Minutes' the night before."