

Assessing Lobbying Reform in President Obama's Administration

By

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Introduction

This paper explores the causes, characteristics, and consequences of President Barack Obama's attacks on lobbyists and his attempt to "change the way Washington works." It concludes with a discussion of the barriers President Obama faces in reforming pluralist democracy in Washington.

The Causes and Characteristics of Lobbying Reform

Widespread scandal and public opinion helped to fuel Senator Obama's attack on the role of lobbyists in American politics. It started with his leadership (with the help of

Senator McCain) to reform ethics and lobbying in Congress in 2006 which resulted in passing the most significant reform since 1995.¹ He continued to use criticism of lobbyists and the role of money in Washington as a popular theme of his 2008 election campaign. He promised to change Washington. Since the election he has used these attacks as a way to build support for his policy agenda, especially in the battle over health care and financial regulation.² Obama banned federal registered lobbyists from his campaign organization and has restricted them from serving in his administration.³ Lobbying scandals and President Obama's belief that Washington is awash in "special interest" money which undermines the public interest have been the primary reasons for his reform agenda. He has also strategically used criticisms of lobbyists as a way to build support for his policy initiatives.

President Obama also issued several historic executive orders restricting lobbyists from service in government and limiting their access to policy making in the executive branch.⁴ Lobbyists, interest groups, and advocates of all kinds are increasingly influential and controversial both in American elections and governing. They participate in the campaigns in a variety of ways. They have an impact on the quality of campaigns and elections and later on governing and policy making. Lobbyists influence the way issues and problems are framed and ultimately the way policy is made in Washington. They are an integral part of pluralist representative democracy in the United States. They

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

² See Center for Congressional and Presidential Studies 2008 Cooperative Congressional Election Study (CCES) voter opinion survey results on President Obama and lobbying reform.

³ Both candidates publically banned federal registered lobbyists from serving on their campaign staffs, but forty-two top campaign staffers for McCain were recently lobbyists and twenty-three top campaign staffers for Obama were recently lobbyists.

⁴ See President Obama's first Executive Order No. 13490, January 21, 2009.

promote candidates and policies, raise money, sway voters, and continue their influence through major lobbying campaigns after an election. They provide services such as general strategic advice, issue advocacy advertising, polling, and advice about media strategy, organizing get-out-the-vote (GOTV) strategies, general tactical guidance for candidates, and many volunteers.⁵ They continue to offer these identical services and use these same tactics after elections during major issue battles in the policy process, as seen recently with climate change legislation, health care reform, financial regulatory reform, immigration policy, and education policies. Scholars have focused primarily on lobbyist and interest group monetary contributions to campaigns, especially contributions through political action committees (PACs).⁶ Less is known about the more subtle forms of influence such as nontransparent nonmonetary services for candidates, political parties, and lobbying campaigns.⁷ Professional campaign consultant services from lobbying groups are not easily measured; however, they often play a key role in winning modern elections and later in governing. The variety of important services the lobbyists-consultants offer in the campaign set the foundation for the powerful roles many play in post-election governing, something President Obama says he is trying to stop.

⁵ See James A. Thurber and Candice J. Nelson, eds., *Campaign Warriors: Campaign Consultants in Elections* (Washington, DC: Brookings Press, 2000), and Stephen K. Medvic, *Political Consultants in U.S. Congressional Elections* (Columbus: Ohio State University Press, 2001), for an analysis of the role of campaign consultants in elections.

⁶ For a thorough discussion of the money involved in election campaigns, see Larry Makinson, “What’s Ethics Got To Do With It?” in *Shades of Gray: Campaign Ethics*, ed. Candice J. Nelson, David Dulio, and Stephen K. Medvic (Washington, DC: Brookings Press, 2002).

⁷ See David A. Dulio and James A. Thurber, “The Symbiotic Relationship Between Political Parties and Political Consultants: Partners Past, Present and Future,” unpublished paper, Center for Congressional and Presidential Studies, American University, October 2001, for an analysis of the relationship of consultants and political parties in U.S. elections. See James A. Thurber, chap. 9, “From Campaigning to Lobbying,” in *Shades of Gray: Perspectives on Campaign Ethics* (Washington, DC: Brookings Institution Press, 2002), 151–70, for an earlier analysis on this topic.

During his first year and half in office, President Obama has attacked lobbyists dozens of times for hindering or even stopping his policy agenda and what he says is in the public interest. However, he publically praises his “stakeholders” (often Federal registered lobbyists) from organizations like the AARP, the pharmaceutical industry, and the American Medical Association in the health care battle who support his policies. What is the difference between lobbyists and stakeholders who are both public advocates for his policies? Language makes a difference. Voters do not like lobbyists. They think they are a corrupting influence on Washington. Advocates and lobbyists cite the same source of legitimacy; that is, a fundamental right of free speech, of assembly to petition government for grievances, all guaranteed under the first amendment. A federal registered lobbyist is defined in law and must give (with a threat of fines and jail time if they do not comply) quarterly detailed reports of lobbying activities, clients, and money spent.⁸ Stakeholders are not held to that standard; their activities and spending are not reported publically. Generally their advocacy role is non-transparent.

Whether called lobbying or advocacy, it is a profession that has been deeply sullied in the last five years by the illegal actions and conviction of Jack Abramoff, the criminal convictions of Representatives “Duke” Cunningham and Bob Ney, the conviction of Representative William Jefferson, the indictment and resignation of Representative Tom DeLay, the conviction (later overturned) of Senator Ted Stevens, as well as the criminal conviction of five former congressional aides. More recently in 2009, Congressman Charles Rangel (D-NY) was asked to step down as chair of the

⁸ A Lobbyist is an individual (1) who is employed or retained by a client for compensation; (2) who has made more than one lobbying contact on behalf of such client; and (3) who spends at least 20 percent of his/her time working for that client during a three-month quarter on “lobbying activities” (defined in the Lobbying Disclosure Act).

powerful House Ways and Means Committee amid an investigation and scandal related to breaking House ethics gift ban and travel rules associated with lobbyists. In 2009 the House Ethics Committee investigated Representatives Todd Tiahrt (R-KS), Peter Visclosky (D-ID), John Murtha (D-PA), Norm Dick (D-WA), and Jim Moran (D-VA), all on the House Appropriations Committee, for their ties with PMA, a now defunct lobbying firm that was raided in an FBI investigation of lobbying corruption.⁹ Table 1 reveals a clear reciprocal relationship between Representative Moran and Murtha's earmarks, payments to PMA, and campaign contributions. The House Ethics Committee cleared these members in late 2009, but the linkage between defense contractor earmarks, payments to PMA for lobbying services and campaign contributions to the members, is unambiguous, the larger earmark, the larger PMA payment, and the larger the campaign contributions. A multitude of other accusations and convictions against more than two dozen lobbyists Members of Congress and staff resulted from these lobbying-related scandals occurring from 2006 to mid-2010 and the scandals seems to never end. There have been over 4,000 referrals by the house and Senate to the Department of Justice in the last four years for violations to the LDA and HLGOA, but not prosecutions.¹⁰

Table 1: Murtha and Moran PMA Earmarks, PM and Campaign Contributions

John Murtha's 2010 PMA Earmarks and 2008 Campaign Contributions

⁹ For a criticism of Representative Norm Dicks relationship with Boeing and PMA see Dana Milbank, "Mr. Boeing is about to Mr. Spending," *Washington Post*, Sunday, May 9, 2010.

¹⁰ Interview with representative of the Office of the Clerk of the U.S. House of Representatives, April 21, 2010.

Earmark recipient and address	Value of requested earmark in 2010 budget ¹¹	Payments to PMA in 2008 for lobbying services ¹²	Contributions in 2008 election cycle ¹³
Advance Acoustic Concepts Lemont Furnace, Pa.	\$5 million	\$120,000	\$40,200
Argon ST Smithfield, Pa. (branch office)	\$8 million	\$190,000	\$42,500
MTS Technologies Johnstown, Pa	\$5 million	\$40,000	\$26,600
Planning Systems Inc. Uniontown, Pa. (branch office)	\$2.3 million	\$120,000	\$ 35,950
UFR/QTL Chem-Bio Defense Systems Lemont Furnace, Pa	\$3.5 million	\$160,000	\$5,600
MobilVox Inc. Indiana, Pa. (branch office)	\$2 million	\$70,000	\$18,400
PMA Group	n/a	n/a	\$28,300
Totals	\$29.8 million	\$730,000	\$197,550

¹¹ Earmark figures can be found on Rep. Murtha's website at http://www.murtha.house.gov/index.php?option=com_content&task=view&id=646&Itemid=84

¹² Source: Center for Responsive Politics, "PMA Group," available at <https://www.opensecrets.org/lobby/firmsum.php?lname=PMA+Group&year=2008>

¹³ Most of these figures are from Center for Responsive Politics, "Top 100 Contributors: John Murtha at <https://www.opensecrets.org/politicians/contrib.php?cid=N00001408&cycle=2008&type=C&newMem=N&recs=100>. The UFR/QTL donations required further searches on the Center for Responsive Politics website. Includes PAC contributions.

Jim Moran's 2010 PMA Earmarks and 2008 Campaign Contributions

Earmark recipient and address	Value of requested earmark in 2010 budget ¹⁴	Payments to PMA in 2008 for lobbying services ¹⁵	Contributions in 2008 election cycle ¹⁶
General Dynamics Fairfax, Va.	\$2 million	\$280,000	\$12,300
DDL Omni Engineering McLean, Va.	\$3 million	\$80,00	\$2,300
EM Solutions Arlington, Va.	\$3 million	\$40,000	\$4,000
ITT Corporation Alexandria, Va.	\$2 million	\$550,000	\$10,000
MobilVox Inc. Reston, Va. (Headquarters)	\$2 million	\$70,000	\$6,600
Rockwell-Collins Reston, Va.	\$1 million	\$120,000	\$12,000
Argon ST Fairfax, Va. (Headquarters)	\$3 million	\$190,000	\$10,300
Artis Falls Church, Va.	\$1 million	\$80,000	\$4,000

¹⁴ Earmark figures can be found on Rep. Moran's website at http://moran.house.gov/appropriations_requests.shtmlhttp://www.murtha.house.gov/index.php?option=com_content&task=view&id=646&Itemid=84

¹⁵ Source: Center for Responsive Politics, "PMA Group," available at <https://www.opensecrets.org/lobby/firmsum.php?lname=PMA+Group&year=2008>

¹⁶ Most of these figures are from Center for Responsive Politics, "Top 100 Contributors: Jim Moran at <https://www.opensecrets.org/politicians/contrib.php?cid=N00002083&cycle=2008&type=I&newMem=N&recs=100>. The figures for DDL Omni Engineering required further searching.

Planning Systems Reston, Va. (Headquarters)	\$1.5 million	\$120,000	\$21,900
PMA Group ¹⁷	n/a	n/a	\$38,500
Totals	\$18.5 million	\$1,530,000	\$121,900

The overwhelming public perception of lobbyists, whether convicted or investigated for malfeasance, is that they are bad, a corrupting influence on government. This negative perception was a major cause of candidate and President Obama using his attacks on lobbyists as part of his campaigning and governing style. The public had high expectations for President Obama changing the way Washington works, by changing the lobbying and influence culture in Washington, a popular issue during and after the 2008 campaign. President Obama has used that public anger with Washington in his attempts to garner support for his policies on the Hill. Fifty-eight percent of the respondents in a national poll felt Obama would be very likely or somewhat likely to change the way Washington works? (See tables in Appendix I and II for CCES public opinion survey results). After the economic crisis, government corruption was the second-most important issue mentioned by voters in national surveys in 2008 and the most important issue among the electorate in the midterm election of 2006 (see Appendix I and II 2008 CCES public opinion about Obama and lobbying reform).

Candidate Barack Obama in 2008 made this promise to the public:

¹⁷ PMA Group was Rep. Moran's top contributor for the 2008 election cycle.

I intend to tell the corporate lobbyists that their days of setting the agenda in Washington are over, that they had not funded my campaigns, and from my first day as president, I will launch the most sweeping ethics reform in U.S. history. We will make government more open, more accountable and more responsive to the problems of the American people.¹⁸

Obama also addressed the destructive power of lobbyists in a town hall meeting in Bristol, Virginia: “We are going to change how Washington works. They will not run our party. They will not run our White House. They will not drown out the views of the American people.”¹⁹ He continued his tough attack on lobbyists and special interest money on August 8, 2008:

I suffer from the same original sin of all politicians, which is we’ve got to raise money. But my argument has been and will continue to be that the disproportionate influence of lobbyists and special interest is a problem in Washington and in state capitals.²⁰

Although candidate Obama promised to change the way lobbyists influence Washington politics, he has found changing the lobbying industry difficult because of its size, adaptability, and integral part of pluralist democracy. By official estimates, lobbying is the third-largest enterprise in our nation’s capital, after government and tourism.²¹ As of January 1, 2009, there were over 27,000 federal-registered lobbyists representing virtually every type of interest in America.²² The number of registered

¹⁸ <http://www.nhpr.org/node/14408>

¹⁹ <http://www.msnbc.msn.com/id/24989468/wid/7468326/>

²⁰ <http://www.iht.com/articles/ap/2007/08/17/america/NA-POL-US-White-House-Obama.php>

²¹ See James A. Thurber, *Corruption and Scandal in Washington: Have Lobbying and Ethics Reform Made a Difference? Exploring the Relationship among Candidates, Campaign Consultants, Lobbyists, and Elected and Appointed Public Officials*, paper for Conference on Political Corruption in America at Loyola Marymount University, Institute for Leadership Studies, February 23, 2009.

lobbyists dropped precipitously in the first twelve months of the Obama administration to 14,000. However, the number of persons employed in Washington who are either lobbyists or are associated with all dimensions of the advocacy industry (registered and unregistered advocates and supporting institutions) has been estimated to be well over 100,000. Spending by registered lobbyists has increased 62 percent in the last five years from \$2 billion to \$3.4 billion in 2009, but that is just the visible, registered activities (see Table 1). The \$3.4 billion is just the tip of the lobbying expenditures iceberg, because it includes only what is recorded by registered lobbyists in public records. This astonishingly averages out to over \$17 million in lobbying expenditures each day Congress was in session in 2008. This does not include money spent for grassroots organizing, coalition building, issue advertising on television, radio, and in the print media, and advocacy on the Internet. There are estimates that the total spent on lobbying is closer to \$9 billion per year in Washington—or about three times the officially reported amount.²³

Senator Obama helped lead the Senate reform to bring more regulations, reduce conflicts of interest, and increase transparency about the lobbying industry. His effort ended with the passage of the Honest Leadership and Open Government Act of 2007 (Pub. L. 110-81, 121 Stat. 735 [September 14, 2007]) (hereafter “HLOGA”),²⁴ a reform that attempts to slow or stop the “revolving door” between public service and lobbying, to curb excesses in privately funded travel and gifts, and to enhance disclosure and transparency of lobbying activities. The 1995 Lobbying Disclosure Act (LDA) and

²³ Op. Cit.

²⁴ This was a Senate and House Statutory Reform, by amending the Lobbyist Disclosure Act of 1995 (Pub. L. 104-65, 109 Stat. 691) (LDA), the Federal Election Campaign Act, the Ethics in Government Act, the

HLOGA define lobbying and lobbyists and require those who register under the acts to disclose the identities of people attempting to influence government, the subject matters of their attempts, and the amounts of money they spend to accomplish their goals on a quarterly basis.²⁵ HLOGA was supposed to make it easier for the public to know about campaign contributions from lobbyists to lawmakers and to make it easier for the public to be aware of lobbyist advocacy topics, targets, and expenditures. HLOGA prohibits senior Senate staff and Senate officers from lobbying contacts with the entire Senate for two years, instead of just their former employing office. The act also continues to prohibit senior House staff from lobbying their former office or committee for one year after they leave House employment.

President Obama has continued his passion to reform lobbying and the way Washington works since his election. He restricted participation by lobbyists on his transition team. He instituted a strong code ethics for all executive branch appointees, implemented a tough gift ban, passed more transparency rules for decision making, and on his first day in office he issued an executive order restricting the “revolving door” of lobbyists both in and out of government.²⁶ He also banned direct lobbying for funds and

Indian Self-Determination and Education Assistance Act, and revising congressional pension provisions in the Civil Service Retirement System.

²⁵ A person who must register as a federal lobbyist is: (1) who is employed or retained by a client for compensation; (2) who has made more than one lobbying contact on behalf of such client; and (3) who spends at least 20 percent of his/her time working for that client during a three-month quarter on “lobbying activities” (defined in the LDA).

²⁶ See President Obama’s January 21, 2009, Executive Order 13490 on the revolving door in “Ethics Commitments by Executive Branch Personnel”). The highlights of the Executive Order follow: Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2009, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:
"As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

tax breaks from the Troubled Assets Relief Program (TARP) (Public Law 110-343) and the 2009 Economic stimulus package bill. President Obama centralized his transition team dealing with lobbying and ethics reform and he centralized White House control over government ethics and lobbying by hiring lobbying reformer Norm Eisen to head this topic in the transition and later as Special Counsel to the President for Ethics and Government (the Ethics Czar). Eisen has lead drafting and the President issuing two historic Executive Orders and several presidential memos on lobbying and ethics, as listed in Table 2. They are attempts to bring more transparency, public participation, and to reduce conflicts of interest in his administration.

Table 2: President Obama’s Ethics and Lobbying Reforms, 2009-2010

- Ethics Commitments by Executive Branch Personnel, Executive Order 13490, January 21, 2009.
- Memorandum for the Heads of Executive Departments and Agencies on Transparency and Open Government, January 21 2009.
- Memorandum for the Heads of Executive Departments and Agencies on Ensuring Responsible Spending of Recovery Act Funds, March 20, 2009.
- Reducing Improper Payments and Eliminating Waste in Federal Programs, Executive Order 13520, November 23, 2009.
- Memorandum for the Heads of Executive Departments and Agencies on Freedom of Information Act, December 18, 2009.

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

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

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

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

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

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

- President Obama’s Weekly Address: President Obama Vows to Continue Standing Up to the Special Interests on Behalf of the American People, January 23, 2010.

Source: WhiteHouse.gov, Briefing Room, May 2010.

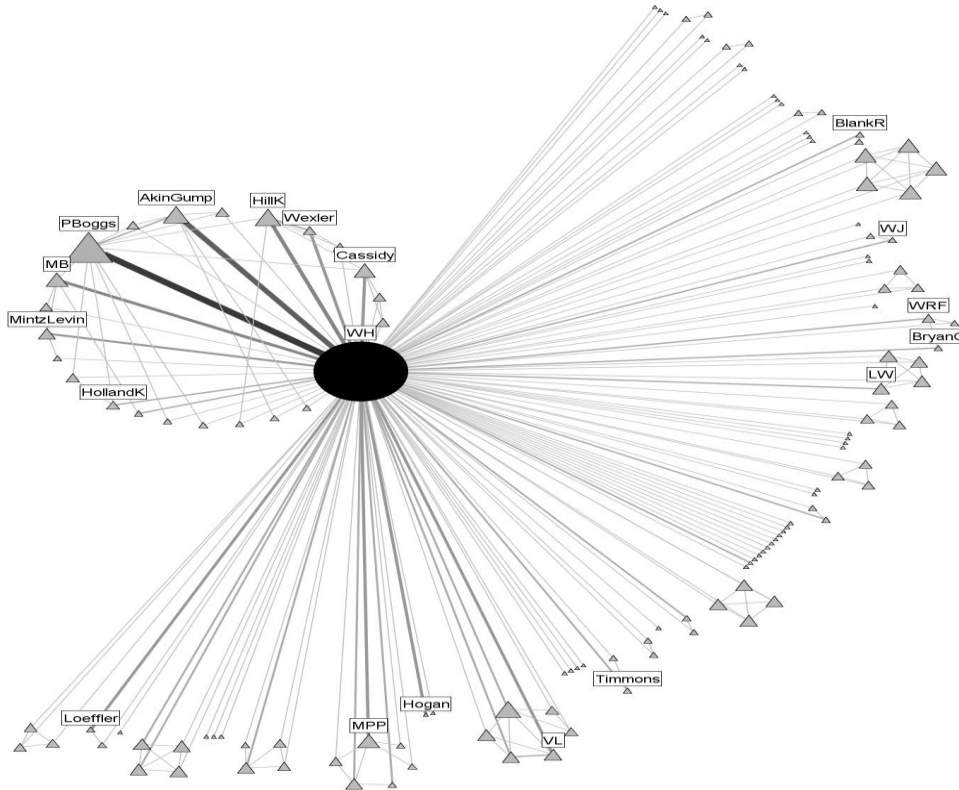
The Consequences of Reform

Rhetoric, regulations, and law aside, what has been the reality of the congressional and White House “revolving door” that Senator and now President Obama has been trying to stop? The following diagram reveals the complexity and extent of that avenue in and out of power, before President Obama’s 2009 reforms. Figure 1, the network analysis of the White House “revolving door” shows the linkages among lobbyists reported from the official public LDA-filed reports, June 2006.²⁷ The strongest linkages in and out of the White House were with major lobbying firms in Washington: Patton Boggs, Hill Knowlton, Hogan and Hartson, Timmons, Akin Gump, Wexler Walker, and Cassidy and Associates, and others shown in the network analysis below. This revolving door is well established, but has been difficult to control, even with the new presidential executive order.²⁸

²⁷ Each lobbyist is linked to the others by shared places of former employment. The circles indicate public employment; the White House is in the center. The triangles indicate private-sector positions. The darker shades indicate greater “betweenness” or centrality of those going through the White House “revolving door.” The larger and darker lines reveal a greater number of people to other nodes and suggest more centrality. Data for this network analysis was compiled by Professor Timothy M. Lapira, currently at the College of Charleston, while he was a research fellow with the Center for Congressional and Presidential Studies, American University, are combined across nine reporting periods from 1998 to 2006 to show the White House revolving door to lobbying firms. Only the top/largest twenty-five lobbying firms are shown. See Frank R. Baumgartner, Timothy M. LaPira, and Herschel F. Thomas, “The Structure of Washington Lobbying Networks: Mapping the Revolving Door,” paper presented at the Annual Meetings of the Midwest Political Science Association, Chicago, IL, April 4-7, 2008.

²⁸ On May 8, 2010 White House Counsel Bob Bauer was granted a waiver from ethics rules President Barack Obama established for his administration. Bauer was granted a waiver to allow him to deal in an official capacity with his former law firm, Perkins Coie, on Obama’s personal matters, and on issues of campaign finance. Norm Eisen said that Executive Order 13490, which Obama signed upon taking office to establish ethics rules for his administrations, never conceived of a circumstance like Bauer’s, and allowed for an exception. At least eight other exceptions to the revolving door rules have been granted for White House and executive branch appointees.

Figure 1: Lobbyists-White House Revolving Door, 1998-2006



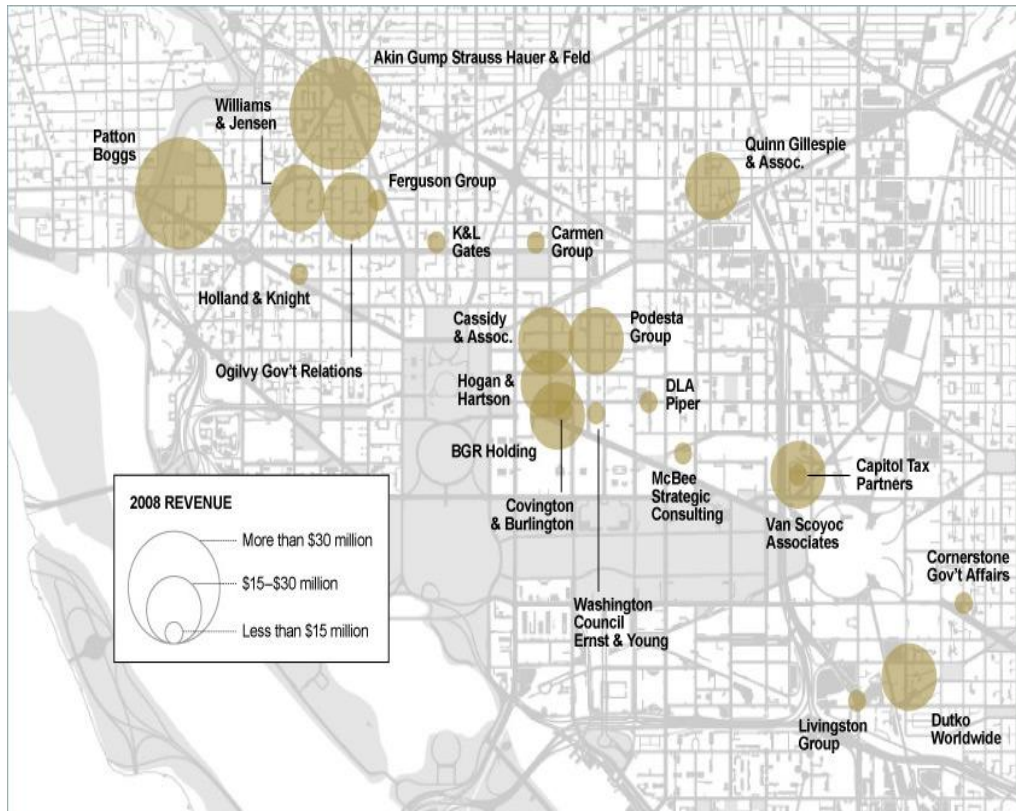
The lobbyist-White House revolving door shown in this network analysis is prohibited by President Obama’s executive order, but it has proven difficult to break old habits in the way Washington works and exceptions have been granted. Also “advocates,” but are not federal registered lobbyists, have heavily populated the Obama White House and departments.

Other advocates and other non-federal registered lobbyists, like former Senator Tom Daschle and President of CAP, John Podesta have often had easy access to the White House, as shown on the White House log of visitors.²⁹ Although the president has attacked them, lobbyists still seem to be hovering around the White House. A *Washington Post* map of the major lobbying firms in Figure 2 shows lobbying firms by business volume and location. It shows that the lobbying firms with many former White

²⁹ See WhiteHouse.gov Visitor’s log for 2009-2010.

House aides are located in close proximity to the White House. They are populated by people who know how Washington works and who have close friends in the White House, including President Obama. These same firms also give significant funds to Federal election campaigns.

Figure 2: Top 25 Lobbying Firms by Revenue in 2008



Source: *Washington Post*, September 2009.

The election and later advocacy activities of former Senator Daschle and CAP President Podesta, who both played key roles in the Obama campaign and his transition, are examples of people with outside interests who have inside access to power in the White House. Although negative publicity about his non-payment of taxes prevented Daschle from being appointed Secretary of the U.S. Department of Human and Health Services, he played a prominent advocacy role in the White House and on the Hill in the

battle for health care reform. Because of the new transparency rules in the White House, there is a public record of dozens of meetings between Daschle, Podesta, and White House staff (including the president) during health care battles in 2009 and 2010.³⁰ Campaign consultants-turned-lobbyists/advocates who build strong reciprocal relationships with candidates-turned-elected office holders (presidents) or appointed officials (secretaries of departments) are part of the Washington political culture that President Obama is trying to reform, but the president is also using these relationships to help move his policy agenda as revealed by the log of visitors from a variety of special interests. The Sunlight Foundation analyzed the White House visitor logs and found, for example, that within a few months of being sworn in, President Obama and his top White House aides met dozens of times with leaders from the pharmaceutical industry, unions, AARP, the American Medical Association, the American Hospital Association, American automobile companies, and other “special interests” to develop a health care reform that could be passed in Congress.³¹ Sunlight Foundation analysis of Federal Election Commission records and lobbying disclosure records by these organizations also showed increased campaign contributions and lobbying expenditures for health care issues from these organizations during 2009.³² The pharmaceutical industry spent over \$28 million on lobbyists, \$8 million on campaign contributions to both Democrats and Republicans on the Hill, and over \$100 million on issue advertising which went to White

³⁰ As part of President Obama's commitment to government transparency, the White House provides records of White House visitors on an ongoing basis online. In December 2009, the White House began posting all White House visitor records for the period from September 15th onwards. In addition, as part of its new policy, they will post records dating from January 20th that are specifically requested on an ongoing basis.

³¹ see www.sunlightfoundation.com for analysis.

³² Op.Cit.

House Senior Advisor David Axelrod's former firm AKPD (which owed Axelrod \$2 million).³³

What are the consequences of the murky world of the revolving door of lobbyists/advocates in campaigns and government? Are lobbyists distorting what is in the public interest, undermining public trust in government and ultimately the integrity of American democracy, as argued by candidate/President Obama? These are not new questions³⁴ for Washington; they echo James Madison's lament in Federalist Paper Number 10.

The questions present several ethical problems created by lobbyist- interest group activity. The first problem is the enormous amount of campaign money raised and spent by interest groups for candidates and political parties, which raises serious ethical questions about corruption in financing elections.³⁵ The cost of all presidential and congressional campaigns, including soft money and issue advertising by interest groups, reached approximately \$5 billion in the 2008 electoral cycle, more than doubling the campaign expenditures of four years earlier.³⁶

A second problem, the amount of issue advertising, independent expenditures, and campaign services raised from interest groups, can dwarf the input from voters,

³³ www.politico/news/stories/1009/28362.html.

³⁴ From James Madison's Federalist Paper Number 10: "Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true."

³⁵ Michael J. Malbin and Thomas J. Gais, *The Day After Reform: Sobering Campaign Finance Lessons from the American States* (Albany: Rockefeller Institute Press, 1998); Robert K. Goidel, Donald A. Gross, and Todd G. Shields, *Money Matters* (Lanham, MD: Rowman & Littlefield, 1999); and David Magleby and Candice J. Nelson, *The Money Chase: Congressional Campaign Finance Reform* (Washington, DC: Brookings Press, 1990).

political parties, and other groups with fewer resources, thereby almost insuring narrow and possibly exclusive interest-group influence on public policymaking. The money spent in campaigns added to the increasing amounts used in lobbying issues is substantial. Table 3 shows the steep increase in lobbying expenditures by federal registered lobbyists from 1998 through 2009. The increase in the amount of money spent by federal registered lobbyists and others in the advocacy business involved in battles over health care reform, financial regulation, climate change, and education programs is likely to continue to rise. Moreover, not included is the money spent on other lobbyist-related activities such as paid media (issue ads), grassroots, grass tops, coalition building and maintenance, use of the Internet, survey research, supporting think tanks, and a variety of other non-regulated advocacy tactics.

Table 3: Lobbying Expenditures, 1998-2009

- 1998 \$1.427 b.
- 1999 \$1.434 b.
- 2000 \$1.545 b.
- 2001 \$1.617 b.
- 2002 \$1.806 b.
- 2003 \$2.037 b.
- 2004 \$2.128 b.
- 2005 \$3.058 b.
- 2006 \$3.000 b.
- 2007 \$3.100 b.
- 2008 \$3.186 b.
- 2009 \$3.450 b.

Source: Source: Clerk of the House and Secretary of the Senate, 1998-2010.

³⁶ Burdett Loomis, "The Industry of Politics," unpublished manuscript, Department of Political Science, University of Kansas (November 2001), 1.

The amount of money spent on campaign advertizing will likely increase substantially in 2010 as a result of the *Citizens United* Supreme Court case.³⁷ All of these new dollars may well undermine the “common good” through the maximization of narrow interests and the enhancement of oligarchy in the U.S. political system.³⁸ Candidate Obama tried to reduce by special interest campaign spending by soliciting small contributions through the Internet and by encouraging people to give to his campaign rather than 527 groups.³⁹ He has soundly criticized *Citizens United* and has argued that the decision will make it difficult for him to change the way money and politics work in Washington.⁴⁰

Third, interest groups feed the negative effects of the “permanent campaign,” defined by Hugh Heclo as, “the combination of image making and strategic calculation that turns governing into a perpetual campaign and remakes government into an

³⁷ *Citizens United v. Federal Election Commission* was a landmark decision by the U.S. Supreme Court holding that corporate funding of independent political broadcasts in candidate elections cannot be limited under the first Amendment. The 5-4 decision resulted from a dispute over whether the non-profit corporation Citizens United could air via video on demand a critical film about Hillary Clinton, and whether the group could advertise the film in broadcast ads featuring Clinton's image, in apparent violation of the 2002 Bipartisan Campaign Reform Act commonly known as the McCain-Feingold Act

³⁸ See Jeffrey A. Winters and Benjamin I. Page, “Oligarchy in the United States?” *Perspectives on Politics* Volume 7, Number 4, December 2009, pp. 731-751.

³⁹ A 527 organization or 527 group is a type of American tax-exempt organization named after a section of the United States Tax Code. A 527 group is created primarily to influence the nomination election, appointment or defeat of candidates for public office. Although candidate committees and political action committees are also created under Section 527, the term is generally used to refer to political organizations that are not regulated by the Federal Election Commission or by a state elections commission, and are not subject to the same contribution limits as PACs.

⁴⁰ On January 21, 2010, President Obama stated: “With its ruling today, the Supreme Court has given a green light to a new stampede of special interest money in our politics. It is a major victory for big oil, Wall Street banks, health insurance companies and the other powerful interests that marshal their power every day in Washington to drown out the voices of everyday Americans. This ruling gives the special interests and their lobbyists even more power in Washington — while undermining the influence of average Americans who make small contributions to support their preferred candidates. That's why I am instructing my Administration to get to work immediately with Congress on this issue. We are going to talk with bipartisan Congressional leaders to develop a forceful response to this decision. The public interest requires nothing less.”

instrument designed to sustain an elected official's popularity."⁴¹ This results in an unrelenting demand from incumbents for campaign funds that are more easily collected from particular interest groups than broad-based networks. But this may change with a new generation using the Internet for campaigning and solicitation of funds. In an era of partisan parity, the permanent campaign creates the need for advice from campaign consultants-lobbyists that is broadened beyond the strategy of conducting a winning campaign to include which issues and policies to embrace in order to win the next election. National politics has thus gone past the stage of campaigning to govern and has reached the "more truly corrupted condition of governing to campaign," with campaign consultants and lobbyists playing a central role in the phenomenon.⁴²

Fourth, when interest groups participate in election campaigns, through money or services, and also hire or use their own lobbyists, serious ethical questions of conflict of interest arise, particularly the question of who is paying for what. Serious consequences for public policymaking are likely to occur. Are the lobbyist-consultants loyal to the issues as lobbyists for their private clients, or to the public interest? Ethicist Tom DeCair of the Josephson Institute of Ethics argues that "[t]his representing clients. . . to the candidates as campaign consultants which has the appearance of conflict can be as damaging as a real conflict."⁴³

Fifth, problems stem from a major norm of pluralist democracy and political life generally, reciprocity. Reciprocity is one of the strongest imbedded norms in public life.

⁴¹ Hugh Heclo, "Campaigning and Governing: A Conspectus," in *The Permanent Campaign and Its Future*, ed. Norman Ornstein and Thomas Mann (Washington, DC: American Enterprise Institute and the Brookings Institution, 2000), 3; and see Sidney Blumenthal, *The Permanent Campaign* (New York: Simon and Schuster, 1982), 7, for definition of the permanent campaign.

⁴² Heclo, *The Permanent Campaign*, 34.

It is directly related to ethical dilemmas that occur in the linkage among consultants, lobbyists, and elected public officials. The “iron law of reciprocity” is like gravity. It is beyond dispute, but hard to confirm in particular applications without rigorous testing. Reciprocity is defined as: “To return in kind or degree; the mutual or equivalent exchange or paying back of what one has received; a mutual exchange; mutual dependence, action or influence; a mutual exchange of privileges.”⁴⁴ Reciprocity is expected in personal relationships and it is a strong influence on political relationships in campaigns, lobbying, governing, and public policymaking.

Reciprocity can be the basis of the movement of people through the political and government “revolving door” shown above. Reciprocity, campaign contributions, and the drive for political self-preservation (reelection) are central to these ethical dilemmas. Candidates with the most campaign resources are often able to hire campaign professionals with the best reputations, thus improving their probability of winning elections. Most of these campaign contributions (money, volunteers, and services) come from powerful businesses, unions, associations, and interest groups.⁴⁵ Campaign consultants with the best reputations also help generate campaign funds, thus helping to build incumbency advantage for the next election. These consultants are successful during an election year and also in off-election years because their business volume relies on both campaigns and lobbying. Electoral success for consultants often leads to lobbying success or service in government (e.g. Rove and Axelrod). Where is their loyalty when consultant-lobbyists are simultaneously working for an interest group and

⁴³ See Connor, “Principles for the Ethical Conduct of Lobbying,” 5, and Tom DeCair of the Josephson Institute of Ethics quoted in McGreevy, *Los Angeles Times*, February 11, 2001, B-2.

⁴⁴ *Webster’s New Ninth Collegiate Dictionary* (Springfield, MA: Merriam-Webster, 1983), 983.

several candidates for public office, especially when income is involved? What are the motivations of those giving campaign contributions and hiring campaign consultants who are also lobbyists? Where is their loyalty when they work in government: to their candidate, their consulting firm, to the public interest? The linkage of mutual exchange and personal relationships is at the heart of contemporary politics in the United States, but may well undermine the civic responsibility of the actors and reduce public trust in the policymaking process.

President Obama has not broken the nexus of campaign consultants and lobbyists in policymaking networks as shown by his own White House. His governing style uses advocates from outside government they are not federal registered lobbyists as shown in the revolving door network analysis shown earlier, but they still represent special interests in America.⁴⁶ Campaign consultants and lobbyists/advocates build relationships that help bring money to campaigns to help candidates win and to influence elected public officials. This has not changed with President Obama. The influence starts in the campaigns and continues after elections. Relationships among campaign consultants, advocates/lobbyists, and elected and appointed officials are mutually beneficial and hard to stop. Does the advocacy relationship build an ethical blind spot and undermine the civic responsibility of the actors in the relationship? Is it ethical to have reciprocal relationships among consultants, lobbyists, and public officials when those alliances are not transparent and seem to go against the public interest? President Obama has tried to break those ties, but with limited success. He has proven that he needs those relations to govern.

⁴⁵ Makinson, "What's Ethics Got to Do with It?" in *Shades of Gray: Campaign Ethics*, ed. Candice J. Nelson, David Dulio, and Stephen K. Medvic (Washington, DC: Brookings Press, 2002).

The close ties of campaign consultant-lobbyist-public officials may be a factor fostering voter cynicism toward government and advocacy in a pluralist democracy. Public complaints about the quality of election discourse and lack of trust in government is a sixth problem that some say stems directly from interest group activity in elections.⁴⁷ Certainly the attacks on lobbyists reinforce and encourage distrust in their role American democracy. The level of trust in our governmental institutions has declined significantly over the last three decades for a variety of reasons, but one is certainly the perception that way Washington works has been corrupted by lobbyists.⁴⁸

These ethical dilemmas and outright scandals have serious consequences for public policymaking in Washington. President Obama has taken advantage of these opinions in his governing style. He has used criticisms about the role of lobbyists and money in politics to advantage as he built support for health care reform and financial regulation reforms. For example, in a speech on the need for health care reform on March 19, 2010, he attacked health insurance lobbyists for stopping what he felt was in the public interest:

At the heart of this debate is the question of whether we're going to accept a system that works better for the insurance companies than it does for the American people because if this vote fails, the insurance industry will continue to run amok. They will continue to deny people coverage. They will continue to deny people care. They will continue to jack up premiums 40 or 50 or 60 percent as they have in the last few weeks without any accountability whatsoever. They know this. And that's why their lobbyists

⁴⁶ Thurber, "Political Power and Policy Subsystems," op.cit.

⁴⁷ Jeffrey H. Birnbaum, *The Money Men: The Real Story of Fund-raising's Influence on Political Power in America* (New York: Crown Publishers, 2000), and Kenneth R. Mayer and David T. Canon, *The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma* (Boulder, CO: Westview Press, 1999).

⁴⁸ Haynes Johnson and David S. Broder, *The System: The American Way of Politics at the Breaking Point* (Boston: Little Brown, 1996), and Gary C. Jacobson, *The Politics of Congressional Elections* (New York: Longman, 2001), 86–88.

are stalking the halls of Congress as we speak, and pouring millions of dollars into negative ads. And that's why they are doing everything they can to kill this bill.⁴⁹

President Obama reiterated his campaign promises in his State of the Union message on January 27, 2010 as he attacked lobbyists and pledged again to lead the effort to change the way they work in Washington:

The House has already passed financial reform with many of these changes. And -- and the lobbyists are trying to kill it. Well, we cannot let them win this fight. And if the bill that ends up on my desk does not meet the test of real reform, I will send it back until we get it right. We've got to get it right.

It's time to require lobbyists to disclose each contact they make on behalf of a client with my administration or with Congress. It's time to put strict limits on the contributions that lobbyists give to candidates for federal office.

Each time lobbyists game the system or politicians tear each other down instead of lifting this country up, we lose faith. The more those TV pundits reduce serious debates to silly arguments, big issues into sound bites, our citizens turn away. No wonder there's so much cynicism.⁵⁰

Consequences and Barriers

Do the recent laws and President Obama's lobbying and ethics reforms protect our elections and our democratic system from abuses by lobbyists and campaign consultants? Do they help protect the "public good"?⁵¹ James Madison argues in *Federalist* No. 10 that factions or narrow interests undermine the rights of other citizens

⁴⁹ Speech at George Mason University Patriot Center, March 19, 2010.

⁵⁰ State of the Union Message, January 19, 2010.

⁵¹ See James L. Connor, "Principles for the Ethical Conduct of Lobbying," Woodstock Theological Center, Georgetown University, 2-3, for a discussion of lobbying and the public good.

and that it is the duties of government to regulate the factions so that they do not do harm to others.⁵² Madison continues by stating that factions are “adverse to the rights of other citizens or the permanent and aggregate interests of the community.”⁵³ In *Federalist* No. 45, Madison emphasizes that the public good seems to be a collective or communal interest that is different from the individual rights of special interests. He argues that:

It is too early for politicians to presume or forget that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object.⁵⁴

The major lobbying and ethics reforms in 2007 (HLOGA) and President Obama’s new regulations over lobbyists do not seem to have reduced public and media suspicion of lobbyists and campaign consultants or unethical behavior.

Are the nontransparent (private) promises made to interest groups by campaign consultants (who later morph into lobbyists) in the names of candidates who will later become public officials ethical? Do these agreements and connections help create increased public cynicism and distrust of government when the secret relationships are later revealed? Is the norm of reciprocity in conflict with that which is in the public interest when elected public officials are lobbied by campaign consultants who also have powerful interest groups as clients? Do the motivations, expectations, and deliverables in the mutual exchanges of privileges among campaign consultants, lobbyists, and candidates (public officials) undermine the public trust in government and ultimately our

⁵² James Madison, “No. 10,” in *The Federalist Papers* (New York: A Mentor Book, New American Library, 1962, 2nd ed.), 79.

⁵³ Madison, *The Federalist Papers*, No. 10, 83

⁵⁴ Madison, *The Federalist Papers*, No. 45, 289.

democracy? There are no clear answers to these questions. President Obama has tried to stop these conflicts of interest, but his efforts have been limited.

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

If campaign consultants, lobbyists, interest groups, and elected officials must abide by statutes, rules and recommendations of the House and Senate (or other governmental bodies), and codes of ethics, then why has their activity in elections, lobbying, and governing have been perceived to be less than honorable? Large political contributions find their way to the nation's capital and to every state capital through election campaigns and lobbying. Public distrust and concern about ethical behavior likely stems in part from the magnitude and influence of this money election and lobbying campaigns. The activities of campaign consultants and lobbyists often present two or more inconsistent alternatives of what is good or bad for our democracy, as well as for themselves as professionals. What is good or bad for campaign advocacy (by campaign consultants) and/or issue advocacy (by lobbyists/advocates) is not always what is good or bad for civic responsibility (protection of our democratic values) in elections

and policy making process.⁵⁵ Are the lobbyists acting in support of the “public good” or for their narrow special interests?

Under First Amendment rights, citizens and presumably interest groups enjoy a broad and relatively unfettered right to lobby public officials for their public policy goals. However, lobbyists also have a civic responsibility to the overall democratic system. Thus, ultimately the ethical behavior of consultants and lobbyists should support the common good. The common good is about the enduring well-being of the political community as a whole. The common good comprises a “broad range of human goods to which people are jointly committed and for which they accept final responsibility.”⁵⁶ As the Constitution makes clear, America is not a collective for individual or group benefit, but a carefully balanced network of free institutions deliberately designed to secure the common good through competition and division of power. The founders articulated the common good in memorable terms: “to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity.” The ultimate public good in this modern system permeated with advocates, campaign consultants, lobbyists, interest groups, and elected officials is not to ban them from government and campaigns but to encourage them and, as necessary restrict their activities, so that they might meld and channel their private interests and desires into what is good for the country as a whole. This public-spirited frame of mind is tough to achieve as advocates have to balance the needs and wants of their clients with what is not just legal, but what is

⁵⁵ See Dale E. Miller and Stephen K. Medvic, “Chapter 2--Campaign Ethics: A Framework” *Shades of Gray: Perspectives on Campaign Ethics*, Nelson, et al. (Eds.), (Washington, D.C.: Brookings Institute, 2002), pp. 18-38.
or, “Principles for the Ethical Conduct of Lobbying,” p. 2.

right. This is but an indispensable ingredient of ethics, civic virtue and good campaign conduct. It is a fundamental condition of a sustainable democratic civilization.

President Obama's lobbying reforms, his effort to change the way Washington works, boil down to three basic principles of sound government: transparency, accountability, and enforcement.

First, there must be transparency. In the broadest terms, transparency means that decisions should be made in the open, following rules that are universally understood. The reasons why a decision is made should be stated clearly and debated fairly. Reasonable alternatives must be allowed to be presented and must be weighed against each other. All significant interests must be heard. President Obama has tried to bring an unprecedented amount of transparency to the deliberations in the White House and in the executive branch agencies. However, with his attacks on lobbyists have come a flood of de-registrations of Federal registered lobbyists (from 27,000 to 14,000), which leads to less transparency of who is lobbying, for whom and what, and how much money is being spent on those advocacy activities.

Second, there must be accountability and enforcement of the law and rules. In general, it must be clear who is assigned a given task—including who is responsible for monitoring and maintaining ethical behavior for an organization. That is clearly being done by the Office of Government Ethics in the White House and other executive branch departmental ethics offices. The U.S. Department of Justice has the responsibility for enforcing lobbying laws and the Ethics Committees in the House and Senate for member and staff ethics. President Obama's new rules have brought more accountability for lobbyists and executive branch officials, but ultimately it is the responsibility of Congress

to assure accountability through its oversight and investigative function, and its ability to make its own members account for their behavior. It is also the responsibility of the Department of Justice to investigate and prosecute illegal lobbying behavior. There have been over 4,000 referrals from Congress to DOJ under LDA and HOGLA, but there have been no investigations. The House and Senate Ethics Committees have had several high profile investigations, but seem to be lapsing into their old habits of overlooking or “enforcement lite” when it comes to members and staff malfeasance. There must be enforcement of existing law and ethical rules for both Congress and the executive branch if change is to occur. In the first instance, rules should be followed. If and when rules are violated, those who have done so must be identified and suitable sanctions must be imposed, lest the failure to do so should encourage successively greater and greater violations.

Conclusions

Today in Washington, lobbying regulation falls far short of fulfilling these three basic principles. Lobbying disclosure, especially with the dramatic decline of federal registered lobbyists in 2009, is limited in its reach across the many forms of public issue advocacy. Increased deregistration of lobbyists has resulted in a lack of transparency about who is advocating for whom, on what issue, and most importantly, about how much they are spending on those lobbying campaigns. A consequence of President Obama’s attempt to reduce conflicts of interest has seriously limited those with expertise from serving as appointees and on government advisory panels. Little seems to have fundamentally changed in lobbying whether it is done transparently or non-transparently. The rhetoric has changed, but the way Washington works seems unchanged.

Accountability and compliance with the law, let alone strong ethical norms, is spotty and often is completely dependent on media investigation and reporting of questionable behavior. Has President Obama weakened the networks among lobbyists, campaign consultants and public officials identified earlier in this analysis, especially when he turns to them to help build coalitions and support for his programs? These networks still dominate major public policy making. These networks push public policy in directions harmful to most citizens and against the common good. Through executive orders that cover government employees, political and career, President Obama has set a new high standard of transparency, accountability, enforcement, and participation to address these questions, but the implementation and impact his reform policies are not yet transforming the way Washington works. It limits those who can be appointed to executive positions, but it has had little impact on those who participate in decision making process, especially the non-registered participants. The pathway to influence in Washington is constitutionally protected and politically based on a pluralist-representative democracy that that sometimes are policies that often seem to be against the public interest.⁵⁷ Moreover, President Obama has worked closely, often in a non-transparent way, with networks of lobbyists/advocates in crafting the economic stimulus funding, health care reform, financial regulatory reforms, the federal budget deficit and debit, climate change legislation, education reform, immigration policy, and a wide array of other issues on his public policy agenda in 2009-2010. He has also met with campaign contributors who have a vested interest in the policy battles, but are not Federal registered lobbyists. Is it any different for President Obama to meet with corporate CEOs or union

⁵⁷ See Jeffrey A. Winters and Benjamin I. Page, "Oligarchy in the United States?", *Perspectives on Politics*, Volume 7, Number 4, December 2009, 731-752.

leaders confidentially (which he does regularly) or the lobbyists hired by them (whom he attacks publically)?

President Obama's rhetoric of greater transparency, more accountability, increased enforcement, and wider participation by the American public is popular. They are worthy goals, and offer our best hope of success. However, the constitutional and political reality of Washington has so far hobbled his ability to bring major change to the way decisions are made. Public attitudes about how Washington works, the role of money, and lobbyists in politics have not changed. Citizens have gotten even more negative about Washington since President Obama has taken office. Nevertheless, President Obama's ethics and lobbying reforms have helped his governing strategy and to move American democracy in the right direction.

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

CCPS/CCES Lobbying and Ethics Questions—Pre Election Survey

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

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

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

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

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

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

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

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

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

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

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

Very likely	30.39% (303)
Somewhat likely	27.68% (276)
Not very likely	14.64% (146)

Not at all likely	20.66% (206)
Not sure	6.62% (66)

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

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

CCPS/CCES Lobbying and Ethics Questions—Post Election Survey

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

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

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

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

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

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

Appendix II: CCPS/CCES Lobbying and Ethics Questions Controlling for Party Identification Pre and Post Election Surveys, October and November 2008

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

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	43 (10.54%)	233 (57.11%)	107 (26.23%)	12 (2.94%)	13 (3.19%)	408 (100%)
Somewhat Likely	83 (43.46%)	31 (16.23%)	58 (30.37%)	7 (3.66%)	12 (6.28%)	191 (100%)
Not Very Likely	123 (59.42%)	15 (7.25%)	63 (30.43%)	1 (.48%)	5 (2.42%)	207 (100%)
Not at All Likely	66 (70.21%)	4 (4.26%)	21 (22.34%)	1 (1.06%)	2 (2.13%)	94 (100%)
Not Sure	31 (32.98%)	11 (11.7%)	27 (28.72%)	3 (3.19%)	22 (23.4%)	94 (100%)
NR	2 (33.33%)	2 (33.33%)	2 (33.33%)	0 (0%)	0 (0%)	6 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 398.9922$ Pr = 0.000						

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

	Dem	Rep	Ind	Other	Not Sure	Total
Yes	95 (38.31%)	70 (28.23%)	74 (29.84%)	4 (1.61%)	5 (2.02%)	248 (100%)
No	154 (31.69%)	160 (32.92%)	137 (28.19%)	13 (2.67%)	22 (4.53%)	486 (100%)
Not Sure	99 (37.22%)	66 (24.81%)	67 (25.19%)	7 (2.63%)	27 (10.15%)	266 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (8) = 25.6701$ Pr = 0.001						

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

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

$\chi^2 (16) = 397.9491$
Pr = 0.000

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

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	160 (52.81%)	59 (19.47%)	71 (23.43%)	4 (1.32%)	9 (2.97%)	303 (100%)
Somewhat Likely	134 (48.55%)	36 (13.04%)	85 (30.80%)	8 (2.90%)	13 (4.71%)	276 (100%)
Not Very Likely	27 (18.49%)	64 (43.84%)	46 (31.51%)	4 (2.74%)	5 (3.42%)	146 (100%)
Not at All Likely	15 (7.28%)	123 (59.71%)	54 (26.21%)	3 (1.46%)	11 (5.34%)	206 (100%)
Not Sure	11 (16.67%)	14 (21.21%)	21 (31.82%)	5 (7.58%)	15 (22.73%)	66 (100%)
NR	1 (33.33%)	0 (0%)	1 (33.33%)	0 (0%)	1 (33.33%)	3 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)

$\chi^2 (20) = 277.0156$
Pr = 0.000

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

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	25 (8.17%)	179 (58.5%)	83 (27.12%)	9 (2.94%)	10 (3.27%)	306 (100%)
Somewhat Likely	55 (34.59%)	42 (26.42%)	46 (28.93%)	5 (3.14%)	11 (6.92%)	159 (100%)
Not Very Likely	123 (62.44%)	13 (6.6%)	54 (27.41%)	2 (1.02%)	5 (2.54%)	197 (100%)
Not at All Likely	51 (64.56%)	4 (5.06%)	23 (29.11%)	1 (1.27%)	0 (0%)	79 (100%)
Not Sure	22 (32.35%)	8 (11.76%)	21 (30.88%)	2 (2.94%)	15 (22.06%)	68 (100%)
NR	72 (37.7%)	50 (26.18%)	52 (26.7%)	5 (2.62%)	13 (6.81%)	191 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 321.9966$ Pr = 0.000						

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

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

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

	Dem	Rep	Ind	Other	Not Sure	Total
Very Likely	115 (58.38%)	26 (13.2%)	48 (24.37%)	1 (.51%)	7 (3.55%)	197 (100%)

Somewhat Likely	116 (45.49%)	40 (15.69%)	79 (30.98%)	9 (3.53%)	11 (4.31%)	255 (100%)
Not Very Likely	19 (12.58%)	73 (48.34%)	48 (31.79%)	1 (.66%)	10 (6.62%)	151 (100%)
Not at All Likely	10 (6.45%)	91 (58.71%)	41 (26.45%)	7 (4.52%)	6 (3.87%)	155 (100%)
Not Sure	16 (32.65%)	14 (28.57%)	11 (22.45%)	1 (2.04%)	7 (14.29%)	49 (100%)
NR	72 (37.31%)	52 (26.94%)	51 (26.42%)	5 (2.59%)	13 (6.74%)	193 (100%)
Total	348 (34.8%)	296 (29.6%)	278 (27.8%)	24 (2.4%)	54 (5.4%)	1,000 (100%)
$\chi^2 (20) = 218.0193$ Pr = 0.000						