

INTEREST GROUPS

*From Campaigning  
to Lobbying*

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Interest groups and lobbyists are increasingly having an impact on the quality of American campaigns and elections as they become more influential. Their participation in campaigns includes promoting candidates and issues, raising money, and swaying voters. In addition, many groups provide critical campaign services such as issue advocacy advertising, polling, advice about media strategy, organizing get-out-the-vote (GOTV) strategies, and general tactical guidance for candidates.<sup>1</sup> However, scholars have focused on their monetary contributions to campaigns, especially through political action committees (PACs).<sup>2</sup> Less is known about the more subtle and nontransparent assistance to candidates, such as issue campaigns waged by groups or nonmonetary contributions provided by political parties.<sup>3</sup> The services provided by professional campaign consultants, which are paid for by lobbying groups, are also difficult to measure, although they are often a key part of winning modern elections. It is the variety of services consultants provide in campaigns that sets the foundation for the powerful roles many are beginning to play in postelection governing.

The metamorphosis of the campaign consultant to lobbyist plays a key part in access and lobbying battles after candidates become elected public officials. The nonregulated election activities (outside the campaign finance and lobbying laws) of interest groups present ethical dilemmas for campaign consultants turned lobbyists and candidates turned elected offi-

cials. Are the overlapping worlds of interest groups and lobbyists in elections and their influence on the outcomes of public policy debates undermining campaigns and ultimately American democracy?

### Ethical Problems of Interest Group Activity

Lobbying is the third largest enterprise in our nation's capital after government and tourism,<sup>4</sup> with the 15,000 full-time professional lobbyists registered by Congress representing virtually every type of interest in America.<sup>5</sup> However, the number of persons employed in Washington who are either lobbyists or associated with them in some way has been estimated at 91,000.<sup>6</sup> This industry is not confined to Washington, as there are thousands more individuals lobbying state legislatures, city councils, and executive branches at every level of American government. Similarly, 3,000 to 4,000 people are also full-time campaign professionals at the national level, but many more thousands are part-time campaign consultants for local and state politicians.<sup>7</sup> Hundreds and even thousands of people involved in campaigns later lobby politicians, and this presents a problem for democracy because of the lack of transparency in the relationship between elected public officials and campaign consultants-lobbyists.<sup>8</sup> As the campaign consultant-lobbyist's identity blurs, so may his or her loyalty to the cause and the candidate. Participation in the democratic process of campaigns and elections should be encouraged but must be distinguished from questionable secret linkages among campaign consultants, lobbyists, and candidates.

The several "dilemmas" presented by interest group activity in contemporary election campaigns include (1) the huge sums of money put into the process by interest groups; (2) interest groups' use of issue advertising; (3) interest groups' contributions to what has been termed the permanent campaign; (4) conflicts of interest; and (5) the norm of reciprocity that exists between those in government. Many of the subsequent problems listed are directly related to the first—the immense amounts of money that fund campaigns, so well documented in Makinson's chapter 10 in this volume. The enormous amount of money raises serious ethical questions about corruption in financing elections.<sup>9</sup> Evidence of the increasing cost of elections is found in the fact that spending in all presidential and congressional campaigns, including soft money and issue advertising by interest groups, reached approximately \$4 billion in the 2000 electoral cycle, double the campaign expenditures of four years earlier.<sup>10</sup>

A second problem is that the amount of issue advertising and independent expenditures can dwarf the input from constituents and less well-funded groups. The result is a narrowing of public policy options because only those groups that have sufficient resources are heard. This may undermine the "common good" through the maximization of narrow interests.

Third, interest groups feed certain aspects of the "permanent campaign," defined by Hecló as "the combination of image making and strategic calculation that turns governing into a perpetual campaign and remakes government into an instrument designed to sustain an elected official's popularity."<sup>11</sup> This results in an unrelenting demand from incumbents for campaign funds, which are more easily collected from particular interest groups than from broad-based networks; candidates can also collect much-needed campaign dollars in larger amounts from interest groups because higher contribution limits apply to interest groups' PACs (\$5,000 for each candidate each election) compared to individual donations (\$1,000). In an era of partisan parity, within both Congress and the electorate, the permanent campaign creates the need for advice from campaign consultants-lobbyists 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.<sup>12</sup>

Fourth, when interest groups participate in election campaigns through money or services and also hire or are their own lobbyists, it introduces serious ethical questions of conflict of interest about who is paying for what and with what consequences for public policymaking. Who are the lobbyist-consultants loyal to, the issues and lobbyists or the candidates and campaign consultants? Ethicist Tom DeCair of the Josephson Institute of Ethics argues that "the appearance of conflict can be as damaging as a real conflict." If campaign consultants are also lobbying candidates for special interests, the line of loyalty to the campaign and the special interest becomes blurred, creating real conflicts of interest.<sup>13</sup>

Fifth, problems stem from a pervasive norm of pluralist democracy and political life generally—reciprocity. Reciprocity is one of the strongest embedded norms in public life. It is directly related to ethical dilemmas that occur in the linkage among consultants, lobbyists, and elected public officials. Reciprocity can be 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."<sup>14</sup> Reciprocity is expected in personal relationships and it is a strong influence on political relationships in campaigns, lobbying, and policymaking.

The drive for political self-preservation (reelection) is central to these ethical dilemmas involving reciprocity. Candidates with the most campaign resources are often able to hire campaign professionals with the best reputations, thus improving their probability of winning elections.<sup>15</sup> Most of these campaign contributions (money, volunteers, and services) come from powerful businesses, unions, associations, and interest groups.<sup>16</sup> Campaign consultants with the best reputations also help generate campaign funds, thus helping to build incumbency advantage.<sup>17</sup> These consultants are successful during an election year and also in off-election years because their business volume relies on both campaigns and lobbying. Thus electoral success for consultants often leads to lobbying success, which in turn presents a dilemma. Where is their loyalty when consultant-lobbyists are simultaneously working for an interest group and several candidates for public office, especially when income is involved? What are the motivations of those giving campaign contributions and hiring campaign consultants who are also lobbyists? This linkage of mutual exchange is at the heart of contemporary politics in the United States, but may undermine the civic responsibility of the actors and reduce public trust in the policymaking process.

Campaign consultants and lobbyists are at the nexus of policymaking networks.<sup>18</sup> Both build relationships that help bring money to campaigns to help candidates win and to influence elected public officials. The influence starts in the campaigns and continues after elections. Relationships among campaign consultants, lobbyists, and public officials are mutually beneficial, but does that help the public? Does the advocacy relationship (protected by law) build an ethical blind spot and undermine the civic responsibility of the actors in the relationship? Is it ethical to have reciprocal relationships among consultants, lobbyists, and public officials when those alliances are not transparent and they seem to go against the public interest?

The close ties of campaign consultant-lobbyist-elected public officials may also foster cynicism toward government. Public complaints about the quality of election discourse and lack of trust in government is a sixth problem, which some say stems directly from interest group activity in elections.<sup>19</sup> The level of trust in our elections and governmental institu-

tions has declined over the last three decades, and often the reasons given for this decline relate to the role of interest groups in campaigns and their strong influence in public policymaking generally.<sup>20</sup>

All of these ethical problems or dilemmas have serious consequences for public policymaking at all levels of government. The role of interest groups and lobbyists in fund-raising, delivering campaign services, and massive unregulated political expenditures that can lead to access and influence with public officials have immeasurable effects on the quality of American democracy.

### *Consequences*

Some scholars and journalists have presented evidence that the primary consequences of these election activities are unequal access to elected public officials, conflicts of interest, lower voter turnout, and increased suspicion, cynicism, and even resentment among the public.<sup>21</sup> Interest groups and the lobbyists they hire have helped to transform electoral politics from party-centered to candidate-centered to the present "interest group-centered" system.<sup>22</sup> Interest groups have contributed greater and greater sums of money and services to candidates and parties in each campaign cycle over the last three decades. The passage of campaign finance reform legislation in 1971 and amendments in 1974, 1976, and 1979, various tax codes, numerous regulations and decisions by the Federal Election Commission (FEC), and a few court decisions have had little or no effect on this growth of influence.<sup>23</sup> As noted above, interest groups endorse candidates and contribute significant resources, both money and services, to help elect public officials. They do this not only to ensure electoral outcomes but to gain access to elected public policymakers. Unlike campaign cash contributions, analyzed in Makinson's chapter 10, issue advertising and volunteered services for campaigns are nontransparent, unregulated, and have no limits.

An example of the problem—a campaign consultant who helped elect a candidate and then became a lobbyist advocating for a specialized interest to the same public official—recently came to light in Los Angeles. As Los Angeles city commissioners debated whether a lucrative construction contract should be awarded to the House of Blues Concerts for a new theater, one of the firm's top lobbyists, Steve Afriat, played his "connection card." Afriat had been a campaign consultant to Los Angeles councilwoman Laura Chick; Councilwoman Chick became the House of Blues's chief backer on the city council. Mr. Afriat was so close to the

councilwoman he listened in via speakerphone from her office during the deliberation about awarding the contract. Moreover, at the same time Afriat was lobbying Councilwoman Chick on behalf of the House of Blues, he was the political consultant running Chick's campaign for city controller.<sup>24</sup>

According to the *Los Angeles Times*, more than a dozen Los Angeles city hall lobbyists were campaign consultants for elected officials they lobbied afterward.<sup>25</sup> As a result of the exposure of this proliferation of lobbyists doubling as campaign advisors, the Los Angeles Ethics Commission *considered* barring elected officials from voting on issues involving lobbyists who also served as their campaign consultants.<sup>26</sup> However, the commission eventually declined to act on the issue. Lobbyists and elected public officials often defend this arrangement, saying they can keep their relationships as campaign consultants and candidates separate from their roles as lobbyists and politicians.

These alliances are prevalent at the federal, state, and local levels of government throughout the United States.<sup>27</sup> The reciprocal relationships among campaign consultants and lobbyists are often viewed skeptically by the media and voters.<sup>28</sup> However, in order to understand public policymaking in Washington or any state capitol, it is essential to understand the linkage among campaign consultants, top lobbyists, and interest groups.<sup>29</sup>

### Tracing Interest Group Activity

One window into the world where campaign consultants, lobbyists, and elected public officials intersect is the contributions by interest groups *and* lobbyists to candidates' campaigns. *Fortune Magazine's* top twenty-five lobbying groups and lobbyists (lobbying firms) in Washington contributed millions of dollars to candidates in the 2000 election campaign (see tables 9-1 and 9-2). Specifically, the top twenty-five lobbying groups (organized interest groups) contributed over \$31 million in total during the 2000 election cycle and the top twenty-five lobbying firms spent over \$4 million. Many of the top companies and associations give to both political parties and to all the candidates vying for the nomination on both sides of a campaign. The Center for Public Integrity calls them "double-dippers," as they give to both sides in an attempt to gain access to, or influence with, the eventual winner; obviously they do not give for ideological or partisan reasons.<sup>30</sup>

Table 9-1. *Fortune Magazine's Top 25 Lobbying Firms*

Rank	Firm	Total amount given during 2000 cycle (dollars)
1	Barbour, Griffith, & Rogers	191,251
2	Patton Boggs	389,457
3	Verner, Liipfert, Bernhard, McPherson, & Hand	316,175
4	The Duberstein Group	282,354
5	Akin, Gump, Strauss, Hauer, & Feld	235,890
6	Timmons & Co.	247,594
7	Baker, Donelson, Bearman, & Caldwell	n.a.
8	The Dutko Group	201,237
9	Podesta & Mattoon	n.a.
10	Clark & Weinstock	174,091
11	Quinn Gillespie	n.a.
12	Bergner Bockorny	n.a.
13	BKSH & Associates (Black, Kelly, Scruggs, & Healy)	n.a.
14	Cassidy & Associates	832,981
15	Williams & Jensen	270,258
16	The Wexler Group	n.a.
17	Hogan & Hartson	n.a.
18	Wilmer, Cutler, & Pickering	324,850
19	Van Scoyoc Associates	207,343
20	The Smith-Free Group	197,255
21	Greenberg, Traurig	n.a.
22	Washington Counsel	n.a.
23	OBC Group (O'Brien Calio)	233,209
24	PricewaterhouseCoopers	n.a.
25	Griffin, Johnson, Dover, & Stewart	n.a.

Sources: "The Power 25," *Fortune*, May 28, 2001; Center for Responsive Politics ([www.opensecrets.org/](http://www.opensecrets.org/) [December 20, 2001]).

Notes: n.a. denotes not available or not applicable. Fund-raising data are taken from the Center for Responsive Politics, which compiles fund-raising data for only the top contributors in each industry; contributions from others do not appear. The totals include contributions from state and local chapters of the parent organization. The totals include only contributions from registered lobbyists or firms; firms that engage in both legal and lobbying work are not necessarily included. The totals do not reflect contributions from individuals within associations or firms or from individual members of trade associations.

Campaign contributions are only one route to their power, however. Many of the top twenty-five groups and firms also contributed services (either in-kind or for a fee), such as strategic advice about finance, media, and grassroots activities, directly to the 2000 presidential and congressional campaigns. Almost all of the top twenty-five firms hired former prominent campaign activists who contributed their time to the campaigns in the 2000 cycle and other elections.<sup>31</sup> For example, several of the consultant-lobbyists helped candidates on behalf of interest group clients (such

Table 9-2. *Fortune Magazine's Top 25 Lobbying Groups*

<i>Rank</i>	<i>Group</i>	<i>Total amount given during 2000 cycle (dollars)</i>
1	National Rifle Association of America	3,084,296
2	AARP	n.a.
3	National Federation of Independent Business	n.a.
4	American Israel Public Affairs Committee	n.a.
5	Association of Trial Lawyers of America	3,637,450
6	AFL-CIO	2,210,636
7	Chamber of Commerce of the United States of America	n.a.
8	National Beer Wholesalers Association	2,126,661
9	National Association of Realtors	3,905,950
10	National Association of Manufacturers	n.a.
11	National Association of Home Builders of the United States	2,336,099
12	American Medical Association	2,081,519
13	American Hospital Association	1,616,269
14	National Education Association of the United States	2,685,428
15	American Farm Bureau Federation	n.a.
16	Motion Picture Association of America	134,201
17	National Association of Broadcasters	819,650
18	National Right to Life Committee	110,009
19	Health Insurance Association of America	n.a.
20	National Restaurant Association	869,034
21	National Governors' Association	n.a.
22	Recording Industry Association of America	466,243
23	American Bankers Association	1,714,395
24	Pharmaceutical Research & Manufacturers of America	454,332
25	International Brotherhood of Teamsters	2,886,490

Source: See table 9-1.

as for the National Rifle Association of America for Republican Party candidates and the AFL-CIO for Democratic Party candidates) with grassroots get-out-the-vote campaigns.<sup>32</sup> Both of these interest group organizations also purchased millions of dollars' worth of issue ads to assist the campaigns.<sup>33</sup>

The Association of Trial Lawyers of America contributed over \$3.5 million and the American Medical Association and the American Hospital Association together over \$3.6 million to candidates supporting their positions on the patient's bill of rights.<sup>34</sup> In the 1999–2000 electoral cycle, these organizations also hired several top lobbying firms to help candidates in the election and then to present their case to members of Con-

gress.<sup>35</sup> These monetary and in-kind contributions (such as giving strategic campaigning advice, doing opposition research, producing media spots, paying for public opinion polls, sponsoring issue advocacy advertising to help candidates, engaging in get-out-the-vote grassroots organizing, building electoral coalitions among groups) and the alliance between the lobbyists and these groups helped to build strong ties to those in Congress, contributing to the reciprocity dilemma.<sup>36</sup>

## Codes of Conduct

The exponential growth of campaign consultants and lobbyists during the last three decades has also created a proliferation of strong election campaign-lobbying alliances. The network of alliances is not unregulated—campaign consultants, lobbyists, interest groups, candidates, and elected public officials must all abide by local, state, and federal statutes. Members of Congress, for example, are bound by an extensive set of congressional ethics stemming from the Constitution, federal laws, party provisions, and House and Senate rules and codes of conduct. There are countless detailed laws and rules about campaign contributions, gifts, and lobbying practices that must be obeyed.

Lobbyists, campaign professionals, and political party professionals also have detailed codes of conduct (see below for the American League of Lobbyists Code of Ethics, chapter 2 for the American Association of Political Consultants Code of Ethics, and chapter 8 in this volume for a discussion of the Code of Fair Campaign Practices for Democratic Candidates for Elective Public Office). In addition, an independent body, the Woodstock Theological Center at Georgetown University, has developed a set of principles it judges important for the ethical conduct of lobbying. It was drafted with the help of lobbyists, academics, and other political professionals.<sup>37</sup>

Do these codes protect our elections and our democratic system from abuses by lobbyists and campaign consultants? Do the codes help protect the “public good”? What is the “public good” that should be preserved?<sup>38</sup> James Madison argues in *Federalist* 10 that factions or narrow interests undermine the rights of other citizens and that it is the duty of government to regulate the factions so that they do not do harm to others.<sup>39</sup> Madison continues by stating that factions are “adverse to the rights of other citizens or the permanent and aggregate interests of the community.”<sup>40</sup> In *Federalist* 45 Madison emphasizes that the public good seems

## American League of Lobbyists Code of Ethics

### *Article I—Honesty and Integrity*

1.1. A lobbyist should be truthful in communicating with public officials and with other interested persons and should seek to provide factually correct, current and accurate information.

1.2. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information of a significant, relevant and material nature, the lobbyist should promptly provide factually accurate information to the interested person.

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

### *Article II—Compliance with Applicable Laws, Regulations, and Rules*

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

2.1. A lobbyist should be familiar with laws, regulations and rules applicable to the lobbying profession and should not engage in any violation of such laws, regulations and rules.

2.2. A lobbyist should not cause a public official to violate any law, regulation or rule applicable to such public official.

### *Article III—Professionalism*

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

3.1. A lobbyist should have a basic understanding of the legislative and governmental process and such specialized knowledge as is necessary to represent clients or an employer in a competent, professional manner.

3.2. A lobbyist should maintain the lobbyist's understanding of governmental processes and specialized knowledge through appro-

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priate methods such as continuing study, seminars and similar sessions in order to represent clients or an employer in a competent, professional manner.

3.3. A lobbyist should treat others—both allies and adversaries—with respect and civility.

#### *Article IV—Conflicts of Interest*

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

4.1. A lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position.

4.2. If a lobbyist's work for one client on an issue may have a significant adverse impact on another client's interests, the lobbyist should inform and obtain consent from the other client whose interests may be affected of this fact even if the lobbyist is not representing the other client on the same issue.

4.3. A lobbyist should disclose all potential conflicts to the client or prospective client and discuss and resolve the conflict issues promptly.

4.4. A lobbyist should inform the client if any other person is receiving a direct or indirect referral or consulting fee from the lobbyist due to or in connection with the client's work and the amount of such fee or payment.

#### *Article V—Due Diligence and Best Efforts*

A lobbyist should vigorously and diligently advance and advocate the client's or employer's interests.

5.1. A lobbyist should devote adequate time, attention, and resources to the client's or employer's interests.

5.2. A lobbyist should exercise loyalty to the client or employer's interests.

5.3. A lobbyist should keep the client or employer informed regarding the work that the lobbyist is undertaking and, to the extent possible, should give the client the opportunity to choose between various options and strategies.

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### *Article VI—Compensation and Engagement Terms*

An independent lobbyist who is retained by a client should have a written agreement with the client regarding the terms and conditions for the lobbyist's services, including the amount of and basis for compensation.

### *Article VII—Confidentiality*

A lobbyist should maintain appropriate confidentiality of client or employer information.

7.1. A lobbyist should not disclose confidential information without the client's or employer's informed consent.

7.2. A lobbyist should not use confidential client information against the interests of a client or employer or for any purpose not contemplated by the engagement or terms of employment.

### *Article VIII—Public Education*

A lobbyist should seek to ensure better public understanding and appreciation of the nature, legitimacy and necessity of lobbying in our democratic governmental process. This includes the First Amendment right to "petition the government for redress of grievances."

### *Article IX—Duty to Governmental Institutions*

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

9.1. A lobbyist should not act in any manner that will undermine public confidence and trust in the democratic governmental process.

9.2. A lobbyist should not act in a manner that shows disrespect for government institutions.

Source: American League of Lobbyists, Washington ([www.alldc.org/ethicscode.htm](http://www.alldc.org/ethicscode.htm)) [December 2001].

### Woodstock Principles for the Ethical Conduct of Lobbying

—The pursuit of lobbying must take into account the common good, not merely a particular client's interests narrowly considered.

—The lobbyist-client relationship must be based on candor and mutual respect.

—A policy maker 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.

—In dealing with other shapers of public opinion, the lobbyist may not conceal or misrepresent the identity of the client or other pertinent facts.

—The lobbyist must avoid conflicts of interest.

—Certain tactics are inappropriate in pursuing a lobbying engagement.

—The lobbyist has an obligation to promote the integrity of the lobbying profession and public understanding of the lobbying process.

Source: Woodstock Theological Center, Georgetown University ([www.georgetown.edu/centers/woodstock/newweb/ethicspubpol.htm](http://www.georgetown.edu/centers/woodstock/newweb/ethicspubpol.htm) [November 15, 2001]).

to be a collective or communal interest that is different from the individual rights of special interests. He argues: "It is too early for politicians to presume on our forgetting 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."<sup>41</sup> In chapter 2, Miller and Medvic elaborate on Madison's conception of the public good by asking whether self-interest or civic responsibility is a better campaign ethic. In other words, where do campaign actors' responsibilities lie: only to their own interests or to the broader body politic? They conclude that the civic responsibility conception of ethics is the best standard because it better serves the public good.

Do the codes of conduct for campaign consultants and lobbyists help to preserve the public good by focusing on civic responsibility? Codes of ethics can fall short of the goal of ensuring good behavior and in this case,

clean campaigns. The American League of Lobbyists (ALL) and the American Association of Political Consultants (AAPC) codes attempt to apply general rules of political morality to specific professional behavior by articulating guidelines and regulations. However, compliance with these codes is always voluntary, which results in adherents "cherry picking" favorite provisions or ignoring the entire code. There are no enforcement mechanisms for these codes other than internal commitment and self-regulation by the professionals to their provisions.<sup>42</sup> Despite the fact that unethical behavior has occurred in campaigns, neither the ALL or the AAPC has censured members for breaking the codes of conduct.<sup>43</sup> The codes give no guidance about the ethical concern addressed earlier, the nontransparent connection of campaign consultants, lobbyists, and elected public officials.

The AAPC code does not apply to campaign finance, campaign services, and lobbyist-policymaker relationships. Its major emphasis is upon honesty, truthfulness, good business practices and refraining from "negative" attacks in campaigns. As shown in chapter 5, a large majority of consultants are aware of the AAPC code of ethics; however, few believe the code has had even a "fair amount" of influence on the behavior of campaign professionals. However, a significant majority (75 percent) of consultants believe there should be a code of ethics among campaign professionals.<sup>44</sup>

By comparison, the ALL code is very detailed and prescriptive, focusing on honesty and integrity, compliance with applicable laws, professionalism, conflicts of interest, confidentiality, business practices, and duty to governmental institutions.<sup>45</sup> Another important difference between the lobbyists' and consultants' codes is that the ALL codes of conduct address the question of reciprocity, not addressed by the AAPC code. However, the vast majority of lobbyists have no knowledge of the code or its contents.<sup>46</sup> Of thousands of ALL members, only a few hundred lobbyists sign the code of ethics.<sup>47</sup>

For all of these reasons, the mere presence of ethical codes does not seem to reduce public and media suspicion of lobbyists and campaign consultants.<sup>48</sup> Because of the quality of the codes and the lack of adherents to them, it is difficult to determine how the codes could make a difference.

Are the nontransparent (private) promises to stop or vote for legislation ethical if they are made by campaign consultants (who are later lobbyists) in the name of candidates who will later become public officials?

Do these agreements and connections create public cynicism and distrust of government when the secret relationships are later revealed? Is the norm of reciprocity in conflict with the public interest when elected public officials are lobbied by campaign consultants who also have interest groups as clients? Do the motivations, expectations, and deliverables in the mutual exchanges of privileges among campaign consultants, lobbyists, and candidates (public officials) undermine the public trust in government and ultimately our democracy? There are no clear answers to these questions. They are dilemmas to be resolved by consultants, lobbyists, and elected public officials, and the codes of conduct are of little help with the answers.

### Conclusions

While most campaign consultants and lobbyists follow high ethical standards, a final judgment on their behavior depends on the criterion used—self-interest or civic responsibility. Special interest advocacy without concern for civic responsibility may undermine trust in government and democracy generally and may not serve the public good. Those involved in campaigning and lobbying have an obligation to enhance the democratic process and civic culture as stated in the ALL code of ethics. Who is to judge what is ethical advocacy behavior and what is civically responsible in our rough-and-tumble, winner-take-all politics? However, without rules and judges to hold the actors accountable, we must ask campaigners and lobbyists to hold themselves to a higher ethical standard. Do they? The codes of ethics help give them guidelines, but they are not enforceable and often ignored. The only protection and constraint in a pluralist representative democracy against the negative aspects of election and advocacy campaigns may be transparency and the competition from other campaign actors, lobbyists, and groups.

A free and objective media to cover the 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 of interest group activity in elections. Ethical standards and a system of checks and oversight are necessary in our nation's democratic process if our governmental institutions are to maintain their institutional legitimacy. But can this be done simply through competition, the free press, and general guidelines for ethical behavior?

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

The activities of campaign consultants and lobbyists often present inconsistent alternatives of what is good or bad for our democracy or for themselves as professionals. The AAPC and ALL codes of conduct do not help these actors out of this dilemma and in fact often seem to contribute to it.<sup>49</sup> What is good for campaign advocacy (by campaign consultants) or issue advocacy (by lobbyists) is not always what is good in terms of civic responsibility (protection of our democratic values) in elections. Similarly, what is good for civic responsibility will not always be beneficial from the perspective of a campaign or issue advocate.<sup>50</sup>

Like all private citizens, interest groups are guaranteed a right to free political speech with which to lobby for their public policy goals. But they also have a civic responsibility to the overall democratic system. However, ultimately the ethical behavior of consultants and lobbyists should support the common good. The common good is 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."<sup>51</sup> As the preamble of the U.S. Constitution makes clear, America is not a collective for individual or group benefit, but a carefully balanced network of free institutions deliberately designed to secure the common good through competition and division of power. The founders articulated the common good in memorable terms: "to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity." The ultimate public good is for campaign consultants, lobbyists, interest groups, and elected officials to rise above private interests and desires in order to discern what is good for the country as a whole. This

public-spirited frame of mind is tough to achieve but an indispensable ingredient of ethics, civic virtue, and good campaign conduct. It is a fundamental condition of a sustainable democratic civilization.

## Notes

1. See James A. Thurber and Candice J. Nelson, eds., *Campaign Warriors: Political Consultants in Elections* (Brookings, 2000); David A. Dulio, "For Better or Worse? How Political Consultants Are Changing Elections in the United States" (Ph.D. diss., American University, 2001); Stephen K. Medvic, *Political Consultants in U.S. Congressional Elections* (Ohio State University Press, 2001) for analyses of the role of campaign consultants in elections.

2. For a thorough discussion of the money involved in election campaigns, see Larry Makinson, chapter 10 in this volume.

3. For an analysis of the relationship of consultants and political parties in U.S. elections, see David A. Dulio and James A. Thurber, "The Symbiotic Relationship between Political Parties and Political Consultants: Partners Past, Present, and Future" (paper presented at "The State of the Parties: 2000 and Beyond" conference, the Ray C. Bliss Institute, University of Akron, Akron Ohio, October 11-13, 2001).

4. Allan J. Cigler and Burdett A. Loomis, eds., *Interest Group Politics*, 6th ed. (Washington: CQ Press, 2002), p. 11.

5. Donald R. Wolfensberger, "Factions and the Public Interest: Federalist No. 10 in 2001" (paper presented at a seminar of the Woodrow Wilson Center's Congress project, "Congress, Lobbyists, and the Public Interest," Woodrow Wilson International Center for Scholars, Washington, 2001), p. 1.

6. Allan J. Cigler and Burdett A. Loomis, eds., *Interest Group Politics*, 5th ed. (Washington: CQ Press, 1998), pp. 10-11.

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

8. See Ronald J. Hrebenar, Matthew J. Burbank, and Robert C. Benedict, *Political Parties, Interest Groups, and Political Campaigns* (Boulder, Colo.: Westview Press, 1999), pp. 251-70. The exact number of lobbyists involved in campaigns each election cycle is estimated to be in the thousands by party and campaign activists and interest group representatives in Washington, D.C.; however, a definitive number has not been established. The number involved in campaigns varies over time and is dependent upon competitiveness of the presidential and congressional races.

9. Michael J. Malbin and Thomas J. Gais, *The Day after Reform: Sobering Campaign Finance Lessons from the American States* (Albany, N.Y.: Rockefeller Institute Press, 1998); Robert K. Goidel, Donald A. Gross, and Todd G. Shields, *Money Matters* (Lanham, Md.: Rowman & Littlefield, 1999); David Magleby

and Candice J. Nelson, *The Money Chase: Congressional Campaign Finance Reform* (Brookings, 1990).

10. Burdett Loomis, "The Industry of Politics," University of Kansas, Department of Political Science, November 2001, p. 1.

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

12. Heclo, "Campaigning and Governing," p. 34.

13. Tom DeCair of the Josephson Institute of Ethics, quoted in Patrick McGreevy, "Lobbyists' Dual Role Alarms Critics," *Los Angeles Times*, February 11, 2001, p. B-2.

14. *Webster's New Ninth Collegiate Dictionary* (Springfield, Mass.: Merriam-Webster, 1983), p. 983.

15. See Stephen K. Medvic, *Political Consultants in U.S. Congressional Elections* (Ohio State University Press, 2001); or Dulio, "For Better or Worse?"

16. Makinson, chapter 10.

17. See Dulio, "For Better or Worse?"

18. James A. Thurber, "Political Power and Policy Subsystems," in B. Guy Peters and Bert A. Rockman, eds., *Agenda for Excellence* (Chatham, N.J.: Chatham House, 1996), pp. 38-75.

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

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

21. See David S. Broder, *Democracy Derailed: Initiative Campaigns and the Power of Money* (Harcourt, 2000); Diana Dwyre, "Campaigning outside of the Law: Interest Group Issue Advocacy Activity," in Cigler and Loomis, *Interest Group Politics*; Hrebennar, Brubank, and Benedict, *Political Parties*; Kathleen Hall Jamieson, *Dirty Politics: Deception, Distraction, and Democracy* (Oxford University Press, 1992); Mark J. Rozell and Clyde Wilcox, *Interest Groups in American Campaigns: The New Face of Electioneering* (Washington: CQ Press, 1999); Stephen Ansolabehere and Shanto Iyengar, *Going Negative: How Political Advertisements Shrink and Polarize the Electorate* (Free Press, 1995).

22. Rozell and Wilcox, *Interest Groups in American Campaigns*, ch. 1.

23. Connor, *Ethical Conduct of Lobbying*, p. 2.

24. McGreevy, "Lobbyists' Dual Role Alarms Critics," p. B-1.

25. *Ibid.*, p. B-3.

26. Patrick McGreevy, "Ethics Panel to Study Limits on Lobbyists at City Hall," *Los Angeles Times*, March 21, 2001, p. B-2.

27. Evidence of this is documented by many scholars and journalists, such as Thurber, "Political Power and Policy Subsystems"; Jeffrey H. Birnbaum, *The*

*Lobbyists: How Influence Peddlers Get Their Way in Washington* (Times Books, 1992); Hrebennar, Burbank, and Benedict, *Political Parties*, Charles E. Walker, "A Four-Decade Perspective on Lobbying in Washington," in Paul S. Herrnson, Ronald G. Shaiko, and Cyld Wilcox, eds., *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington* (Chatham, N.J.: Chatham House, 1998); Paul Herrnson, "Interest Groups, PACs, and Campaigns," in Herrnson, Shaiko, and Wilcox, *Interest Group Connection*, pp. 37–51.

28. Broder, *Democracy Derailed*, ch. 3.

29. Loomis, "Industry of Politics," p. 2; Birnbaum, *The Money Men*.

30. A discussion of double-dippers and a list of the major ones can be found on the Center for Public Integrity website: [www.publicintegrity.org/reports/bop2000/dd\\_candidates.htm](http://www.publicintegrity.org/reports/bop2000/dd_candidates.htm) (December 20, 2001).

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

32. Ibid. For further evidence of this activity, see case studies in David B. Magleby, ed., *Election Advocacy: Soft Money and Issue Advocacy in the 2000 Congressional Elections* (Brigham Young University, Center for the Study of Elections and Democracy, 2000).

33. Dwyre, "Campaigning outside of the Law."

34. Magleby, *Election Advocacy*, p. 2.

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

36. Burdett Loomis, "The Never Ending Story: Campaigns without Elections," in Norman J. Ornstein and Thomas E. Mann, eds., *The Permanent Campaign and Its Future* (Brookings, 2000), pp. 162–84.

37. See James L. Connor, *Principles for the Ethical Conduct of Lobbying* (Georgetown University, Woodstock Theological Center, forthcoming).

38. See Connor, *Ethical Conduct of Lobbying*, pp. 2–3, for a discussion of lobbying and the public good.

39. James Madison, "No. 10," in *The Federalist Papers*, 2d ed. (New York: New American Library, 1962), p. 79.

40. Madison, "No. 10," p. 83

41. Madison, "No. 45," in *Federalist Papers*, p. 289.

42. This was emphasized by participants in several focus groups and public forums organized by the Center for Congressional and Presidential Studies, American University, with campaign professionals in 2000 and 2001.

43. The ethics committees and leadership of the ALL and the AAPC report never having censured their members for breaking the codes of conduct as of November 2001.

44. Thurber and Nelson, *Campaign Warriors*, p. 193.

45. See Lobbying Disclosure Act of 1995.

46. Statement from Howard Marlowe, former president of the American League of Lobbyists, January 1999, and study by Professor Edward B. Arroyo, Senior Fellow, Ethics in Public Policy, Woodstock Theological Center, Georgetown University, October 2001, in Connor, *Ethical Conduct of Lobbying*.

47. Howard Marlowe (former president of the ALL), interview by author, Washington, October 2001.

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

49. See Connor, *Ethical Conduct of Lobbying*, pp. 2–7, for a discussion of lobbying and the common good.

50. See Miller and Medvic, chapter 2, for a discussion of this distinction.

51. Connor, *Ethical Conduct of Lobbying*, p. 2.