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HOW TO BE AN EFFECTIVE LOBBYIST: A HANDBOOK

by

Yollette Cabrini Ross

A Thesis

Submitted in partial fulfillment of the requirements of the
Master of Arts Degree in the Graduate Division of Rowan University
December 18, 1998

Approved by _____
Professor

Date Approved Dec. 18, 1999

ABSTRACT

Ross, Yolette C. How to be an Effective Lobbyist: A Handbook, 1998, Thesis Advisor:
Dr. Don Bagin, Public Relations

The primary purpose of this research project was to develop a handbook for novice lobbyists that will acquaint them with the art of lobbying as it applies to the state of New Jersey. The handbook examines the professional relationship that exists between legislators and lobbyists. An analysis of the behavior and practices of lobbyists as they interact with legislators was conducted along with the interacting roles the two professions play in the legislative process. A review of several sources of information such as political science literature, political journals, practitioner essays and several newspaper sources were conducted to supplement the research. Interviews were conducted during a six-month period with 15 legislators and lobbyists representing the two major parties, Democratic and Republican. These legislators were representative of both houses of the Legislature, the General Assembly and the Senate. Both groups of lobbyists and legislators were interviewed as to their experiences in the legislative process. Most interviews ran approximately one-half hour. Different topics were discussed with different lobbyists depending upon their activities and interests. A tape recorder was used during these interviews to supplement any notes taken. The major conclusion of the project was that there is no substitute for the lobbying experience and the issues that are affected by the activity. It is determined that lobbyists do contribute a great deal to the legislative process in Trenton.

MINI-ABSTRACT

Ross, Yvette C. How to Be an Effective Lobbyist: A Handbook, 1998, Thesis Advisor: Dr. Don Bagin, Public Relations

The purpose of this research project was to develop a handbook for novice lobbyists examining the professional relationships that exist between legislators and lobbyists. A review of political science literature, political journals, practitioner essays and several newspaper sources were conducted to supplement the research. Interviews were conducted with lobbyists and legislators during a six-month period. The major conclusion of the project was that there is no substitute for the lobbying experience and the issues that are affected by the activity.

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Lastly, to those lobbyists and legislators whose experiences in their respective professions contributed a great deal to the text of this project.

This project is dedicated to the memory of my cousin, Jason Johnson, a gift from God whose short life on this earth touched so many lives in a positive way.

Chapter 1

Introduction

In theory, lobbying is an exercise of the Constitutional right to petition one's government. In practice, it contributes a great deal to the legislative process by making information available to public officials who can't be expected to know the merits of each bill as it relates to their constituents.

The right to petition one's government means that citizens and certain groups may appeal to the government for fair or special treatment. Where petitioning government is guaranteed, so is the right to lobby. An often misunderstood profession, lobbying, simply put, is the practice of attempting to influence the decisions of government. The profession employs a variety of methods, including, but not limited to, oral and written communications with public officials.

The term "lobby," having been around for quite some time, first appeared in the English language in the middle of the 16th century. At that time, the phrase referred to the halls and corridors of the House of Commons. The first recorded use of the term "lobby" in United States legislative circles was in 1808. Since that time it has become a vital part of American politics.

Lobbyists are regulated by government at both the federal and state levels by a registration requirement. In New Jersey there are 577 registered lobbyists. Lobbyists represent every conceivable interest and are active at every level of government. They work diligently to promote and defend their clients and their causes. They are an integral component to

lawmaking.

According to journalist Robert Dvorchak, “A legislative process without lobbyists is like having a bad map with only interstate highways. They are the access ramps, back roads, shortcuts, cutoffs and detours.”¹

Lobbying represents an infinite variety of causes and interests. Legislators and lobbyists both define lobbying as an attempt to influence someone else’s opinions or activities; knowing how to identify objectives, understanding issues and laws; assessing one’s own weaknesses and strengths as well as your opponents; and knowing how to get what one wants from the political process. All of the above and more contribute to the “art of lobbying.”

In many legislative circles, lobbyists’ involvement and influence have caused them to be referred to as the “third house” of the legislature. Along with the Senate and General Assembly representatives, lobbyists have an intricate role to play in the process of how a bill becomes, or fails to become, law.

The primary purpose of this research project is to develop a handbook for novice lobbyists that will acquaint them with the “art of lobbying.” The handbook will examine the professional relationship that exists between legislators and lobbyists. The researcher will analyze the behavior and the practices of lobbyists as they interact with legislators and further assess their role in the legislative process. The reader will determine whether the handbook’s objectives have been met.

¹ The Third House , Alan Rosenthal, 1993 Congressional Quarterly Publishing, page 1.

Need for the Study

Americans are often skeptical of government and public office holders. Additionally, they are skeptical of any entity conducting business with government. The media occasionally have a narrow and often distorted perspective on lobbyists and the lobbying profession. Subsequently, the public's comprehension is likewise limited and unduly negative.

As this negative impression persists, the question: why do legislators and lobbyists interact? needs to be examined. It is generally believed by the public that the legislator-lobbyist relationship is devoted primarily to the exchange of rewards.

The implication is that lobbyists, who represent special interest groups are buying the votes of legislators. Unfortunately, except for the campaign contributions, entertainment expenses, trips and gifts, the truly positive aspects of lobbying go unreported. According to Nancy Becker, President of Nancy Becker Associates, a Trenton-based lobbying firm, "Lobbying is integrated into the legislative process at every level of government. The practice has evolved into a highly sophisticated and refined art. Each group sizes up the other, estimating their potential for influence. Therefore, interpersonal perception becomes the key concept to their interaction."²

Ruth Mandel, Director of the Eagleton Institute, Rutgers University, suggests, "Lobbying is indeed a political skill. Understanding and applying its techniques and tactics are essential if one is to have a successful career in the field."³

² Nancy Becker, Lobbying in New Jersey (Eagleton Institute, 1980) p. 54

³ Ibid, p. 1

A handbook based on the experiences of both legislators and lobbyists may help dispel any negative perception that exists with the public. The handbook will provide a step-by-step description of the lobbying profession and the significance it plays within the legislative process.

Research has shown that no formal curriculum exists in New Jersey to adequately train individuals interested in becoming lobbyists. Rowan University, located in Glassboro, New Jersey, occasionally offers a 3-week course in its College of Communication titled, Legislative Liaison. This course, while comprehensive, is merely a brief overview of the profession and does not outline the intrinsic nuances of the profession.

The George Washington University's Graduate School of Political Management offers a Master of Arts in Legislative Affairs that can be completed in two years. This program is designed to improve one's effectiveness in government relations or assist one in starting a new career as either a lobbyist, government relations specialist or political analyst.

The secondary purpose of the handbook is to examine the relationship that exists between a legislator and a lobbyist. In so doing, it may aid in dispelling any negative perceptions that the reader may have regarding the legitimacy of such a relationship. The public's observation of lobbyists is seen primarily through the media. Unfortunately, the media often view the lobbying profession in terms of the exchange of money in return for a vote or unfettered access to a legislator. It is a fact that lobbyists do want and work for access, but they also want and work for more. Legislators receive information from lobbyists, but that is not all they receive. This handbook will provide the reader with an exploration of the profession beyond the one-dimensional perspective of the public.

The researcher will examine the broader areas of lobbying while providing specific

details on the types of people involved, the techniques they use, and the jobs they perform. The researcher hopes to convey to the reader a greater understanding of the lobbying profession and its role in the legislative process.

The objectives of the project will be accomplished by answering the following questions:

- How much interaction between legislators and lobbyists takes place?
- What is the nature of that interaction? and,
- What is the effect of that interaction?

Limitations

This project is not a commissioned study of the lobbying profession. Instead it is a research project examining the relationship that exists between legislators and lobbyists in the State of New Jersey. Since the legislature is considered the “stomping grounds” for most lobbyists, this research project will be limited to how lobbyists interact with the legislative branch of government as opposed to the executive branch. The executive branch of government is also lobbied by lobbyists; however, the access lobbyists have to governors is relatively limited. While executive branch lobbying also deserves study, this researcher chose to focus only on the legislative branch. Additionally, this research project will examine only the interaction of lobbyists and legislators as it relates to the two major parties, Democrat and Republican.

Components

The handbook, titled “How to be an Effective Lobbyist,” begins with a detailed background summary on the origin of lobbying, its emergence as a viable profession, and an examination on how relationships are forged between legislators and lobbyists. Also, it examines how each group views the other and the principal techniques used to build their relationships.

Subsequent chapters include the nature of lobbying, the lobbyist’s task within the legislative process and how the lobbying profession has endured a poor reputation over the years because of the misconception that lobbying is another way of influencing and buying votes. Final chapters of this handbook provide strategies and techniques to successful lobbying. A unique feature focuses on a short compilation of do’s and don’ts offered from the perspective of both legislators and lobbyists. The handbook also contains a “Day in the Life” section detailing the day to day activities of a lobbyist to give the reader a general idea of the many facets involved in the profession.

The handbook, while summarizing the interaction between legislators and lobbyists, along with the overall effect of that interaction, is designed to assist novices in carrying out their responsibilities with ease and success. The handbook brings together the collected knowledge and experience of both professions. These data obtained through this resource project are intended to maximize a lobbyist’s influence with a legislator by employing skillful communication techniques.

Chapter 2

Review of Related Research and Literature

A review of several works similar but not identical to this research project was conducted to help the researcher examine whether interaction between legislators and lobbyists is a necessary component in the legislative process. Searches were conducted on Rowan University's Nexis/Lexis, SearchBank and ERIC databases. Seven periodicals were retrieved from SearchBank, each outlining the intricacies of the lobbying profession. Two articles retrieved from Nexis/Lexis describing the relationships between legislators and lobbyists were also incorporated into this project. Five articles were reviewed from the ERIC database, however, their content was not deemed appropriate for this project. As mentioned previously, this handbook examines the interaction that takes place between the two professionals and the various forms that interaction takes.

Henry Eulau, in his book, Lobbyists: The Wasted Profession,⁴ asks the question, "What would politics in America be like without lobbies and lobbyists?" His research indicates that group theorists believe that a lobbyist acts as a conduit between the individual needs of a legislator and governmental institutions. In the case of legislators, many of their needs can be achieved only through some form of governmental activity. Many of the values and beliefs held by legislators are a direct result of their interaction with the various lobbying groups they come in contact with. Lobbyists are known to channel communication to legislators, they help to

⁴ Henry Eulau, "Lobbyists: The Wasted Profession," *Public Opinion Quarterly*, 28 (Spring 1964), page 27.

structure policy choices and oftentimes they act as buffers between government agencies and the public.

Lewis A. Froman referred to lobbyists as individuals who help check demands made by others by providing functional representation, compartmentalizing access to the decision makers and providing the public with an emotional outlet.⁵

In Milbrath's study of Washington, DC lobbyists, he concludes that only a small portion of lobbyists are consulted frequently by legislators. Based on this fact, he concludes that legislators are not necessarily dependent on the information that is supplied by lobbyists. He further suggests that legislators and their staff do not need lobbyists and that the overall effect of lobbying is minimal. Milbrath's study suggests that the interaction between legislators and lobbyists takes a variety of forms, with the application of pressure being one such form. He believes that the concept of communication between the two includes the notion of pressure, along with the notion of the transmission of information.⁶

To fully understand the premise of this handbook, the reader must comprehend the role-defined system of legislators and lobbyists along with the attitude of legislators toward lobbyists and vice-versa. Additionally, the reader must comprehend a legislator's self-perception and how he values his relationships with his colleagues, constituents, party representatives and other sources from which he derives attitudinal or behavioral cues. Also, the reader should have a

⁵ Lewis A. Froman, Jr., "Same Effects of Interest Group Strength in State Politics," *America Political Science Review*, (December 1966), page 954

⁶ Lester Milbrath, *The Washington Lobbyists*, Chicago: Rand McNally and Company (1963), page 46

general understanding of the nature of interaction theories.

According to Tribaut and Kelly, interaction is defined as two individuals emitting behavior in each other's presence, creating products for each other, or communication with each other. In every case, there exists the possibility that the actions of each person affect the other.⁷

Unfortunately, this definition places a restriction on the interaction concept as it applies to the relationship between legislators and lobbyists. To begin, any interaction must carry the possibility that there is a modification of behavior. The legislator-lobbyist relationship is instead a reciprocal one in which each participant gives to the other certain resources in exchange for gratifying behavior. The degree by which it is determined whether or not behavior modification has occurred depends on the extent to which the participants find the information provided useful in obtaining their goals.

It is possible that the resources may be obtained through other means and other interactions not related to the lobbyist-legislator relationship. Consequently, the behavior of one participant may not be the only influence on the behavior of the other. Rather, it is likely that several sources of influences may compete for the favor of both.

With respect to interactions, it is very important that each participant understands what the other expects to gain from the interaction. Research has shown that in many instances, the evaluation of the other is influenced by the perceived purpose of the interaction. This fact brings us back to one of the driving questions of this research project: Why do legislators and lobbyists interact?

⁷ John W. Thibaut & Harold H. Kelly, *The Social Psychology of Groups*, (New York: John Wiley, 1961), page 10

According to Ziegler, the interaction that exists between the two is based primarily on extrinsic rewards. Lobbyists approach legislators and legislators approach lobbyists for extrinsic gratification.⁸ Ziegler stops short of saying, however, that intrinsic rewards can't be developed from their relationship. He merely points out the relationship between the two professions is one in which each participant uses the resources of the other to attain a goal beyond that of interaction itself.

Introductory interactions are important in determining the future of the relationship between lobbyists and legislators. The first interaction is tentative and exploratory. Neither participant is sure what to expect of the other and in most instances, neither has more than a stereotypic image of the other. The background of each participant provides the framework of reference.

To truly take advantage of the contributions each makes to the interaction, both legislators and lobbyists should work toward gaining a common perception of the shared environment in which they each exist. As the lobbyist sizes up the perceived influence of a particular legislator's perception of his influence, the interpersonal perceptions that each develops about the other become vital cogs in the wheel that keeps things moving.

Based on that theory, any relationship that develops between the two professions will depend a great deal on image. Unfortunately, this assumption does not appear to be a valid one, because if either party lacks specific information about the other, then he or she will begin to depend on stereotypes to develop any expectations related to the relationship.

⁸ Harmon Ziegler, "Lobbying: Interaction & Influence in America State Legislatures," Wadsworth Publishing Co., page 10. (1969)

The initial interaction between a legislator and a lobbyist will prove beneficial if each begins the interaction with a clear understanding of what the other “stands for.” Other than the fact that they are both human beings, they have very little common background upon which to base their interaction. Much of what goes on between the two professions comes down to basic human relationships. A lobbyist’s goal is to make connections and develop close relationships.

Traditionally, relationships are not difficult to forge in a legislative setting. In fact, according to Landry, legislators and lobbyists naturally gravitate toward one another. They each share a stake in the legislative system and can commiserate and celebrate with each other.⁹ Within the legislator-lobbyist interaction, one individual has greater freedom than the other. The legislator has the power to vote; the lobbyist has an interest in that vote. A.G. Block’s, “The Ethics Jungle” concludes that based on that notion, a lobbyist must seek to interact.¹⁰ Since the lobbyist has no formal power, but is completely dependent upon one who does, interaction and relationship building appears to be a necessity for a lobbyist.

However a relationship between a lobbyist and legislator is forged, inevitably it must undergo a trial by fire. In his book detailing lobbyists and lobbying in several states, Alan Rosenthal reports that the relationship between a lobbyist and legislator is tested repeatedly as they work together in the legislative process. He emphasizes the significance of forging a personal relationship. Much of the onus is on the lobbyist to meet the professional standards

⁹ Larry Landry, “The Art of State Government Relations,” (Washington, D.C. Public Affairs Council, 1990)

¹⁰ A.G. Block, “The Ethics Jungle,” (California Journal, April 1990.)

many legislators have established for them.¹¹ Having the wrong chemistry, a lack of trust or credibility impedes the process. Therefore, it is believed that personal ties make it easier for legislators to develop trust and confidence in those who are trying to influence them. Legislators are more apt to do things for individuals they like and trust. Rosenthal concludes that if lobbyists are attentive in building a working relationship, then they will have learned as much as possible about the legislators with whom they are dealing. If through a cultivated relationship a lobbyist proves to be credible, reliable, loyal, empathetic and a likable individual, then the path to direct lobbying is made much easier. As a result, they (lobbyists) will know what type of information works best with a particular legislator and how it should be communicated. While these actions appear to be a natural progression in the lobbyist-legislator interaction, such action raises the question of whether it may impede the objectivity of a legislator.

Lobbying activities are designed to reach legislators in two inter-related ways: by obtaining access and by influencing decisions. Lobbyists' ability to use their unique mix of resources to influence political allies and legislators is of great importance and for better or worse often conjures an image of individuals buying power and undue influence. When legislators and lobbyists come together, citizens often believe that the public interest is being sold out.

In an interview for *Insight Magazine*, Jonathan Rauch, author of "Demosclerosis," suggests that to talk of taking power from lobbyists and special interest groups and returning it

¹¹ Alan Rosenthal, "The Third House," (1993 Congressional Quarterly Publishing)

to the people is not feasible.¹² According to Rauch, lobbyists are the people; the people are the lobbyists. The article states that money is the lubricant that keeps Washington's political machine humming. He indicates that you can not have a huge complicated government without having conduits of lobbying experts advising those legislators who implement policy. Rauch reports that lobbying has its problems. The negative image of the profession is not so easily repaired. He suggests that one step toward restoring a positive image is to stop trying to solve the problem. Instead, make an effort to successfully manage the profession by mitigating its negative effects. Rauch likens lobbying to the aging process in the body---it is not reversible.

In "Drawing the Line," Rosenthal reports that if Americans are suspicious of legislators, they are equally suspicious of lobbyists.¹³ The contemporary image suggested by public opinion polls he conducted for his study is that of lobbyists and special interests having their way with legislators at the public's expense. Rosenthal's survey of lobbyists in three capital cities, Sacramento, St. Paul and Trenton, revealed that indeed, lobbyists are very familiar with legislators. Many legislators have been wined and dined by lobbyists at considerable expense, when the average citizen often has difficulty reaching his elected official. The survey revealed that many lobbyists have unfettered access to legislators that is often denied to the citizen. Rosenthal concludes that America's distaste for lobbyists and lobbying is a consequence not without foundation. The business of lobbying is not without abuse. Additionally, Rosenthal points to many lobbyists whose reputations are questionable and who spend too much on

¹² Michael Rust, *Insight Magazine*, July 27, 1998

¹³ Alan Rosenthal, "Drawing the Line," 1996, Twentieth Century Fund Publishing

entertaining legislators and servicing their own various needs.

Gary Boulard, in an expose written for State Legislature magazine, titled, “Lobbyists as Outlaws,” reviewed the outcome of a Massachusetts court case where an insurance executive was convicted in federal court of illegally favoring with gifts, a number of state legislators. The article cites several other landmark cases concerning the impropriety of “gift giving” by lobbyists to legislators and how it has led to stricter regulation of lobbying activities in several states.¹⁴

The article suggests that banning activities such as entertainment and gifts is easier said than done. Most states have not seriously considered an outright ban, but instead have settled for disclosure. Lobbyists grumble, although legislators maintain that letting people know who is getting what from whom is sufficient and sensible. Disclosure allows the people to also draw their own conclusions about the activities of their legislators. Boulard suggests that no matter if entertainment and gifts are banned or strictly disclosed, communication between lobbyists and legislators will continue. Lobbyists are afraid that if they cannot pay, legislators will refuse to talk to them. Communication will continue because legislators need lobbyists for the information they communicate more than for the gifts they offer. Boulard concludes that appearance, as a standard, must be given considerable weight in the relationship between a legislator and lobbyist. Cozy relationships arouse both the media’s and the public’s ire. He cites that many of the practices that go on in many states raise questions that, if unanswered, would further erode the people’s trust in government.

¹⁴ Gary Boulard, “Lobbyists as Outlaws,” State Legislature Magazine, (January 1996)

Rosenthal states in “Drawing the Line,” that with respect to the legislator-lobbyist relationships, the standard of responsibility does not pull in the opposite direction from that of appearance. He believes that it is better institutionally to limit the gifts that legislators take. Gifts of any substantial nature may incur obligations on the part of the legislators. Rosenthal concludes that such obligations should be minimized at all costs, as they will never be completely eliminated from the legislative process. The primary objective in doing so is to change the legislative culture so that “giving and taking” is no longer the dominate mode of the legislator-lobbyist interaction.

In a study conducted by Scott Ainsworth it was determined that legislators have two distinct advantages: they design the rules governing their interactions with lobbyists, and they can accomplish tasks for an interest group that the group, acting alone, could not accomplish. It is therefore understood that legislators play key roles in determining the extent of interest group influence within a legislature. Legislators structure their environment, and consequently, affect the ability of others to work within that environment. Ainsworth concludes that legislators structure the rules of the game in anticipation of interacting with lobbyists.¹⁵ No aspect of the legislator-lobbyist interaction is unaffected by legislators. Even the emergence of issues, often tied to special interest groups, may have a more direct link to legislators than lobbyists. Issues often pass through many formal and informal channels within the legislature long before they receive broader public attention.

According to Baumgartner, much of the literature available on agenda setting, suggests

¹⁵ Scott H. Ainsworth, “Regulating Lobbyists and Interest Group Influence,” *Journal of Politics*, Vol.55 pages 41-56

that legislators, rather than lobbyists, define the type of issues that receive attention.¹⁶

Similarly, Bauer reports that the most important part of the legislative decision process was the decision to consider not how to vote, but what to do with time, how to allocate resources, and where to put the energy to research those issues.

Once an issue is brought to the public's attention, the legislator-lobbyist interactions are affected by legal, political and strategic constraints. Ainsworth demonstrates that legal constraints may take the form of a "quid-pro-quo" arrangement between the two professions. Political constraints dominate the legislator-lobbyist interaction. In fact, political constraints often impede the ability of legislators to grant considerable access to lobbyists from groups that may or may not be popular in the state or within a legislator's district. Legislators become sensitive regarding associating with lobbyists representing interests that have no direct link to the constituents within their district. Strategic constraints relate to political constraints because it is not easy for lobbyists to alter their patterns of selective association if the legislator is sensitive to any change in lobbying behavior. Legislators affect both the issue agenda and the rules governing direct legislator-lobbyist interactions.

Similar to the singular lobbyist-legislator interaction is the concept of "lobbying enterprises." Lobbying enterprises also involve intrinsic relationship and coalition building between a lobbyist and a legislator, but through the use of legislative allies. In fact, Ainsworth reports that legislators affect their interaction with lobbyists by establishing lobbying enterprises (coalitions) to reduce the built-in uncertainty and costliness associated with ongoing

¹⁶ Frank R. Baumgartner, "Agenda and Instability in American Politics," (1993, University of Chicago Press)

interactions.¹⁷ Small, informal lobbying enterprises usually develop whenever sympathetic legislators are willing to mobilize support for an interest group's position. Larger, more formal lobbying enterprises include groups of like-minded lobbyists or legislative allies. Individuals involved in lobbying enterprises are bound by their common goals. Ainsworth concludes that lobbying enterprises are believed to be more stable and allow lobbyists to coordinate their efforts with legislative allies. Further, he states that the long-term relations built into lobbying enterprises helps reduce uncertainties, ensure ready access to legislators, and allows lobbyists to reach undecided legislators indirectly. Ainsworth emphasizes that legislative allies are valuable to lobbyists because they have greater strategic flexibility than lobbyists and can trade in currencies unavailable to lobbyists. For example, lobbyists cannot promote the passage of legislative agreements, but they can provide sufficient support to their allies to make them more willing to engage in promoting such activity. In short, lobbying enterprises facilitates the coordination of the lobbyist and legislative allies' efforts.

Inevitably, the success of a lobbying enterprise depends on the ally's ability to mobilize support among other legislators. Schlozman and Tierney report that both legislators and lobbyists recognize the importance of an ally's efforts with respect to lobbying enterprises.¹⁸ They conclude that lobbying enterprises are an indirect form of lobbying and are strongest when issues lend themselves to some sort of legislative vote trading. For example, a highly visible issue may attract so much heated constituency involvement that internal, behind-the-scenes

¹⁷ Scott H. Ainsworth, *Legislative Studies Quarterly*, XXII, 4, (November, 1997)

¹⁸ Kay Schlozman & John Tierney, "More of the Same: Pressure Group Activity in a Decade of Change," (1983) *Journal of Politics* 45:351-75

bargaining is virtually impossible. Lobbying enterprises reduce transaction costs and uncertainty in the legislator-lobbyist interactions and complement staff systems, committee systems and the constituent contact committees.

To be effective, a lobbyist has to interact with a legislator on a regular basis. Measuring the effects of the legislator-lobbyist interaction is often difficult in light of the many contrasting perceptions that exist between the two professions. According to Thomas and Hrebenar, one might assume that seeking out a lobbyist indicates an acceptance on a legislator's part regarding the legitimacy of these professionals in the legislative process.¹⁹ By contrast, another concern regarding the legislator-lobbyist approach to interaction is to determine what kinds of lobbyists and legislators are most likely to interact. Gray reports that in many instances the interaction between the two increases with the experience of either the legislator or the lobbyist or both. In the case of a lobbyist, it may take time to locate key decision makers, become familiar with the rules of the game, learn the legislative process, establish a reputation and get on friendly terms with a legislator.²⁰ On the other hand, Gray reports that legislators might have increased contact with lobbyists if their position in the legislature has become important enough to attract the attention of lobbyists. Despite this assertion, Ziegler is quick to add that interaction need not be an indicator of effect. One contact by a good lobbyist may be worth a hundred contacts by an amateur. Additionally, he concludes that the greater the number of contacts, the less effective any one contact is likely to be.

¹⁹ Clive S. Thomas and Ronald J. Hrebenar, "Interest Groups in the State," *Politics in the American States*, (1990)

²⁰ Virginia Gray, "The Interest Group Society," Boston: (Little, Brown, 1994)

In a news point article written for Black Enterprise Magazine, journalist Joyce Jones examines the lobbying profession. She concludes that the proliferation of interest organizations and lobbyists nationally is undeniable. The increased number of lobbyists confirms that the profession is very competitive. Jones reports that persuading government representatives to support or defeat legislation is a lucrative business. If done correctly, lobbying is an extremely effective marketing strategy that ensures that one's voice and issues are adequately addressed.²¹ According to Jones, often it comes down to more than simply lining the right pockets; it has just as much to do with persistence and knowing how to finesse the system. Jones concludes that planning is key and knowing the right steps to getting your voice heard is half the battle.

In a June 1995 article written for the New Statesman, Kristy Milne examines whether or not lobbyists are necessary or whether their clients are wasting their money. Milne reports that lobbyists will exist as long as companies and pressure groups believe them to be useful. She concludes that the proliferation of lobbying is undeniable in confirming that the profession is growing and is becoming extremely competitive. The art of lobbying can be enormously effective in influencing the political decision-making process. Milne indicates that the lobbying profession has grown over the years; however, respondents to her interview felt that lobbyists do not have magic wands. They can't do anything that Joe Q. Public can't do. The difference is that they are able to do it quickly. Clients are buying their expertise and their knowledge of the system.

The generalized attitude of legislators toward lobbyists can be considered a predictor of

²¹ Joyce Jones, Black Enterprise Magazine, "The Art of Lobby," (May 1998)

interaction in most cases. Peterson asks what specific judgments of lobbyists by legislators are most crucial in encouraging or discouraging interaction? In his survey of 50 legislators and lobbyists, Peterson asked both groups to indicate traits they believed characterize lobbyists as a group.²² While their responses were varied, four characteristics were mentioned far more frequently than any others. Specifically: 1) good personality; 2) intelligence and knowledgeability; 3) aggressiveness; and 4) honesty. Peterson concludes that these four characteristics guide the lobbyist-legislator interaction.

Anyone following policy issues within the New Jersey State Legislature will acknowledge that lobbyists do play an important role in the enactment of legislation. Rosenthal reveals that a lobbyist is probably involved at every stage of nearly every issue addressed by the Legislature.²³ Lobbyists are out and about advocating their client's positions, forging relationships with legislators and providing political information. A great deal depends on lobbyists making their case. A lobbyist bears the responsibility for whether a client wins or loses. These often misunderstood professionals are perceived to be influential with considerable standing in the political universe. Legislators do take them seriously.

²² Paul Peterson, "The Rise and Fall of Special Interest Politics," (1991 *Political Science Quarterly* 105: 539-56)

²³ Alan Rosenthal, "The Third House," Congressional Quarterly Publishing, (1993)

Chapter 3

Methodology

The researcher attempted to cover a broad area by providing detail on lobbyists and legislators at work. What do lobbyists do? How do they do it? By examining the types of people involved, the techniques they use, and the jobs they do, the researcher provides the reader a sense of the lobbying enterprise and its role in the legislative process.

This research project was accomplished by conducting a review of several sources of information. Political science literature, political journals, practitioner essays and several newspaper sources were all drawn upon for this research project.

The principal sources of information for this study, however, were legislators and lobbyists themselves. During the period from January 1998 to June 1998, this researcher conducted interviews with 15 lobbyists representing various types of practices. Additionally, the researcher conducted interviews with 15 legislators representing the two major parties in New Jersey, Democratic and Republican. These legislators were representatives of both houses of the Legislature, the General Assembly and the Senate.

All of the lobbyists interviewed were registered with the Election Law Enforcement Commission and spent most, if not all, of their time lobbying the legislature. Most interviews ran approximately one-half hour. Different topics were discussed with different lobbyists depending upon their activities and interests. This researcher used a tape recorder during the interviews to supplement any notes taken. Most of the questions were taken from a questionnaire prepared ahead of the interview and used as a supplement to the face-to-face

interview. (See Appendix A)

For the participants of this research project to speak candidly about their activities, their colleagues and their clients, this researcher had to assure complete confidentiality at the outset of the interview.

The researcher analyzed the information obtained from each interview and used cross tabulations to report the outcome of the research. The cross-tabulations revealed various similarities in the respondents' answers which are listed throughout the text of the handbook.

HOW TO BE AN EFFECTIVE LOBBYIST: A HANDBOOK

Chapter 1

Lobbying.....Then

Although lobbying is considered an ancient art as old as government itself -- it is still a profession that is frequently misunderstood and viewed with suspicion. In fact, mention the word lobbyist in some circles and it conjures up the image of back room “wheeling and dealing,” complete with monetary payoffs. Lobbyists are often viewed as too powerful and untrustworthy. In many instances, they are portrayed as an evil influence on the legislative process, when in fact they are exercising their constitutionally protected right to petition the government for redress of grievances.

According to the First Amendment to the Constitution:

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

Historically, the right of petition can be traced to the Magna Carta in 1215. The early English parliaments were regular recipients of a wide variety of petitions. As the English government became centralized and developed separate branches and agencies, fewer petitions were made to Parliament. However, a residual right remained and came to be known by seventeenth century English judges as “the birthright of the subject.” By the late eighteenth

century, the right to petition was flourishing in England and was frequently used by the American colonists to express their grievances.

Finding a definitive definition for lobbying has remained one of the most controversial challenges of our American political process. The word “lobby” has been around for quite some time. It first appeared in the English language in the middle of the sixteenth century. At that time it referred to the halls and corridors of the House of Commons. Use of the word within the United States legislative circles surfaced sometime in the early 1800s. The term “lobbyist” came into use early in the nineteenth century, although stories of its origin vary. One historic account describes “lobby-agents” as the petitioners hanging in the lobby of the New York State capital waiting to address legislators. Another version of the story describes the lobby of the infamous Willard Hotel in New York, as the meeting site for both legislators and favor-seekers during the early 1800s.

Whichever version one chooses to believe, by 1835, the term lobbyist was in wide use throughout the United States. In his turn-of-the-century study of lobbying in the New Jersey Legislature, William E. Sackett paints a very grim picture of lobbying during the 1873 legislative session in Trenton.¹ Sackett describes endless merrymaking with corks popping at bars, sumptuous dinners at exclusive hotels and wine banquets lasting until the wee hours. Bribery was rampant. Legislators voted in favor of a lobbyist’s interest often after receiving an envelope with crisp \$100 bank notes inside. Who can forget the now infamous caricature of lobbyist Artie Samish that appeared in a 1949 issue of Collier’s magazine. Samish, a California

¹ Sackett, William E., “Modern Battles of Trenton”, John L. Murphy Printer, (1895) pg.52-53

operative from the 1940's, was depicted in a straw hat, smoking a large cigar, sporting a big paunch and an extremely loud tie. The cartoon illustrates Samish manipulating the strings of a ventriloquist's dummy named Mr. Legislature. For years after the cartoon was published, many believed it to be an accurate account of a lobbyist's role in the legislative process. To many, lobbying had the unsavory connotations of arm twisting, back room bargaining, and trading money for influence. Because the lobbying profession was so misunderstood, many viewed it as a sinister function. However, virtually every mom and apple pie interest throughout the United States uses lobbyists to advance a cause, a fact not commonly known by the public. Simply put, lobbying is the advocacy of a point-of-view held either by a group or individual. It is not the advocacy of ideas that gives lobbying a bad name; rather, it is the favors which lobbyists lavish on elected officials that raise suspicions in the mind of the public.

Lobbying.....Now

The lobbying profession has evolved over the years into a sophisticated and refined art, a profession that is far different from that previously described by Sackett. Today, lobbyists are believed to be a critical resource within the political process. They provide substantive and political information on specific issues that prove helpful to legislators. Today's lobbyists represent a great variety of organizations ranging from small citizen groups to business and professional associations. Today, lobbying is a far different from earlier days. New lobbying techniques have been developed that include coalition building, grass roots mobilizing, public relations and communications -- all forcing the profession to change. The styles and techniques

of lobbying within the state capital have changed considerably. Today, lobbying involves much more than persuading and influencing legislators. Its principal elements now include researching and analyzing legislation and regulatory proposals; monitoring and reporting on legislative developments; attending state and regulatory hearings; working with coalitions interested in the same issues and then educating, not only legislators, but public employees and corporate officials as to the implications of various changes.

Most lay persons may regard lobbying as the communicating with legislators and government officials. In actuality, communication with these individuals represent 50% of a lobbyist's time. The other 50% of their time is devoted to the other aspects of preparation, information and communicating with others. A public utility lobbyist explained that lobbyists are trying to advance themselves from the seamy image of spending their days prowling throughout the halls of the state legislature, buttonholing legislators and trying to change their votes. He stated, "Much of our best work is done behind the scenes in preparation." The lobbying profession has changed, because legislatures have changed over the years. Professional staffing and legislative reforms have contributed to these changes. Given these changes, lobbyists could not afford to remain detached from this reality if they are to remain integral to the legislative process.

Types of Lobbyists

Lobbyists are a varied species. In Trenton, as in most states, they represent various interests and are employed by differing groups. They are listed as follows:

■ **Contract Lobbyists**

These lobbyists are also referred to as “hired guns.” What distinguishes this group is that they are not employees of a single organization; rather they have a number of clients ranging from a half dozen to 40. Contract lobbyists may also be sole practitioners, partners in a large firm or even associates in a law firm. These individuals are also known as independent lobbyists. They are essentially in a business and must work at selling their services to a number of clients. Contract lobbying is very competitive in addition to being extremely lucrative.

The career paths of many contract lobbyists usually have their roots in government and politics. Of the 15 lobbyists interviewed for this research project, nine were contract lobbyists. Eight of the nine had been previously employed in state government, either as a legislative aide in a district office or in some other governmental capacity. Although contract lobbyists are not the biggest category of lobbyists, they receive a great deal of media attention, primarily because they are reputed to receive “high incomes” and they represent powerful private interests. One contract lobbyist, representing a number of high profile clients believes that contract lobbyists are the “real professionals of the lobbying community.”

■ **Association Lobbyist**

These lobbyists represent the business, labor, professional and trade associations. They are often in-house lobbyists working for a specific organization, although they may also have duties extending beyond lobbying. In many instances, association lobbyists are less likely than contract lobbyists to have political backgrounds, although some do. Many end up with their current associations from other associations. One association lobbyist was interviewed for this

project. Her lobbyist duties are conducted in conjunction with her role as executive director of the association. While most of her time is devoted to the administration of her association's affairs, she realizes that keeping a presence in Trenton is equally important.

■ **Company Lobbyist**

Similar to an association lobbyist, these individuals work for a single organization, usually a business. One company lobbyist was interviewed for this project. During the interview he indicated that he does very little direct lobbying for their out-of-state interests, choosing instead to rely on the services of an independent lobbyist to represent various concerns. With their in-state interests, however, they lobby legislators directly and monitor legislation themselves.

■ **Cause Lobbyist**

These lobbyists cover a broad spectrum of groups, including public interest lobbyists and those representing non-profit and single-issue groups. Traditionally, their clients tend to be more philosophical and ideological, appealing to moral principles. Three cause lobbyists were interviewed for this project. They each explained that their current positions were attained through brief involvements in certain movements and issues. Additionally, they see their lobbying role as two-fold: to advocate a moral principle to legislators on behalf of their constituency and to be aggressive "watchdogs" in ensuring legislation introduced is not just in the interest of headline grabbing, but is substantive in content.

■ **Government Lobbyist**

These lobbyists are employed by associations composed of local governments, including county and city officials, school boards, property appraisers, tax collectors, sheriffs, clerks and other public officials. Traditionally, these lobbyists hail from a variety of backgrounds. Many have backgrounds in government and politics while a considerable number have a strong background in fiscal and budget issues. One government lobbyist was interviewed for this project. His background is in both governmental and fiscal experience and as he explained, his primary role is to monitor legislation that may impact on his municipality. His time is divided between his office and Trenton.

Qualities/Characteristics

Legislative respondents were asked to summarize traits they believed characterized a successful lobbyist. Initially, over half had difficulty responding to this question. Many had never really given any thought to specific traits or characteristics of a lobbyist. All agreed, however, that any successful lobbyist must have an exceptional ability to interact with people.

Lobbyist respondents were asked the same question, in addition to how they appraised their own record of success. The responses were varied. One contract lobbyist indicated that he measured his success by his salary. A large salary demonstrated to him that he was successful. Another contract lobbyist explained that his success was measured by the number of times

legislative decision-makers solicited his viewpoint on a policy matter.

Research has shown that lobbyists aspire to be consulted by legislators. The frequency of such consultations can be viewed as a measure of success. Further follow-up questions and examination of respondent insights revealed that both groups believe that honesty and integrity were key components to a successful lobbyist. One Republican senator went so far as to say that if lobbyists do not possess these qualities, they are completely ineffective. Those lobbyists possessing integrity were assumed to have a general concern of the organization or client they represented. Integrity is believed to be the cornerstone of all fruitful legislative activity. There is no place where a person's word is more important, and no place where personal integrity is more relied upon and more appreciated, than in the State Legislature.

A freshman legislator dovetailing on the issue of integrity explained the importance of credibility as a sound quality. Legislators receive numerous messages daily. These messages often contain conflicting and perhaps contradictory information that must be carefully evaluated by the legislator and his or her staff. The credibility of a lobbyist often guides a legislator's actions in determining to what extent arguments are backed by facts and research data. One lobbyist respondent cited another aspect of integrity that is an integral component to the success of a lobbyist: that is, the expectation that lobbyists must respect the confidences of the legislators they talk to. Both legislators and lobbyists agree that this code must be strictly enforced at all costs.

Another frequently cited quality that both groups agreed on was that a lobbyist must be capable and knowledgeable. One legislative respondent indicated that an incapable or poorly informed person is visible almost immediately. A Democratic Assemblyman recalled an

occasion when a lobbyist arrived in his office unprepared and unable to answer his pointed questions. As a result, nothing was accomplished at the meeting and the Assemblyman walked away with a less than favorable opinion of the lobbyist. A lobbyist who is not knowledgeable on the issue runs the risk of being pegged incapable and eventually is shunned by legislators throughout the statehouse. It is especially important that an association lobbyist, for example, know everything there is to know about his or her organization, along with having a working knowledge of the legislative process, to be effective.

Legislative respondents agreed that a lobbyist must be analytical, incisive and articulate to be effective in their eyes. Another general quality of a lobbyist is that of maintaining a positive attitude. Trenton lobbyists, as well as others, are dependent on the actions of others to perform their duties. Because of that fact, lobbyists must be careful to hold their tempers and not offend a legislator who is not so easily swayed in their direction. A South Jersey legislator explained that to be successful, a lobbyist has to be thick-skinned and slow to frustration and anger. Still another quality cited by both groups was that of persuasiveness. Lobbyists identify who they want to persuade and determine how to persuade them. One lobbyist responded that her persuasive power depends mainly on the power of the interest she represents and the way that power resonates with a legislator's concerns. Knowing what motivates a legislator enables lobbyists to frame their arguments so that they will initially receive a favorable reception.

One legislator likened persuasiveness to manipulation, indicating that lobbyists manipulate others to succeed. A contract lobbyist disputed that claim, stating that persuasion, not manipulation, is the mainstay of her job. She must figure out how to sway legislators to vote on legislation in a way that favors the interest she represents. She contends that her objective is

accomplished by tailoring her appeals specifically to her target. She feels that manipulation has such a negative overtone and suggests that nefarious acts are taking place to secure a legislator's vote. One final quality cited by both legislators and lobbyist respondents was persistence. A lobbyist's task can conceivably go on for months, even years. Because of that fact, a lobbyist needs to be long-suffering and tolerant of frustration. As mentioned previously, it is important that their frustration not be vented in anger, which could result in alienating important people.

Finally, both groups agreed that lobbyists generally must like their job if they are going to succeed. Most lobbyists interviewed for this project indicated that they did in fact enjoy their jobs. A North Jersey senator indicated that those lobbyists that impressed him most throughout his tenure in office were those who had the ability to articulate their ideas well. He continued by explaining that over the years he has "blown his cool" with many lobbyists, but the impressive ones were able to control their anger and maintain a semblance of control. He concludes he would never deal with anyone who was not respected by the legislative community or who fostered ill-will among his legislative colleagues.

Building Relationships

One of the most important functions of a lobbyist is to insure a favorable reception of their message by those individuals they are trying to influence. One of the surest ways that lobbyists can achieve that goal is by developing a trusting relationship between themselves and the legislator. The respondents were asked just how important forging a

relationship is to the legislator-lobbyist interaction. One legislator stated that just as lobbyists see these relationships as an integral component to lobbying, legislators also want to forge a trusting relationship because they need the reliable information and services that are offered by lobbyists. The significance of personal relationships between legislators and lobbyists is obvious to anyone familiar with the legislative process. Without trust and credibility, the process would be somewhat difficult to manage. According to a freshman legislator, to be trusted, a lobbyist must appear to be concerned with the public's welfare in addition to the interest of his own client. Many lobbyists attempt to convey a broader and balanced view by presenting two sides to every argument. Another legislator explains that if lobbyists misrepresent something, they are through. The same is true if they don't provide enough information. He stated, "If I know them to be honest and they know their subject, it puts them in a very favorable light."

Research has shown that some lobbyists believe they spend too much time developing relationships, rather than on direct lobbying. Traditionally, cause lobbyists spend very little time developing relationships with legislators. The reason being, their organizations drive their agenda, and they rely heavily on their members and the news media to drive the point home.

Many legislator-lobbyist relationships have their roots in the legislature. Three of the nine contract lobbyists interviewed for this project started out as legislative staffers. Additionally, not all relations between lobbyists and legislators are positive. Sometimes, lobbyists make enemies. The reasons vary. According to one lobbyist who represents a tobacco interest, a veteran legislator will only conduct business with him through an intermediary, usually a legislative aide. Rarely will that particular legislator "close the deal" with him because he is against any use of tobacco products. The lobbyist explains that even though he knows that

the legislator is not enamored of him, he realizes that for the sake of his client he has a job to do.

A Republican assemblyman explained that one sure way to jeopardize any relationship between him and a lobbyist, is for the lobbyist to try to bluff him. He stated, "That is a definite turn-off, and I will not tolerate it. It's the quickest way to get thrown out of my office."

Many of the relationships that exist between legislators and lobbyists are cultivated by lobbyists who often prefer to "socialize" rather than allowing nature to take its course toward a personal relationship. A few lobbyists believe that socializing is a prerequisite to establishing a relationship. Respondents were asked to identify several tried and true techniques for forging bonds between legislators and lobbyists. The four most common responses included: 1) entertainment; 2) gifts; 3) campaign contributions; and 4) trips. Nearly all of the socializing that goes on between legislators and lobbyists takes place under conditions where one is providing certain benefits to the other. Entertainment and trips oftentimes provide opportunities to "socialize and build relationships." A contract lobbyist explains: "Through entertainment, I'm able to see the legislator in a relaxed setting and subsequently get to know him better. Nine times out of ten, we do not discuss legislation. The conversation may center around anything other than legislation. Respondents were asked to relay their feelings about the negative connotations that such activity promotes. One legislator indicated that it was unfortunate that the press always tends to twist the intentions of a lobbyist who may provide free ball tickets to a legislator as a prelude to "buying a vote," rather than emphasize the positive aspects of lobbying.

A lobbyist offered that it was very curious that lobbying, which is protected by the constitutional right to petition, is so strongly distrusted by the public and the press. Yet another lobbyist explained that he has received criticism from outside sources that an annual hunting trip

he takes with a veteran legislator is wrong. However, his response to the criticism was that the hunting trip will be remembered long after any campaign contribution is forgotten. Another legislator stated that with all of the lobbying reform mechanisms in place, where every expenditure must be reported it's safe to say that the days of "bribes, wine and roses," won't ever return to the legislative process. Despite the occasional gift giving and campaign contribution, it is safe to say that today legislative life is less like a party. Despite what the public thinks, wining and dining have diminished and spending is down. Lifestyles are changing. Legislators eat and drink less and many go home to their families after a legislative session. In short, they are just too busy to be entertained.

Another legislator explained that despite the many safeguards in place to avoid consistent abuse with gifts and entertainment, he avoids accepting any gifts from lobbyists. He feels that a relationship is tested repeatedly throughout the legislative process. A lobbyist's professional standards are enough to forge a bond that will lead to a personal relationship. Several lobbyist respondents denied that gifts and campaign contributions lead to votes. They did however, admit that those activities and subsequent relationships provide them access. One cause lobbyist suggests that those respondents are anything but naive, and are disingenuous in making such statements. Any relationship forged suggests that one is seeking certain advantages derived from the relationship. Not everyone can get access to his or her elected officials. Many contract lobbyists are able to pick up a telephone and reach a legislator immediately, while Joe and Josephine Public may wait weeks before getting a response.

Chapter 2

Summary of Lobbying Activities

Direct vs Indirect Lobbying

Lobbying activities can be direct or indirect. Direct lobbying refers to meeting with elected representatives and providing them with information pertinent to a bill that is being voted on or an issue of concern. A lobbyist communicates information with the help of graphs, charts, polls and reports. This is usually information that a legislator might not otherwise be in possession of. Indirect lobbying is sometimes referred to as “grassroots” organizing and refers to the enlistment of help from the community or a group of advocates to influence elected representatives by writing, calling or demonstrating on an organization’s behalf.

Indirect lobbying requires long hours spent on the phone and writing letters trying to rouse the community to get involved. Lobbyists using indirect lobbying methods usually report to legislators about the concerns and reactions they have received from the community. It is difficult to determine which lobbying method is utilized more in Trenton, home to many lobbying firms and associations. Lobbyist respondents were asked which method they employ most frequently. All of the contract lobbyists noted their preference for direct lobbying. An association lobbyist stated that as a rule she prefers direct lobbying; however, there are times, particularly during “hot debates,” that she has enlisted the help of her membership and other community activists to champion her cause.

Direct lobbying involves numerous strategies and tactics; not the least among them is

forging relationships and establishing credibility with a legislator as discussed in the previous chapter. The principles of direct lobbying are rooted in mutual respect for legislators and the legislative process. Both groups agree that direct lobbying is the most effective lobbying technique. Discussing the impact of pending legislation with legislators can educate and ideally influence their position. A contract lobbyist whose office is located directly across the street from the statehouse explained that she prefers direct lobbying over any other method. She adds that the most important principle to employ in direct lobbying is presence. Being there. Nothing can substitute for a lobbyist's presence. During a session or hot button debate, a lobbyist cannot afford to leave early or arrive late.

Contrastingly, a cause lobbyist for a citizen advocacy organization agreed that while presence is important, persistence is key. She recalls that numerous times she was treated like a pariah because she aggressively pursued an issue that may have been considered unpopular by a legislator. However, because of her persistence, she managed to turn the heads of enough legislators who helped her craft legislation to further promote her cause. Another cause lobbyist explained that to effectively lobby a legislator directly, you must be clear on two things: 1) know who you represent; and, 2) have a clear sense of your own personal image and purpose if you want to convey your concerns in a convincing and professional manner.

Several lobbyists indicated that often, due to the busy schedules of legislators, they are more likely to meet with legislative staff, rather than the legislators themselves. As one lobbyist points out, "Staff persons can be powerful allies. Treat them with respect." Staff members often act as a filter for a legislator and can be useful in disseminating or obtaining information.

While the majority of lobbyists agreed that direct lobbying is more frequently used, there

are occasions when they will design a campaign to encourage others to contact legislators. An association lobbyist recalled a recent campaign involving a large veteran's organization that had just celebrated the passage of legislation in the Assembly to provide veterans with additional prescription benefits. The only glitch in the celebration was that the veterans wanted no part of the benefits, primarily because it required them to pay additional copayments. Subsequently, veteran's groups rose in protest and she was forced to design a campaign that put them (veterans) at the forefront of the issue. She organized letter writing campaigns and telephone banking, further amplifying the veteran's groups position just in time to block a major vote by state legislators in the Senate that would have allowed the additional prescription benefits. The grassroots effort was a tremendous success, because as the issue became more complex, legislators did not have to seek out the opinions of these constituents; instead, these constituents brought their concerns to the legislators.

As mentioned previously, lobbyists agree that indirect lobbying is more time consuming than direct lobbying. To organize a statewide grassroots effort, lobbyists must first determine which legislators are in support of their issue. Those who are undecided should receive extra attention. A lobbyist must then carefully review the voting record and constituency base of each of those undecided legislators. Subsequently, they should analyze their votes on legislation that is similar to the current issue. The information may prove helpful in devising a strategy to effectively lobby. Lobbyists should frame the issue to gain support for their position. To be persuasive, a lobbyist must be familiar with the biases of the legislator, along with the audience to be reached. Be mindful that to effectively lobby a legislator, a lobbyist along with its coalition, must be thoroughly prepared. The best way to ensure this is through briefing papers,

talking points and letters.

A Lobbyist's Task Includes.....

Any lobbyist, whether he or she represents a large corporation, a small business or association, or a governmental entity, wears many hats and has many titles. Contrary to popular belief, lobbyists do not spend all their days prowling the halls of the legislature influencing legislators to “change their votes.” As we have noted earlier in the report, much of their work is conducted behind the scenes in a myriad of other duties, including the following:

■ **Monitoring**

First and foremost, lobbyists monitor government activities and policy makers. One legislator points out that an effective lobbyist creates informal networks to share and analyze information about government policy making. He states, “ By carefully monitoring government activities a lobbyist can establish an ‘early warning system’ designed to identify potential policy actions before they are set in stone.” A Trenton contract lobbyist explained that lobbyists monitor issues by identifying social and political trends that influence those issues. If diligent, a lobbyist will “eat, drink and sleep” an issue. Similarly, another contract lobbyist stated that to effectively do their job, lobbyists must also monitor public opinion on an issue by conducting surveys and focus groups and analyzing published opinion data. The purpose is to try to understand what the public thinks about an issue and how its views are reflected in letters to the editor, calls to talk radio, and community forums.

■ **Representing**

According to an association lobbyist, lobbyists are often the chief public representatives of their organization, interest group or issue. Lobbyists stand for the issue in the eyes of the legislators. They establish themselves as the organization's representatives on an issue and by being present when and where issues are discussed, the lobbyist is in a position to be consulted by, or have access to those legislators who make the decisions.

■ **Educating**

One North Jersey assemblyman explained that at its core, lobbying involves a good deal of educating. He indicated that it is a process by which legislators and the public become aware of the ramifications of issues and their effect on the public. A lobbyist's role is to foster understanding and attempt to build bridges between businesses and government administrators and legislators and social organizations.

Lobbyists identify the public opinion gap and help develop and deliver information to close it. They provide a source of information and expertise on matters of public concern. One legislator states that his experience with a particular contract lobbyist has been nothing less than positive throughout his tenure as a legislator. He further explained that the lobbyist often convened policy briefings for he and his staff to explain the consequences of certain government decisions or just to keep them aware of the "hot button" issues.

■ **Coordinating**

Effective lobbyists will coordinate their organizations' efforts to influence public policy by cultivating relationships within their own organizations and by mobilizing diverse organizational resources to support their public policy efforts. They meet this objective by commissioning polls and focus groups to access public opinion, developing campaign themes and messages for grassroots efforts and identifying key decision makers who need to be persuaded with respect to pending legislation.

■ **Persuading/Informing**

A lobbyist's persuasive power depends on the power of the interest they represent and the way that power resonates with the legislator's concerns. Knowing what motivates a legislator enables lobbyists to articulate their arguments so that they will receive a warm reception. Like any professional, a lobbyist has a large and varied bag of tools at his or her disposal -- the most important being information. A lobbyist explains that information has become a tool of persuasion. Lobbyists use information to persuade legislators to listen to their arguments on an issue. Information provides the foundation on which agencies must build, when they formulate and implement policy initiatives.

Do's and Don'ts

The series of do's and don'ts that follow are condensed from extensive comments by both

lobbyists and legislators. While some of the points may seem rather obvious, they were issues that were strongly stressed by the respondents.

DO -- Develop a mutual acquaintance with your legislators.

DO -- Become familiar with the personal interests and concerns of a given legislator prior to establishing formal contact.

DON'T -- Make an appointment with a legislator and another constituent; then, without notifying the staff, show up with five other people. (The only thing worse is to show up with a reporter without having notified the staff)

DO -- Plan face-to-face visits with legislators in their home districts. It tends to be very effective.

DON'T -- Arrive late to your meeting, be unprepared, have a considerable amount of information and materials with you-- and no executive summary.

DON'T -- Only call a legislator's office when there is a crisis or you need something.

DO -- Always convince the legislator that it is **IMPORTANT** for him or her to listen. Convince the legislators that they have something at stake.

DON'T -- Flood an office with post cards and photocopies of letters during a heated legislative

battle.

DO -- Use the “soft sell” approach. Many lobbyists make the mistake of pushing their case too hard. They ask for the whole pie and accept nothing less than everything they asked for.

DON’T -- Knowingly give a legislator or his staff the wrong, or “not quite completely true” information.

DON’T -- Call on an office without an appointment and insist on seeing the legislator.

DO -- Be pleasant and non-offensive. Since legislators meet with many people every day, it eases their burden considerably if lobbyists and their associations are pleasant.

DON’T -- Expect to have a substantive meeting with a legislator during a legislative session -- unless you have an appointment.

DON’T -- Discount the value of meeting with a legislator’s staff -- particularly if you’ve had difficulty meeting with the legislator. Remember staff are the “gatekeepers” of information.

DON’T -- Refuse to help a legislator who has been helpful to you.

DO -- Keep the door open for future contact if a particular legislator appears to be opposed to your

views. Remember -- a legislator may change positions after learning more facts.

DO -- Follow-up. Letters of appreciation and a summary of the meeting help keep a record of account.

Remember: Study the power structure of the legislature. Recognize the composition, role and powers of the majority and minority parties in each house and understand that politics is an integral part of governing. Above all else: **DO YOUR HOMEWORK.**

Chapter 3

A Day in the Life

It's a little after 8 a.m. and while most people are on their way into work, Lobbyist X has already clocked an hour and a half of company time. Her day began in South Jersey at a breakfast meeting with union representatives to discuss pending legislation that will have an adverse impact on their members. Besides discussing the legislation, the second objective for the breakfast meeting was to begin developing a statewide campaign that will help put the union's concerns about the pending energy restructuring legislation on the legislative radar screen. Lobbyist X has been a contract lobbyist at one of the state's top ten lobbying firms for nearly two years. She candidly admits that what she has learned in that time has been a "baptism by fire." There was no lobbying manual to tell her what the sacred do's and don'ts were.

As she makes her way back to her State Street, Trenton office, Lobbyist X and I discuss her brief tenure as a contract lobbyist and the lobbying profession in general. She explained that she came to her current position through a transition from a legislative district office. While in the district office, she was the "gatekeeper" between her legislative employer and the lobbying community. She recalls several occasions when she became extremely annoyed at the incessant persistence of lobbyists as they lined up one by one to tell their own story. Now, two years later, the tables have turned. She is the persistent one, stopping at nothing to have the concerns of her client heard. As a lobbyist, she has discovered a new-found respect for the much maligned profession. Previously, she viewed lobbyists as "hired guns" who would sell their soul for a

quick buck and easy access.

“I realize that the public may have their doubts about us,” says Lobbyist X. “But believe it or not we are nice people providing a service that is necessary to the political process.” The way Lobbyist X sees it, everyone deserves representation. She explains that she provides legislative counsel to those corporate and professional association clients who are not familiar with the legislative process. When asked what she thought about the public’s attitude about lobbyists using money as a tool to gain access into a legislator’s office, Lobbyist X responded that she has nothing to hide. Everything she does meets the Election Law Enforcement Commission’s strict reporting guidelines. She commented, “As long as a lobbyist complies with reporting standards, there shouldn’t be a problem.”

Lobbyist X enjoys her work. She admits that even though she still gets slightly overzealous in her presentation to various legislators, she is working hard at developing a style that is a little less zealous and more naturally persuasive. Lobbyist X realizes that her style will continue to improve in time. When she first came on board at the firm, Lobbyist X questioned herself on her “self-commitment.” She is referring to the fact that as a contract lobbyist, she may be forced one day to represent a client whose philosophies or services are in direct conflict with her own. To date, it has not been an issue. However, if the day comes when she is faced with such a situation, Lobbyist X believes that she would leave the firm rather than compromise her own moral principles.

Lobbyist X finally arrives at her office at 10:45 a.m. and immediately gets on the telephone to schedule face-to-face meetings with the key legislators targeted at the breakfast meeting. She intends to meet with each legislator, explain the union’s position on the proposed

energy restructuring legislation. According to Lobbyist X, the bill will adversely impact independent heating and air conditioning contractors by allowing major electric utilities to essentially gobble up their customer base while offering consumers appliance repair services at half the cost. Lobbyist X explains that rallying legislators to your side is not as easy as it looks. Legislators are approached several times a week by 3-4 lobbyists who think that their solution is the best possible one for a growing problem or a pending bill. Essentially, it boils down to who has the best argument.

One-forty in the afternoon. After a quick run to the local deli for lunch, Lobbyist X has just enough time to make her way over to the Governor's counsel's office for a 2:15 meeting. Today's agenda -- to push for the Governor's signature on a piece of legislation that recently passed both houses of the legislature. The bill was the subject of extensive lobbying by Lobbyist X's firm. Considerable time and effort were expended to assure that the bill passed. Today, Lobbyist X wants to make sure that the Governor does not have any concerns that could possibly jeopardize its enactment. Lobbyist X maintains that while a lobbyist's job centers on gaining access and getting results, winning is paramount. Winning is determined by a number of things, the most noted is a bill becoming law. Today, Lobbyist X wants to leave nothing to chance; if the Governor has reservations, she wants to know what they are. "If a bill has reached the Governor's desk, then the stakes are too high to risk having it vetoed," says Lobbyist X.

The meeting in the Governor's counsel's office ends at 3:45 p.m. Lobbyist X shoots back over to her office to begin writing a position paper outlining her client's position on another piece of legislation that is scheduled for a committee vote next week. This aspect of her job involves a great deal of research. Lobbyist X looks into the pros and cons of a particular

piece of legislation and determines who is directly and indirectly impacted. These points are highlighted in the position paper that will be forwarded to the committee's legislative members. Lobbyist X explains that the position paper is a way to get the firm's views on a particular piece of legislation out to the public and in many instances is a great marketing tool.

Lobbyist X finishes the position paper sometime around 5:30 p.m. The daunting task of distributing the paper prior to the scheduled committee meeting now begins. Her first consideration is to distribute the paper to all legislative members and staffers on the committee. Lobbyist X keeps a list of affiliate organizations that are impacted by the bill and arranges to "blast fax" the position paper to their legislative coordinators. The objective is to keep everyone informed about the bill from her client's perspective, so that on the day of the committee hearing everyone can make informed contributions to the heated debate that will undoubtedly take place. Lobbyist X confided that at times the pace at which she moves is exhausting. While writing her position paper, she fielded at least ten telephone calls that took up at least 15- 20 minutes of her time. Not to mention the follow up required, that is also time consuming. She admits though, she gets a real charge being at the forefront of the issues that impact so many.

It's 6:00 p.m. and Lobbyist X is preparing to leave the office to attend two fundraisers. The first is for a Democrat assemblyman in Princeton Township. Lobbyist X's firm purchased four tickets; three for clients and one for Lobbyist X. She'll go, shake a few hands, introduce her clients to a few "key" people and leave to attend a Republican fundraiser in North Jersey. The night will be a long one, but it's necessary. She feels the socializing aspect of lobbying is necessary, primarily because it affords an opportunity for everyone to break the ice and clear the clutter that often impedes first meetings. Lobbyist X logs about one hour at the second

fundraiser, before heading back to South Jersey to her apartment. The “day in the life” is slowly drawing to a close for her and me. The time on the clock is 9:45 p.m.; however, Lobbyist X’s day is still not over. Once she arrives home, she has to begin an outline for an issue brief that will appear on her firm’s web site. As the car pulls into the driveway and we prepare to go our separate ways, Lobbyist X emphasizes that even though she works unusual hours throughout each day of the week, she enjoys the service that she provides her clients. She realizes that the public’s perception of lobbying will always lean toward the negative, but if enough lobbyists are out there promoting the positive aspects of lobbying, then everything should work out for the better.

Chapter 4

In days gone by, lobbyists may have spent a great deal of their time hidden away in back rooms, wining and dining and fattening campaign coffers. Today, times have changed dramatically. Today a lobbyist's effectiveness can be measured by the nature of the relationship he or she maintains with legislative members and their staff. Their role in the legislative process has been defined in terms that are slowly becoming more palatable in the mind of the public. Lobbyists help legislators with the nuts and bolts of legislating. They assist receptive legislators in turning an unformed idea into a carefully drafted law while avoiding loopholes and unintended consequences.

During legislative sessions lobbyists represent their clients and are their eyes and ears throughout the corridors and offices of the state capital. Their presence is evidence of the interests' concern for an issue, and intention to hold legislators accountable for their votes. A lobbyist must work toward establishing a mutually beneficial relationship with a legislator. In doing so, they prove their value to a legislator that isn't measured by whether they choose to buy a ticket to a political fundraiser. This project has shown that a lobbyist's role includes providing important facts, arguments, intelligence and yes, even political muscle to support a legislator's position. An effective lobbyist will establish himself or herself as an authoritative information resource, thereby gaining access, credibility and professional standing.

It has been argued by lobby critics that access to legislators is attainable only for a price. Perhaps there are those who believe that this is true, that money donated to a legislator's

campaign account determines whether they will be accessible. However, it should be noted that access is the result of many things: primarily, the interest or cause the lobbyist represents and of an issue's significance to the legislator. Access is a product of a lobbyist's value to a legislator and of his or her credibility and reliability.

A lobbyist's charge is to link the political process of making laws with the people and the environment those laws affect. An effective lobbyist can help a legislator decide how much a vote is worth -- or will cost -- politically. There is no substitute for the lobbying experience and its issue continuity. While it is true that lobbyists are paid to represent their clients' interests, they also contribute a great deal to the legislative process in Trenton.

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