

November 3, 1967

To: Sieber c.c. SO

From: Muckworth

Re: Final Draft of #4

It looks as if I will not get the revisions for #4 in the mail tonight. When I do get them ready, I will send them ~~A~~ special delivery so, hopefully, you will be able to get them to the printers Monday.

In reading the manuscript, I felt that there was not enough preliminary to launch the reader into the reasons for the publication. It is important to have this particular F & I give a well rounded approach. In listening the the amazing discussion in the panel at A & M I was appalled that the particular group of important citizen present knew as little about the mechanics of lobby control as apparently they did. Our draft really does very well, but it seems to be a little naive in a sense.

My introductory paragraph I will type so that you will possibly not have to retype any of the manuscript if you do not make many editorial changes. I believe the other changes can be made without retyping.

While at A & M I got V. O. Key, Jr. POLITICS, PARTIES, AND PRESSURE GROUPS which is giving my some help in trying to firm up my ideas.

October 20, 1967

To: State Office c.c. Martin, Brownscombe, May, Ramsey, Wackerbarth
From: Duckworth
Re: Final pages for F & I # 4

These last three pages went to Mrs. Sieber yesterday. I sent Glen's Page 11 exactly as it was in her last Final Draft. By phone on Wednesday night Mrs. Sieber said she would start on #4 on Sunday.

I know I did not do justice of Glen's work, but it is the best I can do in my present state. Mrs. Sieber is very good about calling when she is in doubt as to facts or placement of material. Looking at the material from an outside point of view she can spot things that are not adequately explained or too much explained. At the present moment I feel like I know nothing about lobbying, the legislature or anything connected with it. I am taking the next few days to try to get myself put back together before the Texas Assembly next Thursday. My family, my house, and all my private affairs are in a state of complete chaos.

To: Legislaure Committee
Re: Discussion Questions for F & I #4

Please consider these in relation to the draft that went to the Publishing Editor. I'd like your remarks, if any, waiting for me when I return from A & M (Oct. 29).

1. What is a lobby group? What is its function in the democratic process?
2. How do groups lobby?
3. What are some of the benefits of pressure groups? What are some of the dangers? What suggestions do you have to balance the two aspects of lobbying groups?
4. What problems arise in donations of pressure groups to political campaigns? Do you feel the present methods of control of political campaign expenses are effective?
5. How have states attempted to control lobbying? Do you think any particular method has special merit?
6. Does the acceptance of a retainer fee by a legislator constitute conflict of interest? What clarification could be made in this area?
7. What suggestions do you have to solve the problems of excessive pressure upon legislators by lobby groups?

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controls. In addition there are countless ways to build community support or public opinion for or against legislation. Indeed, lobbying can extend to the executive and judicial branches of government - so much so that some consider lobbying as all attempts by private groups or interests to influence government decisions.

THE INFLUENCE OF THE LOBBY

THE LOBBY DEFINED of all the elements making up the am. pol. process, the lobby is political elements, each lobby may be the most misunderstood by the average citizen.

There are various definitions which may help us to understand the term "lobbying". It may be simply defined as the efforts of individuals or groups of people outside of the legislative body to influence legislation. *To do we need*

Legally defined, legislative lobbying is generally limited to "direct communication" with members of the legislature or Congress (in Texas the governor and lieutenant governor as well) for the purpose of defeating or passing legislation. However, "direct communication" is not confined to legislative sessions or the legislative halls at the capitol. The importance of grass roots communication by contacts from home both before and during legislative sessions should not be underestimated. This kind of lobbying is not regulated by state or federal lobby controls. In addition there are countless ways to build community support or public opinion for or against legislation. Indeed, lobbying can extend to the executive and judicial branches of government - so much so that some consider lobbying as all attempts by private groups or interests to influence government decisions.

Is lobbying good or bad? The right to petition government by citizens or groups of citizens is constitutional and is accepted as a legitimate part of the democratic process. Undeniably the lobby has come to be the most effective way to influence the policies and decisions of government. Whether the demands are labelled as being in the "public interest" or for the "special interest", the competition is great and the task is accomplished in a variety of ways, some of which *are criticized* ~~do come in for criticism~~. However, from the ethical viewpoint, outright corruption is only occasional and difficult to prove. Extreme examples of bad lobbying have been brought to public attention and public reaction has brought about some curbs through legislative action.

The attention of the citizen is not often focused on the total picture of lobbying. This contributes to a misunderstanding of the role of the lobby in our legislative process. Few people are actively engaged in politics, particularly state politics. Since many do not belong to organized groups or ~~if they are~~ they are not ~~too~~ well informed about the legislative activities of their groups, lobbying becomes the responsibility of group leaders or hired lobbyists. Even legislators themselves, especially those who arrive on the scene with no past experience, and knowledge limited to local issues, cannot be familiar with all the issues. In evaluating the lobby we need to know who lobbies, whom do lobby groups represent, how many ~~there are~~ ~~how many~~, how much they spend, and what methods they use.

LOBBYISTS REGISTERED It would be impossible to categorize all the groups involved in lobbying - the range is wide. Since Texas is a large state with a diversified economy, it would be difficult to compare figures of registered lobbyists with those of some other states with fewer groups. Certainly ~~some groups~~ ~~there are~~, such as public utilities and large industries, would be involved in all states. Lobby registration figures furnished by

the Texas House Chief Clerk's office are of interest:

Year	Number	Number of Spending Reports filed	Spending Amounts (Round figures)
1961	3,153	235	\$77,000
1965	2,022	185	64,000
1967	1,996	156	65,000

The figures ^{seem to} indicate a downward trend in the number registering and reporting expenditures. This may reflect a lessening of seriousness in conforming to the lobby control legislation passed ten years ago, rather than any lessening in lobbying activity. Also these figures may well cover only a small fraction of the total, as they do not take into account the tremendous amount of ~~between-session~~ ~~spending~~ spending, such as campaign contributions and public relations activity.

could be eliminated?

<u>Year</u>	<u>Highest Single Expenditure</u>	<u>Other Expenditures</u>	<u>Industry Totals</u>
1965	\$3,105 Texas Brewers Institute	\$3,000 Sears Roebuck and insurance subsidiaries 2,700 Texas Instruments 2,000 S. Bell Telephone 1,147 Tex. St. Teachers 367 Tex. Mffs. Assn. 85 AFL - CIO	\$17,400 Oil & Gas 6,250 Alcoholic Beverages 5,000 Motor Vehicles 3,600 Railroads
1967	\$6,871	\$2,089 Tex. St. Teachers 2,061 Finance 1,492 Texas Mun. League 52 Hotel & Motels 19 General Contr.	12,342 Oil & Gas \$2,600 7,725 Alcoholic Beverages 8,600/1,600/1,600/1,600/1,600 4,840 Pub. Utilities 4,525 Insurance 4,287 Motor Vehicles 3,464 Railroads

Some of the other areas involved in the 1967 reporting were - lumber, sulphur, steel, shell, dairy products, road, realtors, electronics, nursing homes, dental and medical, public employees, police and firemen.

Comparative information is difficult to obtain. According to a recent survey by the National College Press Service, the average number of lobbyists per session for states which keep ~~XXXX~~ ^{a record} is about 275. A projection of this figure to 50 states would bring a total of 13,750, nearly twice the number of legislators. Regarding costs, reports filed under the Federal Lobbying Act have at times indicated annual group expenditures of ten million, although it seems safe to say this is only a partial figure. In California, during recent sessions, reported expenditures have exceeded three million, although this figure is generally confined to hiring and maintenance of registered lobbyists.

LOBBY METHODS The word lobby probably brings first to the mind of the average citizen all the "for free" favors ^{offered} to the legislator, such as meals, beverages, passes, receptions, weekend parties and trips. These fit into the practice known as "social lobbying". In Texas this might be termed the "catfish and beer" or the "beef and bourbon" ^{specialties (?)} methods and could be used between sessions as well as when the legislators are in the Capitol.

In Texas, at least, the "Speaker's Day" and "Governor for a Day" celebrations have at times in the past been ~~thought to be~~ in the category of lobbying as they involved fancy food and expensive gifts. The advantages gained from this type of lobbying is probably minimal when considered in relation to those realized from much more complicated methods employed by the skilled lobbyist.

"Knowledge is power" for the skilled lobbyist in the area of special interest to him. He must be familiar with the existing laws and with the legislative proposals which are likely to be considered, as well as with ways to support or oppose. He must be armed with the knowledge of the political power structure and the legislative process. The experience of an ex-legislator is extremely valuable here. His accumulated personal information on the legislators (and the candidates) should include political views on specific issues, political commitments, personal habits and even other sources of income. In addition, he needs to know who supports this man or woman at home ~~and~~ his friends (especially those who may be influential) so that if the occasion arises, pressure can be applied in the right places.

It should be noted here that maintenance of a top-flight lobbyist is expensive. The bill for Texas Legislative Service, which provides the texts and status of bills, will run from \$500 to \$1,000. This service is an important item in the budget of the League of Women Voters, a lobby group of limited scope.

The political campaign method, the investment of the pressure group in political campaigns, may or may not be the most important way to influence legislation. One writer suggests that the key is in recruiting candidates who lean the right way in the first place. Speaking for a political group recently, a leader emphasized that lobbying is done best on election day, or perhaps it would be more accurate to say that election results reflect what has been done before. As one politician puts it "the game is over before the legislature meets".

(R)

from the practical standpoint,
Looking at the situation ~~present~~/present costs of campaigning have made it impossible to run for office without aid from some source. The costs of communication with the electorate by mail, telephone, travel, and all news media including television, now considered essential, have increased greatly and in addition the other costs of filing fees, rental of campaign headquarters, clerical help, assistant campaigners, and the employment of public relations experts still remain a considerable expense. When reported expenditures run to a figure of over \$500,000 for a gubernatorial campaign, who would be so naive as to believe that such financial aid is completely altruistic? Are there any controls of this form of lobbying?

The Texas Election Code regulates political campaigns to some extent. There is no ceiling on campaign expenses, but the code does provide for itemized reporting both by the candidate and his supporters. (Filing time is not less than seven nor more than ten days prior to the election date and not more than ten days after.) Candidates' statements must cover all gifts, loans, payments, debts and obligations incurred, and include names and addresses of all persons. The code also requires that any person making campaign contributions of more than \$100 must ascertain if the candidate properly reported it. If not, it is the duty of the contributor to report. Corporation and labor unions may not contribute. The code provides penalties for those who violate its provisions.

could be deleted

There is, however, a crippling loophole in the Texas Election Code. The candidate's report covers only those transactions under his authority AND subject to his control. This means that much of the political campaign spending is not accounted for, since volunteer labor, free rental, free printing, free public relations work are only some of the ways in which contributors can avoid the letter of the law. Unions work through funds raised by special political education groups. Corporations can make

available to the candidate public relations experts, secretarial help, and other valuable assistance at no~~s~~ cost to the candidate. Finally, there is the question of whether there is full examination of campaign reports and investigation of possible violations.

What efforts are made to control campaign costs in other states?

This varies from state to state: 32 require filing of campaign receipts by ^{political} parties; 34 by candidates; 34 require filing of campaign disbursements by political parties while 45 require it of candidates. In 33 states corporations are prohibited from contributing while four prohibit contributions by unions (Indiana, New Hampshire, Tennessee, Texas and Nebraska only if the union is a corporation). No states prohibit ~~o~~ contributions from other sources with the exception of a few specific limitations in eleven states. Twenty-nine states place restrictions on the character of expenditures while thirty limit amounts spent on behalf of candidates. One of the most important factors in ^{the} promoting of public awareness of campaign contributions is the timing of the filing of statements. This varies greatly with some states requiring the filing of statements both before and after the election while some only after elections.

Another method of influencing legislation by pressure groups is through the involvement of a lawyer-legislator on a retainer fee for professional services which may or may not involve legislation. There is no~~t~~ practical way of ascertaining the exact basis of such employment. Some argue that retainer fees constitute legalized bribery, others that prohibition of such would be a violation of personal rights. Thus arises the question - does the knowledge and expertise of a lobbyist-legislator in a special field justify involvement resulting in private gain? In this same area there is the situation where a legislator lobbies for himself and his associates when he has a personal interest in holdings affected by legislation. The Texas Constitution provides that: "A member who has a personal or private interest in any measure or bill, proposed, or pending before the legis-

lature, shall disclose the fact to the house, of which he is a member, and shall not vote thereon." In 1957 the 55th Legislature passed an act amplifying this provision in great detail and stating that non-compliance shall constitute grounds for expulsion. ~~etc.~~ It is of interest that the act - uses the phrase "substantial conflict with the proper discharge of duties in the public interest". Legislation introduced, but not passed, in both the 1965 and 1967 sessions spelled out substantial interest as more than ten percent.

What has been said thus far about lobby methods should not be considered as pinning a label of good or bad on lobbying. The concern is whether these methods are used in such a way as to adversely affect the "public good". (The viewpoint depends on which side the citizen himself is aligned.) *delete*

(Unquestionably there are favorable aspects to lobbying, for example, lobbyists can and do aid the legislator by providing information, writing speeches, drafting or analyzing bills and appearing before committees.

Among the many suggestions for reforms in lobbying practices, perhaps the Report of the Twenty-ninth American Assembly held in 1966 represent the best composite of present thinking of the subjects of lobbying and conflict of interest. The American Assembly, which was established by Dwight D. Eisenhower at Columbia University in 1950, holds non-partisan meetings and publishes authoritative books to illuminate issues of U. S. policy. The sixty men and women, who comprise the Assembly, represent a broad range of experience and competence in American leadership.

The recommendation of the Twenty-ninth Assembly (1966) states "Legislatures should address themselves to the important problem of campaign costs. Both the Congress and the state legislatures should consider adoption of tax incentives, such as limited tax credits and deductions, to encourage widespread popular financial support of candidates and parties. We also encourage the exploration of the possibility of government fin-

encing of legislative campaigns." The Assembly felt that "efforts to define and control conflicts of interest have satisfied neither the public nor the legislatures". It made the following recommendations: First, codes of ethics should be adopted, which apply to career, appointed, and elected public officials in all branches of state government; second, ethics committees ~~established by state government~~ or commissions should be created with advisory, review, and investigative functions extending to the activities of lobbyists; third, all instances of corruption should be vigorously prosecuted.

REGULATION OF LOBBYING Many states moved to regulate lobbying before the national government, including Georgia, California, Massachusetts, and Wisconsin. The first federal law compelling registration with the U. S. House and Senate of lobbyists was the Legislative Reorganization Act of 1946. However, the Act failed to designate any agency responsible for enforcing its provisions or for doing anything with the information except printing it in fine type in the Congressional Record. Such mere filing of information has been assessed as useless without an agency to classify, organize and disseminate the information. Although the Act has received criticism and reforms have been suggested, it has not been rewritten.

Lobby regulation presumably is designed on the basic premise that public disclosure has value as a deterrent to undesirable conduct. However the use of such information by anyone "wishing to know", including the news media, depends its classification and organization for practical use. Thirty-one states ^{including Texas} specify registration records "open for inspection" while others fail to specify. Washington states does say that all lobbying information be available in the President of the Senate's office for inspection by members. Some states make a real effort to make the information available to legislators, lobbyists, press and others. California requires printing of registration and financial report in the Assembly Journal. Wisconsin and Montana require that reports be delivered to

the House at regular intervals; Michigan charges the Secretary of State with furnishing copies of all registrations to members of the legislature; Illinois requires a bulletin to the Assembly and to the press. In Texas registration and reporting is made to the Chief Clerk of the House of Representatives who provides the forms and maintains the records. Members of the legislature and the public have access to them.

It is generally agreed that the present statutory definitions are vague, ambiguous and inadequate and this makes both interpretation and enforcement difficult. Probably an important factor contributing to the non-compliance with regulation provisions is the fact that they have not often been challenged in the courts and only a few convictions have been upheld.

Five states have no lobby regulation whatever - Arkansas, Delaware, Hawaii, New Mexico and Wyoming. While five states have laws limited to improper lobbying practices and setting out specific penalties. The balance of the states have some form of registration set up either by statutes or by house or senate rules. But the variation in the definitions of lobbying, as well as the regulation and registration are great. One of the most peculiar variations is that in the states that define lobbying as corrupt solicitation, punishable as a felony, and on the other hand have registration laws for lobbyists.

A common prohibition, by twenty-five states, covers contingent fees, which is compensation dependent upon the passage or defeat of legislation. One explanation for outlawing such fees would be that the lobbyist might contract with his employer to oppose legislation in a certain field and then be able to persuade a member of the legislature to introduce a bill on that particular subject. Later when he persuaded the legislator to withdraw his bill, he would be in a position to collect a contingent fee, with the legislator never realizing he had been used to carry out ~~the~~ a well laid plan.

For purposes of comparison here are only a few variations which involve the meaning of lobbying:

- Corrupt solicitation - a felony (Alabama and California)
- Claim or representation of improper influence rather than the act itself - a felony (Arizona, California, Utah, Montana)
- Personal solicitation unlawful unless addressed solely to the judgment (Georgia)
- Unlawful except by appeal to reason (Louisiana, Texas)

- Personal, direct or private influence limited to committee appearances and/or newspaper publications, public addresses and written or printed statements or appearing as counsel
- Illegal unless no means used except argument upon the merits (Washington)
- As hinging upon private pecuniary interest as opposed to interests of the whole people

Registration specifically required by:

	<u>No. of states</u>
Any person	3 (inc. Texas)
Any person employed by or for	25 (inc. Texas)
Any employer of lobbyist	14
Legislative agent	12
Legislative counsel	10
All persons, including corporations, etc.	5

Registration agent:

	<u>No. of states</u>
Secretary of State	24
Chief Clerk (inc. Texas)	8
Various other officials	
License or filing fees	13

Registration information required covering:

Both employer and lobbyist	36 (inc. Texas)
Financial arrangements between employer & employee	7
Inc. retainer fees	2 (Va. Wash.)
Inc. statement of assets & liabilities, source or sources of income	1 (N. Car.)

Financial reports required:

Monthly (Texas), quarterly, etc.	5
10 da. after adj.	1
30 da. after adj.	12
2 mo. after adj.	3
Expense statements must be kept by legislative agent or his employer for 6 years- produced on court order	1 (Mich.)

Penalties for failure to comply by counsel or agent:

32 states specify fines ranging from not less than \$25 to not over \$5000
 23 states specify terms of imprisonment ranging from not less than 10 days to not over 20 years.

- 2 states specify failure to comply as "guilty of misdemeanor"
- 1 state specifies "subject to sanctions"
- 1 state specifies "cancellation of lobbying privileges"
- 10 states specify disbarment from lobby practice for 3 years
- 1 state specifies suspension for balance of session
- 1 state specifies suspension until reinstated

Additional penalties apply to persons, corporations or association.

In one state (Ky.) there is a provision that a corporation's charter may be revoked.

Exempt from registration - this list is not complete - only "typical"

Persons representing themselves

Persons engaged in drafting of legislation, such as attorneys who draft bills, advise clients and render opinions on proposed legislation.

Government employees called upon to testify or contact legislators as part of their duties.
 Newspapers and other periodicals and radio and TV stations that carry news items or editorials in connection with pending legislation.

Persons representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of the church.

(Note: This list is from the Survey by National College Press
 I decided we would have to limit further detail on this.)

EFFECTIVENESS OF LOBBY LAWS Lobby control, as it is now used, has been called a "temporary disinfectant". Abuses which now occur in state legislatures would not be tolerated in the U. S. Congress. Yet the states moved to regulate lobbying about the time of the Civil War while Congress enacted laws in 1946. Why have state lobby laws failed? What are the alternatives to present methods?

At the root of the problem is the fact that in the strictest sense lobby regulation laws are not solutions at all. They are simply a casual application of a general principle to the more visible aspects of lobbying. This principle is that disclosure will serve the public interest by giving information about matters of public consequence. It assumes that if the facts are accessible, the public will seek them out and use them where indicated.

The language mixed with contradiction in the definition and control of lobbying is one of the failings of the lobbying laws. There is uncertainty as to just ^{TO} whom they should apply ~~to~~. Penalties fail to specify appropriate administrative enforcement procedures. Although no law is ever technically perfect, lobbying laws seem to labor under formidable operational burdens. Is this the intention of their writers?

Perhaps we can answer that question by going back to the origin. These laws have for the most part been enacted in direct response to charges or evidence that the legislature has yielded to undue influence from small groups. They have been hastily borrowed from others already in existence. They are seldom amended or improved. They have little support from the administration. The public does not seem interested as a general rule unless some particular incident comes to their attention. Only a few newspapers, largely big city papers, have been ~~att~~ attentive to the effectiveness of such laws. When they do investigate they find that they must call upon their own resources to try to bring order out of the profuse clutter of undigested data that the laws dis-

close. Whatever value may come from the disclosure laws, they have not yet drifted into the mainstream of community opinion.

Political interest groups do more than hire lobbyists to represent them. This fact is not reflected in disclosure laws. The complicated procedure of lobbying has evolved from the demands of the interest groups and the increasingly complex legislative process. All of this defeats the intention of disclosure laws. Changes which have brought this about are: proliferation of administrative agencies; growth of the workload; pressures for specialization; decline of locality as the legislator's point of reference; and the increasing role of the legislator as middle man between the constituency and the executive branch.

There are those who say that no lobby control laws will ever be effective unless all members of the house and senate, as well as the lieutenant governor, are required to make public the sources of all their monthly and yearly income. This, of course, would bring to light the retainer fee, which may or may not bring undue conflict of interest. The theory is that, as part of the public knowledge, this decision could then be made by the forces interested in the public welfare. This has been opposed in the past on the grounds that it is undue interference with personal liberty. On the other hand the disclosure of assets and income is usually required of those public servants in the administrative branch of our government. The appointments of these executive officers have been approved in the legislative halls. Are legislators any less public servants than those in the administration?

Two factors are of paramount importance in discussing lobby control laws and their effectiveness. First of all that the right of all individuals and groups is preserved to use legitimate means to make themselves heard in the legislative halls of our country. This includes the rights of freedom of speech, press, petition, assembly, and association. Second,

that the men who serve as legislators live and work by ethical standards which grow directly from the ethical standards of society as a whole. Although we may want them to be more ethical than the mainstream of society, the pressures upon them to do totherwise are at times compelling. The legislator may wish to make wise and just policy in harmony with his own conception of jpublic interestk yet even though he is exposed to the various sides of aX/ public question/, how can he evaluate this information unless he has an alternative source from his own experts to counter-^r argue. Will any formal procedure to control lobbyists succeed if the legislator himself cannot see all the sides of a questions?

There are those who argue that what is needed most for effective lobby control are high quality legislators, well educated in the legislative process, so that they may be able to distinguish any slanted or incomplete information and appeals other than to reason. If we are to agree with this emphasis, then the key to effective regulation is not the formal control mechanism, but the legislator himself.

The secondneed may be for internal reforms which make the legislator less dependent upon interest group information. More competent professional assistance, more time to consider important legislation, and a lightened workload might contribute to more independence.

The individual legislator is beset by a variety of pressures during his career, this is the stuff of political life; for by definition legislators live in the midst of conflicting interests. He must from his vantage, cull out the ~~xxxx~~ intersts which would run contrary to the public good and at the same time be aware of the public interest in his decision making.

Barbara:

The Lobby table
was good &
Glen Baller
spent many
hours on it.

But we just
didn't have time
to revise &
refine it!

Heland.

x see below

STATE REGULATION OF LOBBYING*

Leg. Com - from Baller

	Lobby regis- tration re- quired by 1, 2, 3, 4, 5, 6 **	Legal dis- tinction- "Counsel"- "Agent"	Fin. arr. between employer & employee	Fin. report required	Records open for inspec- tion	Contin- gent pay- ments pro- hibited	Penalties for violation (Ltd. to Counsel & Agents)		
							Fines and Imprisonment		Disbarment or suspension
							NLT -not less than NMT -not more than		
Ala.	3,4,5	X	X	30 da. after adj.	X	X	NLT \$200 NMT \$1000 or	NMT 1 yr. (b)	3 yrs.
Calif.	2		X	Monthly	X	X	NMT \$5000 and/or	NMT 1 yr.	3 yrs.
Colo.	1 (c)								
Conn.	2			2 mo. after adj.	X	X	NMT \$1000 (d) and/or	NMT 1 yr.	
Fla.	6 (e)							NMT 20 yrs. (e)	
Ga.	4/5			2 mo. after adj.	X	X	NMT \$1000 and/or	NMT 6 mo.	Bal. of session
Idaho	2						NMT \$200 and	NMT 6 mo.	
Ill.	2,4				X	X	NMT \$200		
Ind.	2,3,4,5	X		30 da. after adj.	X	X	NLT \$200 NMT \$1000 or	NLT 3 mo. NMT 1 yr.	
Iowa	2,3 (c)								
Kan.	2,3,4,5	X	X		X	X	NMT \$5000 and/or	NMT 1 yr.	3 yrs.
Ky.	4/5			30 da. after adj.	X	X	NMT \$5000 and/or NMT \$1000 (f)	NMT 5 yrs.	
La.	1,4 (g)				X		NLT \$200 NMT \$2000	NLT 6 mo. NMT 2 yrs. (g)	
Maine	3,4,5	X			X	X	NLT \$100 NMT \$500		
Md.	3,4,5	X		30 da. after adj.	X	X	NLT \$100 NMT \$1000		3 yrs.
Mass.	4,5,6	X		30 da. after adj.	X	X	NLT \$100 NMT \$1000		3 yrs. (h)
Mich.	4 only			(i)	X	X	NLT \$200 NMT \$1000	NLT 3 mo. NMT 1 yr.	
Minn.	2,3 (c)								
Miss.	6			30 da. after adj.	X	X	NMT \$1000 and/or	NMT 3 yrs or NMT 6 mo. (j)	
Mo.	2,3			10 da. after adj.	X		NMT \$500 and/or	NMT 1 yr.	
Mont.	2,3				X		NMT \$200 and/or	NMT 6 mo.	Until rein- statement
Neb.	2			15 da. after end each mo.	X	X	NMT \$500 and/or	NMT 6 mo.	
N.H.	2			30 da. after adj.	X		NMT \$1000	NMT 5 yrs. (e)	
N.J.	6			Quarterly	X		Guilty of misdemeanor		
N.Y.	2			2 mo. after adj.	X	X	NMT \$1000 and/or (a) and/or	NMT 1 yr.	
N. Car.	2,6				X	X	Guilty of misdemeanor		

N. Dak.	2,3,4,5		X	X	NLT \$100	3 yrs.
Ohio	3				NMT \$1000 (f)	
		30 da.	X	X	NLT \$200	NLT 1 yr
		after adj.			NMT \$5000 and/or	NMT 2 yrs.
Okla.	2 (k)		X		\$200-\$1000 or	10 da.-1 yr.
Ore.	2		X		Subject to sanctions	
Pa.	2				NMT \$500 and/or	NMT 1 yr.
R. I.	2,3		X		NLT \$100	3 yrs.
		30 da.			NMT \$1000	
		after adj.	X	X	NMT \$200 NMT \$5000(f)	3 yrs.
S. Car.	2,3				NLT \$25	NMT 30 da.
		30 da.	X	X	NMT \$100	
		after adj.			NLT \$100 NMT \$1000	3 yrs.
S. Dak.	3,4,5		X	X	NLT \$200 NMT \$5000(f)	
		30 da.			NLT \$100 NMT \$1000	
		after adj.	X	X	NMT \$5000 NMT (m) and/or	NMT 2 yrs.
Tenn.	2		X	X	NLT \$100 NMT \$500	
Texas	1,2 (1)	Monthly	X	X	NLT \$5 NMT \$500(n)	NMT 1 yr.
Vt.	2		X	X	and/or	
Va.	2		X	X	Cancellation of lobbying privileges	
		30 da.	X	X	NLT \$100 NMT \$1000 (o)	3 yrs.
		after adj.			NLT \$200 NMT \$5000 (f)	
Wash.	2 (c)					
Wisc.	2,3	Monthly &	X			
		30 da.				
		after adj.				

*Does not include states having no regulation (Ark. Del. Hawaii, N. Mex. Wyo.), or states with laws limited to improper lobbying practices (a) and specific fines or imprisonment (Ala. Ariz. Nev. Utah, W. Va.)

**Registration required by: 1-any person, 2-any person employed by or for, 3-employer, 4-leg. agent, 5-leg. counsel, 6-all persons, inc. corporations, etc.

(a) Exclusive of bribery. References to lobbying practices may also be found in the constitutions of several states.

(b) Leg. agent who violates certain specific provisions of act may be fined NLT \$100 nor NMT \$1000. Principal who engages leg. agent may be fined NLT \$200 - NMT \$5000.

(c) Required by RULES of Colo. House & Senate, the Ia. House, Minn. Senate, Wash. House. No punishment by fine and/or imprisonment is provided in the rules. In Colo. lobbyist must reg. with Ch. Cl. of House and Secy. of Senate before appearing before any committees. In Iowa all lobbyists must register with the Ch. Cl. of House. In Minn. reg. is with the Secy. of Senate and in Wash. with the Speaker of House.

(d) In addn. a corporation or assn. must file a statement of legislative expenses within the time required of forfeit in Conn. \$5 for each day, N.Y. & Neb. \$100 for each day thereafter until filed.

(e) Required by Rules of Fla. House. By Fla. statutes, offense for swearing falsely is perjury, penalty of imprisonment not exceeding 20 yrs. In N. H. prison term of NMT 5 yrs. is provided for filing false statemtn which is deemed perjury.

(f) Applies to individual (other than leg. counsel or agent), corporation or association. In Ky. fine up to \$5000 for second and each subsequent offense and, if a corporation, its charter may be revoked by court. In N. Dak. a person who corruptly influences legislation is punishable by prison term of NMT 1 yr. or by fine of NMT \$200.

(g) Prison term may be added at distretion of the court or jury. In La., for unlawfully going upon floor of legislature, fine not to exceed \$100 may be imposed.

(h) Mass. provides that disbarment run until the termination of the third (annual) session.

(i) Expense statements kept in custody of legislative agent or his employer for 6 years - must be produced on court order.

(j) Longer term in state prison or penitentiary, shorter term with or without the fine in co. jail. If corporation or association, a fine of not more than \$5000.

(k) In Okla. House Rule 87 and Senate Rule 56 also require that application to lobby be filed respectively with Ch. Cl. of House and approval for permission to lobby by a majority of House members, in the Senate filing with the Secy of Senate and approved by a majority of Sen. members.

(1) In addition to the Texas statutes (1959), a rule of the Texas House requires that a person appearing before any committee of the House shall first file a sworn statement showing whom he represents, with the chairman of the committee of the House Committee on Representation Before the Legislature composed of 5 members approved by the Speaker of the House.

(m) Fine of NMT \$5000 imposed upon corporations

~~XXX~~

Have to add footnotes (n) and (o) -
My Xerox copy of Zeller's table, which they made for me at the library is faint in this area, so have to wait until I can check further on this.

X There are literally hundreds of small variations and oddities which might be included - in comments - and perhaps there is need for explanation of some of the table headings, such as "contingent payments". Some of the variations are:
REGISTRATION OFFICIAL - 24 states with Sec'y of State, Other officials - Atty. Gen'l, Ch. Cl. House, Secy of Senate, etc.
HOUSE & SENATE FLOORS - some states never during sessions, some by invitation only.
LOBBYING UNLAWFUL but co-exists with registration - Calif. Ga. La. Unlawful except by appeal to reason. Unlawful ~~except~~ if privately or secretly (La.) LICENSE OR FILING FEES - 13 states. PROSECUTION - 16 specify by Atty. Genl.
LIMITED to appearances before committees or to newspaper publications, public addresses, written or printed statements, arguments or briefs delivered to members of Leg. provided copies first deposited with Secy of State - S. Dak. 25 copies, Idaho - 2 copies, Wisc. 3 copies.
SEPARATE DOCKETS for Counsel and Agent - Only 4 states require this. INF. ON BOTH EMP. & EMP. - All states.
REG. INF. ALL on type of leg. N. Car. requires statement of assets and liabilities inc. source or sources of income.
OPEN FOR INSPECTION. This is on table, some do not specify. Fla - ptd. in Journal. Penna. ptd. in Appendix.
CANNOT ACT AS LEG. AGENT - Mass. specifies no member of a state or political committee.
LOBBYISTS ENGAGED BY official state, co. or mun. corporations - OK in Mont. and Nebr. and perhaps others
EXEMPTIONS are many and varied. Many states exempt persons who merely appear before a committee in support or opposition, or furnishing inf. at request of the legislature or committee; professional services in drafting bills or advising clients; state officials or an elected non-state ~~officials~~ public official in official capacity; news media; church leg.; Others: R. I. and S. Dak. exempt public corporations; S. Car. extends exemptions to officials of county or municipality but not to executive officers or members of legal staff who act as Leg. C. or A.; N. Car. exempts influencing public opinion which is applicable only to one county and a county contiguous thereto; Mont. - any person not lobbying for hire (not including reimbursement for personal living and travel exp.)

YOUR ATTENTION IS CALLED TO THE FACT THAT - Zeller does not include ⁱⁿ the 1st category - Reg. req. by - the differences in in the people ~~who~~ are required to register - do you want this inf. included? If not, I can simply head "Reg. required" and drop the ** footnote. Zeller's table did include the states with laws ltd. to improper lobbying practices; but I decided to drop these in order to cut down. What say? The column on Fin. Arr. between emp. and emp. could be dropped - and covered with a statement - ~~XXXX~~ and perhaps it would be more impressive to bring this out in a statement about these 5 states. Such changes as these could make it possible to make "Penalties" take up less line space. Also, perhaps we can just state "Finan. report required" without giving the details - this would lessen space.

This table is a COMPLICATED PIECE OF BUSINESS and I have spent hours on it. I have used Zeller's footnotes - and the whole idea is to use print (as in Zeller's table) 1/2 the size of this type, and to get it all on one page - probably Page 3 or the back page. Perhaps some of the footnotes could be dropped - in this case of course I would have to change the small letters controlling the footnotes to correspond. At this point I am not sure that it is all worth it - (and of course there will be some extra charge by the printer) - NOW - I can't fool with this much longer - Sept. is going to be extremely complicated for me (another Reg. League meeting) (and considerable paperwork and other work for another group) And we plan to leave shortly before Oct. 1st to be gone at least 2 perhaps 3 weeks. I still have to put together the ~~bits~~ and pieces for ~~XXXX~~ balance of this F&I - it is not yet complete - while I wait for your reactions to this, I'll work ~~at~~. I WOULD APPRECIATE ANY COMMENTS AS SOON AS POSSIBLE.

Labor Day, 1967 ✓

To: Boller, Duckworth, SO, Martin, Brownscombe, Ramey

From: May

Re: Lobby Table

I have a few general comments about the table and then some more specific ones.

1. This was not the kind of table I had in mind when I made my suggestion, but it is perfectly all right with some alterations. True, not many people read tables, but the committee chairmen would and in any event they are good reference sources and can save much textual material or space.

2. I had in mind a more general type of thing, perhaps using a matrix or box style table. As samples:

<u>Definitions of Lobbying</u>	<u>xxx</u>	<u>Methods of Regulating Lobbying</u>
- corrupt solicitation (Ala, Calif.)	x	- by requiring registration of lobbyists
- claim or representation of im-	x	proper influence (..., ..., ..., etc.)
proper influence (Ariz, Calif, Mont,	x	- by forbidding bribery only (.....)
Nev, Utah, Wash)	x	- by outlawing practices other than
- personal solicitation by means other	x	bribery such as ... (....., ...)
than appeal to reason (..., ..., etc.)	x	- by specifying who may lobby (any????)
etc.	xxx	- by forbidding certain persons to
		lobby (..., ...)

3. I don't have the 1967-68 Book of the States in my possession. Tomorrow I will see if I can't find time to see it. It may have a suitable table which we could get permission to reproduce. Rose has reproduced without any difficulty when she was interested in state registration laws. The 1962-63 Book of States is obviously out of date but the latest one should be OK.

1. I have considered adding a new first column to the table as prepared by Glen. Yet, I am not convinced that it is necessary. But consider it. It would be entitled "State Laws Regulating Lobbying" and would include all the states, including those without lobby laws of any kind. This would set us out better I think than the table we have with its first column. Now, we could limit the table to Registration of Lobbyists and then start out with the first column which Glen has in her table. Just an idea.

2. For Glen's first col. I would rephrase the title to read, "Persons Required to Register under Registration Laws" or some such. I would eliminate the numbers from the column title; this is confusing. I would place them directly in the column by the states, although this isn't terribly clear either until one sees the footnote explanation. Again, I'm not terribly convinced I'm right.

3. I find Glen's use of small letters quite confusing. I see no reason for the "a" in the first footnote explaining the title of the table. (Maybe I have missed some other "a"'s.) I would leave out any small letter in that footnote. Then I find "c" in the table before I find "b". Don't the letters follow the alphabet in appearance by column rather than horizontally? Maybe I'm wrong.

4. The title of the second column would mean nothing to the reader. It must be described better. Ditto for the title of the third column. This column appears to be very significant, but one cannot get it from the title.

5. As long as you have compiled the data on financial reports, we should use it in the next column, as you have done, Glen. This is my opinion, anyway.

6. Records open for inspection column OK.
7. Contingency payments should be explained in a footnote.
8. We might consider excluding the last two columns and explaining in a footnote to the Penalties column that ~~these are "exclusive of penalties of disbarment or suspension imposed upon attorneys acting as counsel or agent for lobbying groups"~~ these are "exclusive of penalties of disbarment or suspension imposed upon attorneys acting as counsel or agent for lobbying groups", if that is the meaning of the last two columns. However, again this is optional. I was wondering what the penalties are for. If they are for violation of registration statutes, we should say so.

About the proposed new columns -----

1. I think I would include the exemptions inasmuch as we have gone to some pains (or Glen has) to show who must register. Now, who doesn't have to register follows.
2. We can exclude the registration official, I suppose, although I like to know that
3. I would not bother with appearance on the floor unless the table were rearranged to include "Practices Forbidden" or some such
4. Unlawful lobbying and fees could come under the column I have suggested at the beginning -- State Lobbying Laws, classified as to type.
5. I'm not sure I understand what is limited to appearances before committees etc. If it is lobbying that is so limited, this could be included in a column under Practices Permitted or Practices Forbidden or Lobbying Defined. I think this is significant material, all right, but it does not warrant a separate column.
6. I think it is significant to know what kind of material is expected to go into a registration report. As I think about it, I think we could well limit out table to Registration Laws. Then, certainly we would include the table on information which must be included in the filing report.
7. I'm not sure what the separate dockets refer to unless it means there are separate lists of lobbyists. This would be good in a table limited to Registration laws.
8. The information about Open for Inspection should go into the column on records via footnotes.
9. Again, I'm not sure what is meant by cannot act as legislative agent. If it means that certain people cannot lobby, this is very significant. The table should be reorganized to get it in under a more general column, such as Who Can and Who Cannot Lobby or some such. If it is true that in certain states municipalities cannot lobby (or ~~some~~ similar groups), this information would fall within this more general column.

As I look over Glen's table, once more, I think I have two impressions: the headings don't convey enough meaning; the material does not appear overly significant. Perhaps if I could read the revised text, I would understand better.

I'm getting the overall impression that we are not seeing the forest for the trees on this article....also, that we are making simple things complicated, or dwelling too much on the complicated and leaving the general points out. Maybe we are putting too much work into it....

September 2, 1967

To: Boller, Duckworth, Browncombe, May, Ramey, Kyre, Martin, S.O.

From: Jordan

Re: Table, Facts & Issues - Lobbying

The Table on State Regulation of Lobbying is quite good. I would suggest that "Contingent payments prohibited" be footnoted with a short explanation as to its meaning.

I had some difficulty reading the footnotes - mostly because of the carbon being light - but some of the abbreviations were a little unclear without study. Do you plan to use abbreviations in the final text? If it is necessary to cut back to conserve ~~xxx~~ space, I would suggest cutting some of the footnotes (e.g. h, j, g, c). I think footnotes a and l should be left in for sure. The others, I don't have strong feelings about. I would not add any more detail. I think it is important to present the important facts clearly and precisely, keeping in mind that the usual Local League member is interested in general information, but not the technicalities which we find interesting.

I think the table does present the important facts clearly and precisely. It shows a great deal of thought and work were put into it. The members should appreciate it.

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June 20, 1967

TO: Duckworth, Ramey, Brownscombe, May,
Boller, Kyre, Jordan, Wackerbarth, SO
FROM: Martin
RE: Facts & Issues # 2 - Outside Influences

First, I want to say welcome aboard to Carolyn Jordan whom we are most fortunate to have in assisting on Facts & Issues. I am most grateful of her agreement to help - a feeling that I know is shared by the entire Legislature Committee.

Glen has done a stupendous job of re-writing the first part of F & I # 2, and in reducing it to half. I have made a few notations on my copy to send to Helen. One note suggests adding Glen's sentence from her first draft at end on line 10 from bottom of page 1 to keep the information about the record vetoes in Texas. On 5th line from top of paragraph two on page 2, we could add "and for 1967-68 fiscal ~~year~~ bill he vetoed \$3.2 million." On page 3, 2nd paragraph, should we explain how (just a sentence) special sessions pose as a "threat"? On page 5 under "Appointive powers of the governor" do we need a statement of how appoint~~ive~~ments made by the governor can influence legislators - by appointing their friends and/or constituents?

COMMENTS ON LOBBYING part - Could we possibly obtain some later figures re number of registered lobbyists in Texas - say, for the 1967 session? Janice might be able to ferret out the information at the Hill ? ? ? *She has!* Pages 3 and 4 might well be placed under a heading entitled "Influence of campaigns" - or some such. Also the first paragraph on page 5 could be headed "Bribery" and the rest of that page "Conflict of interest". Perhaps it should be said that these, too, are forms of lobbying for sake of clarity to the uninformed reader. I am anxious for the next installment, Glen! You are doing grand!

QUESTIONS FOR THE GOVERNORS PART -

1. Is more or less influence of the governor on the legislature desirable? Please give reasons.
- 2.
2. What is your evaluation of the governor's veto powers?
 - a) Does he have too much? Why?
 - b) Too little? Why?
 - c) Should fractional requirements to override the governor's veto be higher or lower? Please explain.
3. Should the item veto apply to other than appropriation bills?
 - a) To all others? b) To some others? If so, which?
4. Should the legislature have the power to call special sessions? Under what conditions, if any?
5. How does the budget-making process influence Texas Legislators? Is this in the best interests of sound legislation?
6. Would increase of the governor's appointive powers result in a desirable influence on the Legislature? ~~Now~~ If so, how?
7. What is the role of political parties in influencing legislators? Is this good or bad? Why?

(Questions just off the top of my head. Will give them more thought.)

*done!
S.M.
R.M.*

September 9, 1967

To: Boller c.c. SO, Martin, May, Brownscombe, Ramey
From: Duckworth
Re: First part of Final Draft of F & I # 4 and your memo of 9-6-67

You did do it well - not only once but three times! I grieve with you over all the juicy morsels that have had to drop by the wayside. It reads well to me. It was easier to pick out discussion questions from this one with the areas better known to me. Am enclosing a copy of the questions which I hope the committee will review at the meeting this week at the Continental Hotel, 101 Main St., Houston.

Our meeting is from 2:00 to 3:30 on Tuesday, Sept. 12. I did not have the courage to ask you to come to this one, since you have not been well and because you are also are trying to get off on a trip. You know you are always welcome to come, if you have the time and the strength on that date.

We will take up the matter of the Lobby Table and reach a decision. I would hate to give it up entirely, but if it will take too much more of your time, we will do so if you say the word. It was my impression that we could use it as you already have it compiled with a few minor changes. We can investigate the costs of printing it perhaps. Offset printing is not as expensive as you would think - and certainly the cost of mimeographing is so high that there may not be much difference. Could you drop me a note at the hotel if you do not wish to work on the table any further? If I do not hear from you, we will go ahead with the idea of reproducing it in some way for the Kit.

You said it and I am glad! The realization that we have attempted a next to impossible task has grown on me as I have worked with these F & I. Perhaps one piece of printed material or a mimeographed piece intended primarily for L.L. resource committees, would be within the scope of a State Board Committee. I will make a recommendation to the Budget Committee (meeting Monday) (I'm going up a day early with our L.L. Pres.) that future extensive publishing attempts should include money to pay someone to do the writing. It may well be a State Board member (or off-board member) but I agree that we need professional help.

Sept. 6, 1967

TO: Duckworth, SO, Martin, May, Brownscombe, Ramey
FROM: Boller

RE: F&I - Influence of lobby

I have pushed real hard to get this much to you - since I have used about 2/3ds of the space, this should make up for the smaller type - and this should be (over 6 pages) about half the amount of space available. The balance to be devoted to the regulation of lobbying.

At this point I am convinced that we should skip the table entirely - I don't really think that it could be mimeographed for the kit. I have the feeling - and have had it for some time - that we are much too ambitious and are requiring much too much in the way of researching and WRITING of materials - both from State Board members and off board members who are asked to help. As for the work I have tried to do - and certainly not well - on this project - I am completely convinced that I am way over my head - and not again will I get myself into such a task. I think that not just the Legislature - but the League of Women Voters - should have technical aids. The LWV of the U.S. pays for professional help - if we can't do that, then we had better - I think - stop trying to prepare materials for "public consumption" - and I believe that the committee plans to do just that with these F&Is. I can never work this hard on such again. This is not my dish - and remember, I'm not saying this because of the criticisms of the committee - nothing worthwhile can be done in the League without such committee criticism and such "meeting of minds" - but I just think that, for my part, ~~XXXX~~ I don't want ever to embark on anything this ambitious again.

NOW, I will try once more to do the part on "regulation" and I will see if I can do something with Janice's suggestion ~~XXXX~~ No. 2, on the first page of her memo of Labor Day (Holidays don't mean a thing in the LWV, huh?) And I will try to have this in Houston by your board meeting - I don't know when your committee meets - ~~XXXX~~ or where the board meets, so will just send all copies of the balance to Helen in care of SO.

I will also send on to Helen the list of expenses of lobbyists, which Janice sent to me, along with my work sheet showing how I prepared the information on the second page of the material I am mailing.

I agree with Janice that we are getting out on a "complicated" limb - and in the next 3 or 4 days I will see what I can do on the last part.

I am not going to offer to re-write the attached - all of you had ~~XXXX~~ other versions I sent you - much of which I have thrown out completely. I have tried to give consideration to better organization, etc. as suggested.

All for now - so I can get this in the mail in the morning - Thursday - so that all of you should receive this in time to read it before SB meeting.

We plan to leave Galveston on the 2d or 3d - and I have so much to do before that time I doubt if I can make it!

Helen, I'm ever so sorry you have had so many complications - well, all kinds of things can happen to busy people - well, we just have to do our best.

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August 20, 1966

Dear Eloise:

Since time just wastes away - I have composed a few questions for your consideration - I am of the opinion that any study of lobbying needs to give some thought to how it moved along in history - both of the Congress and the state legislatures - and from my reading it seems that it assumed massive proportions in the latter bodies as soon as it did in Congress - ~~or at least long thereafter~~. Also, I think the information on other states given in Lane's book is essential. (Lobbying and the Law). I think the Leagues should be urged to order this book with some of their reference material money if the volume is not in their libraries. I think it needs to be used in addition to the specific books on Texas Govt. such as McCleskey and Wilbourn Benton. It is an interesting fact that, as Lane says, his book "began as background material for a study of federal regulation of lobbying, gradually assumed first separate and then equal identity, and ended as a more ambitious effort than the piece of which at first it was a minor part" and he goes on to say: "the states have, after all, been regulating lobbying for nearly a century, the nation, for less than 20 years"etc.

Questions:

- ✓ 1. Do we accept the general premise that the right of petition is an important and necessary ingredient of democracy - but that the problem is how to keep political pressure groups under control in order to protect the public interest?
- ✓ 2. In American history, what are some examples of the flagrant misuse of the right of petition, both in Congress and state legislatures?
3. What are the provisions of the Federal Regulation of Lobbying Act which was not passed until 1946?
4. What recommendations for improvements in the Federal Act were made by the House Select Committee on Lobbying (the Buchanan Committee) ~~XXXXXX~~ investigating in 1949-1950?
- ✓ 5. How has the form of ~~XXXXXXXXXXXXXXXXXXXX~~ political pressures changed?
6. What form did early efforts to control legislative lobbying take? Later efforts?
(Reading indicates they first tried to tack such onto state const. - then used statutes)
7. How many states have passed legislation to control lobbying?
8. What provisions are usually contained in such legislation?
- ✓ 9. What provisions in the Texas statutes?
10. What are some of the variations between Texas and other states?
11. ~~XXXXXXXXXXXX~~ ^{In} our study of Texas lobby laws and comparison with other states, should we try to find answers for such questions as:
Is there a need for control?
Are terms clearly defined in the statutes?
~~Does~~ registration and reporting reveal sufficient information?
Do "agents" actually represent all members of groups?
How well is registration and reporting complied with?
How well are the laws being administered?
How effectively is the information made available to the public?
What are some of the loopholes?
Are there specific arrangements for enforcement? ~~XXXXXXXXXXXX~~ How important is enforcement really? How often has it been carried out?

Eloise - this may not be at all what you have in mind - but I hope it will be of help in your thinking. I presume you wanted suggestions questions from me - only in the lobbying area. I am going to write a 2 or 3 page summary and will send you a copy. If for no other reason, for use here in this League.

File

August 3, 1967

To: Boller c.c. SO, Martin, Ramey, May Browncombe
From: Duckworth
Re: Lobby Table received a week ago and Ramey's memo Aug. 31, 1967

Glen, again I am late in helping you! This time the table on lobbying was shelved temporarily while my 6 year old had her tonsils out and some dental surgery gone. She's doing fine and I am back at my typewriter.

The table STATE REGULATION OF LOBBYING is a valuable piece of research information which may not be duplicated elsewhere. Late information on legislatures is hard to dig out. We are lucky to have you and it. I am not willing for this to go in the "wastebasket" (quote from Carolyn Jordan concerning all her goodies that had to go in the wastebasket). Let's see what we can do.

The reaction of my local committee to the table was similar to Joan's - it is hard for the layman to digest. They said, "The resource committee would ordinarily summarize it for the member." Could we do this in the F & I? Since the rewriting of the rewriting, I really do not know how much room you would have for a table without having to let go of something else vital.

For instance:	STATE REGULATION OF LOBBYING
Registration required:	Number of States
Any person	
Agents or counsels	
All persons	
Financial arrangements involved	
Financial report required	
Regular intervals	
30 days after adjournment	
Records open for inspection	
Contingent payments prohibited	
Penalties for violation	
Fines of over \$100	
" " " " " "	plus imprisonment
Other	
No regulation	
Improper lobbying practices with specific fines	

FOOTNOTES: Could occupy several lines and contain most important additional information.

If the printing of the entire chart is not prohibitively expensive, I think we should include it in the Supplementary Kit. We could spend about 20¢ (ten) on it. If printing is too expensive, perhaps SO (or volunteer typist) could mimeograph it on legal size paper.

RE: OTHER LOBBYING MATERIALS IN THE SUPPLEMENTARY LEGISLATURE KIT

Could I have some guidance on lobbying articles which might go into the Supp. Kit? Newspaper articles: (Sent you thermofax copies)
"Lobbyist Technique Needs 11 Senators" Brownsville Herald, Nov. 11, 1967
"Ethics Codes Weak In Legislature" by Russell Lane, Victoria Advocate, May 18, 1967 (sent to you 5-20-67)
List of expenses of lobbyists sent you by Janice. If we could abbreviate we might get this on 2 mimeographed pages at a cost of 10¢ or 12¢. This would give the information on how unrealistic some of the figures must be without actually saying it.
We could have one of the three suggestions plus the table.
State office has 112 of the Texas Lobby Control Legislation from Leg. Kit.

get passed on to new comm.

August 31, 1967

TO: Duckworth, Martin, SO, May, Brownscombe, Boller

From: Ramey

Re: Lobby Chart

(I am only making the copies vital to this reply, because my typewriter just does not make legible copies past this amount)

My immediate reaction when I saw the chart was fatigue. Glen, I ~~don't~~ know how you find the time to do all this! Just imagining the amount of work you put into it was enough to make one feel so very insignificant.

I have not called Mr. Montgomery about this, because he will have to come out and look at it before he could make any kind of an estimate about cost of printing. I really hat to make any critical comments at this point, because I know the time and effort that had gone into this is great. However, my immediate reaction as a "lay" person, was that the chart was too complicated and deep for the average reader, and might not be that much of an asset to the F&J. I think you almost have to have a great deal of knowledge to comprehend the information on the chart, and that is defeating our purpose of the F&J. If the main copy was dealing with explanations of the areas on the chart, then it would be a different story, but since it is an addendum type of thing, and the majority of people reading it will not have this back log of information, I fear it will only cause confusion.

The chart could be included in the supplementary kit planned to go to the resource people, and if they should have the opportunity, or should questions arise, the information would be at their fingertips, which is their purpose. They could, if they so desired, develop large charts on their own to use during a discussion of some of the areas. Certainly the information on this chart would be invaluable to them, then.

I am sending my copy of the Governor to you Helen, I had it ready to mail before I left for the San Antonio trip, and then forgot it. I like the cut down version, and the facts have been nicely compiled. Would that we had the time to write full books with this wealth of information in them.

Glen, it sounds as if you are doing too much.....slow down, and take better care of yourself! There is a limit to what all of us can do, and when you work as hard as you do for your local League, plus all you do for the State Board, you are putting too much of a load on yourself. None of us wants you to get sick because of your talented League accomplishments.

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Early Draft 7x2-44

LOBBYING may be simply defined as the efforts of ~~XXXX~~ individuals or groups of people outside of a legislative body to influence legislation - however, lobbying is not confined to the legislative branch. As lobbying has developed and changed over the years, it has come to be accomplished in a multitude of ways and involves almost all individuals, groups of individuals, and even the various units of government on all three levels, as well as combinations of such groups. It involves politics in all stages - so much so that it is sometimes termed the "politics of legislation".

The American citizen has a variety of opportunities for influencing legislation, but because the whole spectrum of such pressures has become so wide, the citizen as an individual finds it difficult to be effective unless he is willing to act through a group. Even the influence he exerts by voting, or writing his representatives, is usually affected by group decision, be it the political party, the union, the lodge, the church, or some other group to which he belongs. The average citizen, even though sincerely interested in improving government, cannot go to the Capitol himself, therefore he must depend on his membership dues or contributions to defray the costs of lobbying by group leaders or hired lobbyists to do the work for him.

Quite often, pressure groups base their importance on the claim to be working in the "public interest" as opposed to "special interests". However, it is difficult to make such a division clear cut or meaningful. Political scientists say that the real test of whether a decision to apply pressure is in the "public interest" is correctly based on the proper use of established legal and institutional procedures and the use of all available information - in other words - the methods by which such decision was reached.

(Aside - League lobbying is in the public interest, yes?)

^{amount}
The number and extent of expenditures of groups affecting government decisions is not known, although in states requiring registration some estimates can be made. According to a survey by the National College Press Service, the average number of lobbyists per session for states which keep track is about 275, and a projection of this figure to 50 states would bring a total of 13,750, nearly twice the number of legislators. In Texas, for the one regular and two special sessions of 1961 some 3153 persons registered as lobbyists. However, only 235 actually filed spending reports, with a total spending of more than \$77,000. This figure is probably only a small fraction of the total,

~~which should take into account~~

which should take into account the between session spending. It is of interest that the Texas Almanac 1966-67 lists nearly 600 statewide organizations. It might be assumed that a high percentage (a majority?) of these act as pressure groups at some time or another. Regarding costs, reports filed under the Federal Lobbying Act have at times ~~XXXXXXXXXX~~ indicated annual group expenditures of ten million, although it seems safe to assume that this is only a partial figure. In Calif. during recent general sessions, reported expenditures have exceeded 3 million, although this figure is generally confined to hiring and maintenance of registered lobbyists.

It would be quite impossible to list all the groups involved in lobbying - although some may be surprised at the wide range. Quite naturally the word lobbying attaches itself to such typical areas as oil, gas, transportation, banking, insurance, public utilities, etc. etc. However, there are numerous other routes of access to government, i.e. influence on proceedings of regulatory bodies, executive agencies; lobbying of government by government, including state agencies on the Federal Government; lobbying between branches of the same level of government; "inside lobbying" by interested legislators to further a group interest. The "inside" lobbyist-legislator works on the premise that his own knowledge and expertise in a special field justifies his involvement. Lobbying, as a term, is anathema to many people. This is natural because even a cursory look at the history of lobbying both in legislatures and Congress reveals many flagrant examples of sabotage of the legislative process, the majority principle, and representative government, by special interests and selfish minorities. Yet, lobbying, in principle, is the most effective way to enhance the influence of the individual in government, if he wishes to act within the rights and responsibilities provided by a democratic system. Providing the individual the opportunity to act through a group, as a joining of geographical, economic or other interests, is only one of the favorable aspects of lobbying. Lobbyists can and do aid the legislator by providing information, drafting or analyzing bills, appearing before committees, keeping the ^{group} members informed about the progress of legislation. That misuse of lobbying does exist, however, is a fact of life. Although only occasionally such examples come strongly to the attention of the general public, public reaction - and albeit somewhat reluctantly, legislative reaction - has resulted in some curbs which apply to various phases of the overall problem of ethics in

government.

Action by pressure groups - and expenditures - begin early, long before legislative sessions, even prior to political party primaries. Support of political campaigns, including prospective legislative leadership, involves many of the larger and more affluent pressure groups. For many years the cost of campaigning has troubled Americans - in recent years the cost has been the subject of many articles which often ask the same sobering question - "Can only the rich run for office?" The costs of communication with the electorate by mail, telephone, travel, and all news media including television appearances - now considered essential - has skyrocketed. Other costs include filing fees, campaign headquarters, clerical help, assistant campaigners, and the employment of public relations firms. This situation prevails to some extent at all levels. Some hold that candidates' expenses should be considered part of the costs of democracy and paid for through taxation. There is much talk in Washington regarding steps to reduce presidential election campaign costs through Federal subsidization, with possible extension of such subsidization to congressional, state and local campaigns, argument for shorter campaigns and for reforms in laws now governing political campaign expenditures. Some states have taken steps to assist campaigns, i.e., Oregon mails to voters at state expense information on issues and candidates, Wisconsin gives time on its statewide radio network to statewide candidates, Minnesota allows an income tax deduction for modest political contributions. The recommendation by the 29th American Assembly states "Legislatures should address themselves to the important problems of campaign costs. Both the Congress and state legislatures should consider adoption of tax incentives such as limited tax credits and deductions, to encourage widespread popular financial support of candidates and parties. We also urge the exploration of the possibility of government financing of legislative campaigns."

Control of campaign costs varies from state to state - 32 states require filing of campaign receipts by parties, 34 states by candidates; 34 states require filing of campaign disbursements by parties, 45 by candidates. 33 states prohibit contributions by corporations, 4 states prohibit contributions by unions (Ind., N. Hampshire, Tenn. Texas Nebraska only if the union is a corporation). No states prohibit ~~contributions by~~ or limit contributions from other sources, except 11 states have set this up to cover some

specific instances. 29 states place restrictions on the character of expenditures, 30 states limit amounts ~~spent~~ on behalf of candidates. The timing for filing statements, which can be a most important factor for voter knowledge - varies greatly. Some states require filing both before and after, some only after elections.

Regulation in Texas

The Texas Election Code regulates political campaigns to some extent. There is no ceiling on campaign expenses, but the code does provide for itemized reporting both by the candidate and his supporters. Filing time is not less than 7 nor more than 10 days prior to the election date and not more than 10 days after. Candidates statements must cover all gifts, loans, payments, debts and obligations incurred, and include names and addresses of all persons. The code also requires that any person making campaign contributions of more than \$100 must ascertain if the candidate properly reported same and if not it is the duty of the contributor to report. Corporations and labor unions may not contribute. The code provides penalties.

In considering campaign contributions as an influence on legislation certain assumptions may be made: Election for any important state office cannot be won without money - how much can only be estimated, as even such figures as have been gathered are conceded to be unrealistic. Much of political spending is not accounted for since regulation of reporting by candidates is often construed to cover only transactions strictly within the candidate's control. There are loopholes in regulation - ways to keep campaign contributions within the letter of the law. Unions work through funds raised by special political education groups. Corporations can make available at no cost the services of public relations experts, top management may as individuals contribute funds later returned to them in some legal manner. Finally there is the question of full examination of reports and investigations of possible violations. Various suggestions have been made for ~~reports~~ ^{reforms} in this area: Absolute limitations on campaign expenditures. Requiring candidates to declare before elections both campaign expenses to that point and anticipated expenses (within a small percent) during the last 7 days of the campaign - for example, planned TV time could be estimated. Vest responsibility for examination of reports and investigation of possible violations in a state agency. Public financing of campaigns or laws designed to assist candidates and parties to raise funds or reduce necessary expenses - a more positive approach than the ~~extreme~~ various attempts to limit and control. A wider base for political support might be achieved which would lessen the need for extremely large contributions.

Although no doubt many instances of influence on legislation might correctly be termed "bribery" such charged are difficult to prove. Who is to say what constitutes "bribery"? Regardless of the fact that many instances of such corruption keep cropping up in both state and national government, more emphasis now seems to be placed on the problem of "conflicts of interest". Few of those who reach Congress or the legislatures arrive there without some connection between public and private life. Therein lies the problem of conflict of interest and it is ~~in~~ this area that has provoked much criticism of congressional and legislative conduct and resulted in passage of some legislation ~~in~~ ~~efforts to improve~~

Conflict of interest for the legislator arises when he uses his public office to secure private gain, either for himself or his associates, and the connection is not always apparent. Most states have laws or legislative rules ~~designed~~ designed to discourage such misconduct but it is commonly felt that few have teeth in them. The 29th American Assembly felt that "efforts to define and control conflicts of interest have satisfied neither the public nor the legislatures" and makes the following recommendations: first, codes of ethics should be adopted, applying to career, appointed and elected public officials, in all branches of state government; second, ethics committees or commissions should be created with advisory, review, and investigative functions ~~should~~ should extend to the activities of lobbyists; third, all instances of corruption should be vigorously prosecuted. From the various Regional Assemblies came similar suggestions, ~~including~~ ~~including~~ ~~including~~ including pointing out that conflict of interest is an area for self-regulation calling for ^{reliance} ~~regulation~~ upon the integrity of the legislature.

Our Texas Constitution, Art. III, Sec. 22 provides: "A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House, of which he is a member, and shall not vote thereon." In 1957 the 55th Legislature passed an Act amplifying this provision in great detail and stating that non-compliance shall constitute grounds for expulsion, etc. (See details given in TEXAS LOBBY CONTROL AND RELATED LEGISLATION furnished by LWV of Texas in Legislature Kit). Generally conflict of interest relates to lawyers retained as legal counsel ^{non-lawyer} for some firm or corporation, although legislators might be so retained. There is no record of the number of Texas legislators retained by interest groups but certainly the number is considerable, as evidenced by the number of rep. and senators on ins. co. payrolls at the time of the investigation of the ins. companies.