

**Deciphering the Lobbying Occupation: A Description on How to Improve the Professionalism of Lobbying and the Identification of the Trade Practices of Texas Lobbyists.**

**by**

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## **Abstract**

The purpose of this research is twofold. The first purpose of this project is to examine the occupation of lobbying and identify ways it can be improved through greater professionalism and stronger ethical standards. Second, three lobbyist trade practices are identified and their importance and effectiveness are examined. To further expand on this research, the perceptions of Texas lobbyists about ways to improve the lobbying profession and the importance of certain trade practices are solicited. This research used phone surveys conducted with thirty-five randomly selected registered Texas lobbyists. Participants were asked a series of sixteen questions ranging from ways to improve the lobbying profession to the importance of certain trade practices. The survey found that 100 % of respondents agreed or strongly agreed that acting in a professional manner aids their ability to be successful as a lobbyist. Another 74.3% of lobbyists also agreed or strongly agreed that there was a need to increase the professionalism of the lobbying occupation. Of the lobbyists surveyed, 82.9% agreed or strongly agreed that a formal education or training program for lobbyists would improve the professionalism of the occupation. Finally, 100% of all the respondents strongly agreed that maintaining personal ethical standards and utilizing legislative networking aided their ability to succeed as lobbyists.

## **About the Author**

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## **Chapter 1. Introduction**

### **Introduction to Lobbying**

As of 2006, there were 30,000 registered federal lobbyists in the country, more than twice as many as there were in 2000 (Birnbaum 2006, B01). Not only has the number of registered lobbyists doubled, but so has the amount spent on federal lobbying. The *Washington Post* reports that in 2005, about \$200.2 million per month was spent on federal lobbying, which is a considerable increase from the \$116.3 million that was spent monthly in 1999 (Birnbaum 2006). Overall, the total money spent on lobbyists on both the state and federal level for the first six months of 2005 reached a record high of \$1.16 billion (Wegner 2006).

As a result of the growing spending on lobbyists, lobbying firms are continuing to increase profits each year. The Center for Responsive Politics reports that in 2002 the top ten lobbying firms reported a combined income of \$200 million (Cray 2006, 11). This figure is a major increase from 1989, when the combined profits for the top ten lobbying firms totaled less than \$2 million (Cray 2006). These numbers indicate that the use of lobbyists to influence policy by organized interests is rapidly growing. The influence of lobbyists on the policy development process is increasing each year, yet few people are able to identify the personal qualities and trade practices that are needed to succeed as a lobbyist.

## Definitions

Before delving deeper into the qualities and trade practices of successful lobbyists, it is necessary to define some key terms. McGrath (2005, 125) defines a *lobbyist* as:

A person designated by an interest group to facilitate influencing public policy in that group's favor by performing one or more of the following for the group: (1) directly contacting public officials; (2) monitoring political and governmental activity; (3) advising on political strategies and tactics; and (4) developing and orchestrating the group's lobbying effort.

Bobo (2006, 34) expands on the definition of a lobbyist further, and argues that "lobbyists are advocates of a point of view and one that might not be heard were it not for the role lobbyists play." While the definition of a lobbyist is rather simple, Nownes (2006) notes that the word *lobbying* is a broad term that is difficult to simplify because it encompasses various activities and actions. Browne (1985, 466) defines *lobbying* in broad terms as "the activity of group representatives in attempting influence."

Beyond the defining what a lobbyist is and what lobbying entails, it is necessary to establish the parameters of what makes a lobbyist successful. McGrath (2006, 77) argues that an effective lobbyist should possess the same characteristics as a good salesperson. "Government relations is, in a sense, a specialized form of marketing. The same qualities required to be successful in sales are needed in a successful lobbyist: cordiality and charm, persistence, understanding of the product (i.e. the position the "issue salesperson" is advocating), and the persuasiveness needed to make the "purchaser" (the public policy-maker) want to buy the "product" (McGrath 2006, 77).

The final term of importance that must be defined is *organized interest*. An organized interest as defined by Nownes (2006, 6), is "an organization that engages in



political activity—that is, activity designed to affect what the government does.” The need for this definition arises from the fact that all lobbyists essentially work for some type of organized interest. However, Nownes (2006) argues that the term *interest group* is not an accurate description of the entity that employs the lobbyist. Nownes (2006) notes that interest groups are limited to voluntary member-based groups, whereas the majority of politically active organizations are non-membership organizations that include business firms, think tanks, and universities and colleges. As a result, the term *organized interest* is better suited for describing the types of organizations that hire lobbyists.

In the state of Texas there is a large number of lobbyists who represent a variety of interests. The Texas Ethics Commission reports that as of 2007, there were 1,780 registered lobbyists in Texas. Those lobbyists registered with the state represent almost 2,200 different organized interests. The three subject categories most represented by lobbyists in Texas, according to the Texas Ethics Commission, are business and commerce; taxation; and state agencies, boards; or commissions.

### **Research Purpose**

The first purpose of this study is to describe examine the occupation of lobbying and identify ways it could be improved through greater professionalism and stronger ethical standards. The research examined the characteristics of the profession and identified why lobbying needs to improve the level of its professionalism. Three suggestions were formulated for elevating lobbying to a higher professional standard: better lobbyist registration systems, formal education or training for lobbyists, and uniform ethical standards for lobbyists.

The second purpose of this research was to examine three trade practices of lobbyists: providing gifts or favors to legislators, making campaign contributions to legislators, and the practice of legislative networking. The paper also describes the effect of each of these practices on the ability of lobbyists to succeed at influencing policy development.

The third purpose of this research was to ascertain the opinions of Texas lobbyists concerning whether and how the lobbying profession might be improved. The author also examined how often Texas lobbyists use the aforementioned trade practices, and how important those practices are in aiding the lobbyists to succeed at their jobs.

The information gathered from the literature and the survey results are useful to public administrators because a connection between lobbying and public administration exists. The work of lobbyists directly impacts the agencies that administrators work for in terms of funding, scope of powers for an agency; and regulations that agencies must follow. Furthermore, understanding the workings of lobbyists is useful knowledge for people that study public administration because they may find successful careers in lobbying.

## **Chapters Summary**

Chapter one serves as an introduction to the lobbying profession. The chapter describes how the use of lobbyists, and the money spent on lobbying, continue to increase nationally. Furthermore, key terms associated with lobbying were defined and a short background on Texas lobbying was provided. Finally, the purpose of this research was identified and discussed.

Chapter two uses scholarly literature to describe and discuss two categories: the professionalism of lobbying and three trade practices used by lobbyists. The chapter first compares lobbying to other professions and identifies ways that lobbying fails to meet the criteria of a profession. Second, through the use of scholarly literature, three recommendations for improving the professionalism of lobbying are outlined. Third, the literature describes three trade practices that lobbyists use in order to succeed in influencing policy development. Each trade practice is defined and the importance of each task in helping a lobbyist be successful is also discussed. Finally, chapter two provides the conceptual framework table that is the basis for this applied research project.

Chapter three is the methodology chapter that discusses the research techniques utilized in this paper. First, the chapter outlines the advantages and disadvantages of telephone surveys as a research technique. Second, the telephone survey questions asked to Texas lobbyists are outlined in the Operationalization of the Conceptual Framework table. Third, the chapter describes and discusses how the sample used for this research was obtained.

Chapter four provides the results of the phone survey conducted with thirty-five Texas lobbyists. The results are presented using descriptive statistics and are broken down into two types of questions: improving professionalism questions and trade practices questions. Tables 4.1 and 4.2 summarize the results of each question asked by providing the percentage of respondents who either agreed or strongly agreed with the question asked as well as what the mode response was to each question.

Chapter five is the conclusion chapter that discusses the findings from the research and summarizes the opinions of the Texas lobbyists surveyed. The conclusion chapter also offers recommendations for future studies on this research topic.

## **Chapter 2. Literature Review**

### **Chapter Purpose**

The purpose of this chapter is to use the scholarly literature to illustrate ways of improving the professionalism of lobbying. The research also identified three trade practices of lobbyists and determined their importance in aiding the lobbyists to succeed. In addition, the literature is used to develop the conceptual framework that is the basis of the questionnaire used to gauge what methods Texas lobbyists feel could best improve the professionalism of lobbying, how widely used these three trade practices are and what impact these practices have on the ability of a lobbyist to succeed.

### **Improving Professionalism in Lobbying**

This section describes the role professionalism<sup>1</sup> plays in the success of lobbyists. First, this section defines the characteristics that are common to all professions. This section also examines why there is a need for successful lobbyists to act professionally. Third, this section also demonstrates that the lobbying occupation, as it currently stands, does not meet the requirements of a profession. Lastly, the steps that can be taken to make lobbying an accepted profession are discussed.

#### **What is a Profession?**

According to Cruess (1997, 1675), the *Oxford English Dictionary* defines a profession as:

the occupation which one professes to be skilled in and to follow (a) a vocation in which a professed knowledge of some department of learning or science is used in its application to the affairs of others, or in the practice of an art found upon it. (b)

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<sup>1</sup> For additional professionalism-related information contained in Texas State University Applied Research Projects, see the papers by Este (2007) and Gonzales (2005)

in a wider sense: any calling or occupation by which a person habitually earns his living. Gardner and Shulman (2005, 14) expand on the definition of a profession by listing six characteristics that are common to all professions:

1. A commitment to serve in the interests of clients in particular and welfare of society in general.
2. A body of theory or special knowledge with its own principles of growth and reorganization.
3. A specialized set of professional skills, practices, and performances unique to the profession.
4. The developed capacity to render judgments with integrity under conditions of both technical and ethical uncertainty.
5. An organized approach to learning from experience both individually and collectively and thus, of growing new knowledge from the contexts of practice.
6. The development of a professional community responsible for the oversight and monitoring of quality in both practice and professional education.

McGrath asserts that the occupation of lobbying has failed to adhere to the common elements of all professions. The author states that, “lobbying is now a well-established occupation, but it falls far short of having attained professional status” (McGrath 2005, 124).

Aside from the common characteristics of all professions, Gardner and Shulman (2005, 14) believe that the major feature of any profession is a “commitment to serve

responsibly, selflessly, and wisely set the terms of the compact between the profession and the society.” Expanding on Gardner’s and Shulman’s belief, Cruess (1997) asserts that a commitment between professional status and obligations to society must be satisfied in order to maintain the public trust. The author states that such obligations include being guided by an accepted code of ethics, following applicable federal and state laws, and a commitment to effective and transparent self-regulation (Cruess 1997).

### **Need for Professionalism in Lobbying**

“The success of lobbyists depends on their ability to act as a communication link between the government and the group’s membership” (Ainsworth & Sened 1993, 834). In order to create this communication link, Ainsworth asserts that lobbyists must be able to develop a sense of trust from both sides. Maintaining that sense of trust is more difficult today because the popular public view of lobbyists is negative. Nownes (2006, 33) reports that people tend to view lobbyists as “meretricious ‘hired guns’ who jettison their principles, sell themselves to the highest bidder, and then ‘carry water’ for the well-heeled organized interests that hire them.” Berry (1993, 344) expands on this negative perception of lobbyists by stating that they have been characterized as “secretive peddlers of influence, and a source of corruption.” Another major criticism of lobbyists is that they buy access and influence for rich private clients at the cost of more “worthy” public causes and organized interests (Berry 1993, 344).

Encouraging the public to regard lobbying as a profession could go a long way toward combating the present negative perceptions. A professional image would lead to “trust by the client or employer in the competence of someone calling themselves a lobbyist, and trust by society that lobbying is a legitimate activity in a democratic

society” (McGrath 2005, 126). In fact, a lobbyist’s public perception alone can make a difference in their ability to succeed.

Lobbyists are likely to be more effective if those they seek to influence like them as individuals (e.g. they are well-spoken, have a sense of humor, are well informed and highly credible, are able to be empathetic, and are well-mannered). The messenger can, by his or her personal characteristics and behavior, obtain a fair hearing for a message that may be unpalatable” (McGrath 2006, 68).

The literature indicates that acting in a professional manner is one of the personal qualities that lead to success in lobbying. A possible reason that a lack of credibility and a negative perception continue to surround lobbyists may be the absence of established concrete professional standards similar to those that are common among in other occupations (e.g. lawyers and doctors). A quick overview of the lobbying occupation shows that lobbying fails to meet several of the common characteristics of a profession. The literature offers two recommendations to elevate the occupation of lobbying to a profession: implementation of lobbyist registration, and the creation of formal education programs.

### **Registration of Lobbyists**

Federal and state laws require that lobbyists who work for corporations or organizations must register their names and subjects of interest with the government, and report how much money they spent on lobbying activities (Glazer 1989). While these requirements might seem to provide the lobbying occupation with a degree of professionalism, there are legal loopholes. The registration law only requires individuals whose “primary job is contact with Congress” to register as lobbyists (Glazer 1989, 2). Loopholes in the law allow individuals, such as lawyers who may occasionally engage in lobbying, to avoid the required government registration. This loophole creates a vast



problem and contributes to a lack of trust because the activities of many thousands of individuals who lobby Congress are not monitored or recorded. In 1989 Howard Marlowe, president of the American League of Lobbyists, reported that “there are more than 47,000 lawyers, 11,500 public affairs professionals and numerous consultants in Washington, many of whom do what is commonly thought of as lobbying. Yet only about 6,000 register as lobbyists with Congress each year” (Glazer 1989, 2).

On the state level, each state has its own registration laws; these vary from extremely rigorous guidelines to moderately loose requirements. For example, in Arizona, lobbyist registration laws require “virtually everyone in an organization who might wish at some time to engage in lobbying to officially register” (Hunter, Wilson & Brunk 1991, 490). In other states, such as California and Illinois, churches and nonprofit organizations that lobby Congress are exempt from any registration requirement (Hunter et al. 1991). The main problem with state registration laws is that:

Most states do not have a general statute that precisely specifies which groups must register and which groups are exempt from registration. As a result, some groups that would not appear to need to register their lobbyists in fact do register them, while some that would be expected to register do not bother to do so (Hunter et al. 1991, 490-491).

While most states continue to struggle with creating effective registration laws, the state of Wisconsin in 2002 enacted a new lobbying tracking system, Eye on Lobbying, that has garnered the support of legislators, lobbyists, and the public (Judd 2003). Eye on Lobbying is a system that allows anyone who has access to the Internet to discover the “legislative agenda of every organization that employs a lobbyist and, for

any legislative proposal, who is trying to influence it” (Judd 2003, 38). This system works because Wisconsin law now requires that every business or organization that tries to influence any bill identify what interest it has in the bill to the Ethics Board within two weeks after a lobbyist’s first communication with a legislator or legislator’s staff (Judd 2003, 38). Beyond providing a greater sense of transparency when it comes to legislative lobbying, Eye on Lobbying is useful to organized interests by easily identifying legislative proposals that their competitors or like-minded organizations are trying to influence, thus making it easier for organizations to decide whether to support or oppose legislation (Judd 2003). The implementation of effective registration laws for lobbyists, such as the Wisconsin law, can be a move toward improving the public perception of lobbyists.

Standardization of registration laws for all individuals who engage in lobbying Congress would be another step toward professionalism and earning the public’s trust. McGrath (2005, 126) notes that fostering a sense of trust with society is difficult because lobbyists promote private interests, but it can be achieved if lobbyists “are more prepared to talk directly to the public about the legitimate role of lobbying in ensuring that interests are articulated.” A formal registration process such as the one in Wisconsin, which made public the interests and spending of lobbyists who approach Congress, is one way to build the public’s trust. Moreover, introduction of a standardized registration law for all of the nation’s lobbyists would garner a lot of support. This assumption derives from observing that many organizations, including the American Society of Public Administration, the Council on Governmental Ethics, and the Council of State Governments, all praised Wisconsin’s Eye on Lobbying program (Judd 2003).

## **Formal Education Programs**

Another issue that prevents lobbyists from achieving professional status is the lack of required formal education or professional training. While universities across the country offer programs (e.g., public administration or public affairs) that may occasionally discuss the role of lobbying in policy, no formal educational training exists for individuals interested in the occupation of lobbying. As a result, McGrath (2005) argues, it is difficult to know what tools or techniques are needed to be a successful lobbyist. In addition, there are no professional publications dedicated solely to lobbying, and no agreed-upon qualifications for a lobbyist (McGrath 2005).

This lack of formal education or training hurts the professionalism of lobbying. As McGrath (2006) argues, individual lobbyists working within any political system need specific professional skills and knowledge related to that system in order to succeed. McGrath further asserts that the need for lobbyists to be effective is important,

not just only for themselves but also for their clients or employers; indeed, it could be argued that it is important for democracy or society that those who seek to influence the public policy making process do so professionally in order that the companies and organizations they represent are heard as clearly as possible by policy makers (McGrath 2006, 69).

## **Ethical Standards**

Unlike doctors, lawyers, and other professionals, lobbyists have no universal professional code of ethics<sup>2</sup> that regulates the actions of members of the occupation. As a result, McGrath (2005, 130) sees a major dilemma:

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<sup>2</sup> For additional ethics-related information contained in Texas State University Applied Research Projects, see the papers by Aleman (2004), Eivens (2000), and Thornton (2000).

Not only can anyone practice as a lobbyist without adhering to any code of conduct, but even if they do choose to subscribe to such a code and subsequently are found to have acted contrary to its provisions, they may be required to leave the relevant representative body, but can still continue to practice.

McGrath's point is that, unlike doctors and lawyers who may have their license to practice revoked for unethical practices, lobbyists have no license to lose. But something greater may be at stake. Hamilton and Hoch (1997, 119) assert that society is the entity that grants organized interests their legitimacy and power, and those who use it irresponsibly tend to lose it. Therefore organized interests that seek to influence public policy must do so in an ethical and legitimate way. Otherwise, society may one day deny these organizations the ability to influence the legislative process (Hamilton & Hoch 1997, 119).

The need for the implementation of uniform ethical standards in lobbying goes beyond helping lobbyists succeed at their job. They are crucial to the efficient functioning of a democratic government. When ethical concerns are ignored, "contestants in the influence game see winning as the ultimate validation of tactics, with little concern paid to the damage these tactics may do to democratic institutions and ultimately to society" (Hamilton & Hoch 1997, 122). Hamilton & Hoch go on to argue that democracy works best when participants are restrained by ethical concerns for other members and for the viability of the interests for which they contend (Hamilton & Hoch 1997).

When ethical concerns are ignored by lobbyists, there is a potential for corruption of our system of government. An example of the harm that can result is the Jack Abramoff case, in which former House of Representatives members Bob Ney and Randy

Cunningham were sent to prison for their role in the fraud and corruption cases (Stone, Vaida, Kosterlitz, & Carney 2008). This need to ensure the ethical actions of lobbyists in order to avoid government corruption also goes beyond Congress. Stone et al., (2008, 12) reports that the leading sources of financial contributions to the McCain and Clinton presidential campaigns were the law and lobbying firms of Blank Rome and DLA Piper. While Senator Obama has refused financial contributions from lobbyists, he does have lobbyists serving as policy advisors for his campaign (Stone et al., 2008).

Texas also faces the possibility of government corruption by lobbyists. Former Congressman Tom DeLay was forced to resign as a result of his unethical dealings with lobbyists. Such scandals have, with good reason, presented lobbyists to the public in a negative light. Cray (2006, 10) sums up the opinions of many concerning lobbyists when he argues that examples such as those above are “fueling the public perception that Washington’s ‘culture of corruption’ is out of control.”

While there are certainly a number of corrupt lobbyists who have given the occupation a black eye, there are lobbyists who believe professional integrity and honesty are integral part of their jobs. McGrath (2006), after conducting a survey on the personal qualities of a successful lobbyist with sixty lobbyists from Washington, London, and Brussels, asserted that in order to be successful a lobbyist must maintain personal credibility and integrity. This approach goes beyond adhering to a code of conduct. Rather, an individual lobbyist must maintain a set of personal values in order to ensure that he or she would not engage in any lobbying activities with which they were not comfortable (McGrath 2006).

Lobbyists' adherence to personal ethical standards leads to a sense of credibility among legislators and the public. Through establishing a reputation for being knowledgeable about relevant policy issues, being reliable and honest when providing information and opinion to policymakers, and maintaining consistency over time, lobbyists are able to earn credibility that is key to their success (McGrath 2006). Bryce Harlowe, one of the most senior lobbyists in Washington, summed up the importance of ethical standards in lobbying by stating that, "The coin of lobbying, as of politics, is trust. One's word is one's bond. Habitual truth-telling and square dealing are of paramount importance in this profession" (as cited in McGrath 2006, 76). Being trustworthy is important because a lobbyist's success in influencing policy rests partly on their ability to have public officials frequently seek out their advice. As a result, the task of providing accurate and useful information to legislators is crucial (Nownes 1999).

Since there is a need for lobbyists to act ethically not only for their own professional success, but also for the good of democracy, Hamilton & Hoch (1997, 122) offers the following eight ethical standards that could be applied as a professional code of conduct for lobbyists:

1. Maximize good and minimize harm for those affected.
2. Do not make exceptions for yourself. What you consider unethical behavior by others should be unethical behavior for you, too.
3. Let others make their own choices.
4. Use the publicity test. Before engaging in an activity, consider the reaction if that activity became public knowledge.
5. Respect human rights.

6. Insure a fair distribution of benefits and burdens.
7. Honor the social contract. Do the lobbying actions taken fit within the conditions necessary to preserve society for the good of all?
8. Act in accordance with your character and the company's reputation.

While such a strict standardized code of conduct for lobbyists might seem daunting, McGrath (2006) writes that most lobbyists believe strongly in the importance of ethical standards. The author quotes a senior Washington consultant as saying, "There is a pretty high standard of ethical behavior by lobbyists, and I think that is important. For the most part, people behave in a very clearly ethical manner; if they do not they will very quickly lose all credibility and access" (McGrath 2006, 76). Expanding on the importance of honesty and ethics in lobbying, Nownes (2006, 34) reports that "studies of both lobbyists and public officials show that honesty and credibility are absolutely essential to successful lobbying."

### **Trade Practices**

This section of the literature focuses on three important trade practices of lobbyists. First, this section examines the lobbyist trade practice of providing legislative gifts and favors as well as the ethical questions that can arise from this activity. Second, the section discusses how making campaign contributions can be a successful trade practice. Finally, the trade practice of networking and its importance is discussed.

#### **Legislative Gifts or Favors**

The Jack Abramoff case is a famous scandal that has focused the spotlight on lobbyists who use gifts and favors as a trade practice for persuading legislators to support the position of the organized interest they represent. Anthony Nownes (2006, 17) reports

that in Washington and elsewhere lobbyists and the organized interests they represent have been known to provide “gifts and favors considered desirable yet negligible in value, such as catered foods, flowers, candy, free baby-sitting, rides to work, tickets to athletic events, and discounted rides on corporate jets.” Lawrence Jacobs, a University of Minnesota political scientist, asserts that some lobbyists feel having the funds to provide lavish gifts is essential to their success because evidence shows that organized interests that are wealthy or well established tend to receive the most attention from legislators (as cited in Katel 2005).

While some have concerns with the use of gifts and favors as a trade practice of lobbyists, there are many lobbyists who do not see using such tactics as an important aspect of their work. Nownes and Freeman (1998, 91) reviewed the results of a 1996 survey in which 595 responses were received from lobbyists in three states (California, South Carolina, and Wisconsin). One of the least common techniques reportedly used to create influence was providing favors for public officials. In fact, the survey results indicated that state lobbyists partake in far less “political schmoozing” than federal lobbyists (Nownes & Freeman 1998, 93). *Political schmoozing* was defined in the survey as “informal contacts with officials, and/or doing favors for officials who need assistance” (Nownes & Freeman 1998, 93). Though Nownes and Freeman (1998) assert that the trade practice of providing gifts and favors to legislators is not employed by most lobbyists, it is used by some, and thus has the potential to create an unfair advantage for some organized interests.

The problem with the trade practice of providing gifts and favors for legislators is that such tactics favor wealthier organized interests (such as businesses) over smaller



public interest groups. According to the Center for Responsive Politics, “The problem arises when lobbyists’ influence is disconnected from the merits of their clients’ positions, but rather is connected to the wealth of their clients, in terms of how much they can fly members around, spend on golf and otherwise help members” (as cited in Katel 2005, 5). In order to combat this unfair advantage, steps have been taken at the federal level to severely limit the trade practice of providing legislators with gifts and favors. In 2007, as part of the Honest Leadership and Open Government Act, lobbyists were banned from buying meals, gifts, trips, and other activities for legislators and their staff (Stone et al., 2008, 12). While the law was designed to reduce the potential for corruption of legislators by lobbyists, there has been an unanticipated result. Stone et al., (2008, 12) states that “the unintended effect is that more lobbyists are using a key exception in the ethics rules and catching members and aides where none of the restrictions of food, drink, entertainment and travel apply: campaign fundraisers.”

### **Campaign Contributions**

While there are lobbyists who believe that providing gifts and favors is not essential to their success, some lobbyists believe that the trade practice of making political campaign contributions<sup>3</sup> is essential to achieving their legislative goals. Thomas Downey, founder of the Washington lobbying firm Downey McGrath Group, states that, “About one-third of my day is spent raising money from my clients to give to people I lobby” (as cited in Katel 2005, 4). Downey is not alone; as Katel (2005, 4) reports, “In the 2004 presidential election cycle, individual lobbyists and lobbying firms contributed a total of \$26.6 million to campaigns of both major candidates, according to the Center for

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<sup>3</sup> For additional campaign contributions-related information contained in Texas State University Applied Research Projects, see the paper by Woodard (2005).

Responsive Politics.” Paul Miller, president of the American League of Lobbyists, defends the trade practice of making campaign contributions by stating that, “The alternative to not having people elected who support your agenda is someone getting elected who does not support your agenda. A contribution at best may give me a few extra minutes to talk about my issue, but that’s not a bad thing” (as cited in Katel 2005, 8).

The 2002 Bipartisan Campaign Reform Act is a main reason why the number of lobbyists who make campaign contributions has increased. Under this law, *soft money*—money not donated directly to a candidate's campaign, but to a political party—was outlawed. The total amount of money that an individual could contribute to parties or candidates during a two-year election cycle was nearly doubled from \$50,000 to \$95,000 (Katel 2005). The new campaign reform laws have put pressure on individual lobbyists to use their own money to make campaign contributions. This trade practice has become more common in order to make up for the loss of soft money that organized interests had traditionally provided political parties (Katel 2005).

While campaign contributions are common for many lobbyists, it is difficult to pinpoint exactly what these donations buy (Nownes 2006). One reason for the difficulty is that there is no general consensus on whether campaign money can buy legislative votes (Nownes 2006). Some literature, such as Douglas Roscoe’s research on 30 studies and 350 tests that dealt with campaign contributions and voting, found that campaign contributions did have an impact on legislative votes (as cited in Woodard 2005). Yet other studies, such as the one conducted by Gordon that evaluated votes on 102 bills in the California Senate Governmental Organization Committee, found a different

connection between campaign contributions and voting patterns. Gordon's study found "that campaign contributions given by groups in support of a bill do not influence voting behavior, but money given by groups in opposition to a bill does" (as cited in Woodard 2005, 34). While there is no consensus on the impact of campaign contributions, Nownes (2006, 80) argues that "monetary contributions can buy contributors access—the ability to see and to speak with government decision makers." Lastly, Nownes (2006, 80) notes that donations often lead to legislators making more of an effort to "push harder for a specific proposal or put in a good word for a donor." While contributions may not always lead to votes, the practice may create name recognition and access to a legislator, both of which are crucial to the success of a lobbyist (Nownes 2006).

### **Legislative Networking**

This sections looks at the use of legislative networking as a vital trade practice that is used by successful lobbyists. The ability of lobbyists to act as a communication link between the government and organized interests relies on their networking capabilities. The literature describes three main factors that influence a lobbyist's networking potential. The first factor is past lobbying experience. A second factor is the ability to provide legislators with accurate and useful information on issues in order to advance a lobbyist's approachability. The final factor in a lobbyist's ability to successfully network is legislative connections and access.

### **Previous Lobbying Experience**

Browne (1985) conducted a survey of lobbyists from four states (Florida, Iowa, Michigan, and New Jersey) and found that among all the necessary qualities for success, experience was seen as the most indispensable. Lobbyists from all four states agreed that

in order to effectively represent a group, experience is essential because it allows lobbyists to obtain a working knowledge of how the state government operates as well as a familiarity with policymakers and the ability to make frequent contacts with them (Browne 1985). Nownes (1999, 119-120), in the previously mentioned survey of 595 lobbyists, found that, “lobbyists with 20 or 30 years experience are several times more likely to report being approached for advice than their less-experienced counterparts.” Nownes (1999) asserts that two main reasons explain why experienced lobbyists have more communication with policymakers: (1) experienced lobbyists are seen as more credible, reliable, and connected than those with less experience; and (2) those with more experience are seen as having greater expertise.

Many of today’s lobbyists had previous government or political positions. Salisbury et al., (1989) conducted a survey of 776 Washington lobbyists, and found that 55% of the people in the sample had held some kind of government position before becoming a lobbyist. However, when Salisbury et al., (1989, 179) surveyed organized interests and asked them to rank fourteen possible reasons for hiring one lobbyist over another, legislative experience was ranked below experience in the industry to be represented. Furthermore, of the lobbyists with previous government experience who were surveyed, the majority with experience in any agency besides the legislative and executive branch “were more likely to say that government experience was not helpful in any way” (Salisbury et al., 1989, 182). Hence, while being an experienced lobbyist with several years on the job is seen as a crucial quality needed for success, previous government experience is not as important.

## **Providing Accurate Information**

Lobbyists are second only to constituents as a source of information for legislators, and often play an important role in determining the legislation that members initiate and what policy positions they take (Nownes 1999). Therefore, a lobbyist's ability to succeed relies on maintaining the trust of legislators by providing useful and accurate information. Validating the importance of accurate information, Salisbury et al., (1989, 177) found that knowledge of the subject matter to be presented was deemed the most important factor when recruiting lobbyists according to a survey of several organized interests. Bobo (2006, 34) explains that lobbyists are an important source of information because "lawmakers are called upon to make decisions on esoteric issues well beyond their own or their staff's understanding." The author further notes that lobbyists are advocates for one point of view, and that without them an important perspective might not be properly represented. Bobo (2006) views the information that lobbyists provide as educational knowledge for legislators who, after hearing all the sides of an issue, will be better able to make informed decisions.

The possible negative consequences of lobbyist connections to legislators have been well documented in the media and by other researchers. However, Ainsworth and Sened (1993, 858) offer a different and positive perspective on lobbyists: the authors believe that lobbyists are "individuals providing informational gains to two distinct audiences: government officials and group members." Legislators depend on the information provided by lobbyists because without such guidance they may provide public goods whose benefits do not meet the cost of implementation, or they may fail to provide a public good that could benefit both citizens and the government in excess of the

costs of implementation (Ainsworth & Sened 1993). Organized interests also have an important need for the information that lobbyists provide because such information helps a group to become coordinated and focused on issues. Lobbyists can also help inform groups that have too few beneficiaries that they may want to “save themselves the cost and trouble of petitioning for a lost cause” (Ainsworth & Sened 1993, 859). With so many individuals depending on the information that lobbyists provide, the quality and accuracy of that assistance is crucial to their success.

### **Legislative Access and Contacts**

The ability of lobbyists to have access to and contacts with legislators is, for most scholars, a crucial component of their ability to successfully influence policy development. Nownes (2006, 17) explains the importance of access to legislators: “Personal meetings give lobbyists a chance to present relevant information directly to the decision makers.” Meetings with legislators allow lobbyists to work with lawmakers in formulating strategies to ensure the success or failure of a bill, and can lead to both sides working together to draft or revise a bill (Nownes 2006). Furthermore, personal meetings with legislators allow lobbyists to provide information that makes their side look good and often information that makes the other side look poorly (Nownes 2006). Moreover, personal meetings and contacts with legislators are extremely effective technique because they create “deep-seated impressions.” These impressions are important because when policymakers want information, they are far more likely to contact lobbyists who they have met and have a working relationship with (Nownes 2006,).

The need for lobbyists to have established contacts with legislators may explain why so many Congressmen who retire are sought after by lobbying firms. Firms have

such a high demand for former congressional officials that many are willing to pay up to \$300,000 per year for their lobbying services (Birnbaum 2006). The number of former legislators who have become lobbyists has vastly increased since the 1970s (Katel 2005). A national watchdog group known as Public Citizen reports that in 2005 about 32% of former lawmakers became lobbyists, a drastic increase from the 3% who took up lobbying in the 1970s (Katel 2005).

The large number of former Congressman who are now lobbyists has led to the creation of the “good ol’ boy” theory, which claims that “lobbying success depends heavily upon contacts with officials, knowing them personally, and maintaining warm personal relations with them, so that when they are asked to do things of benefit for the lobbyist’s client’s organization, they will be disposed to respond favorably” (Salisbury et al., 1989, 176). Since former Congressmen who become lobbyists already have a relationship with members of Congress, they can more easily establish a rapport with legislators. Their former colleagues will also tend to be more sympathetic to their position (Birnbaum 2006). Furthermore, Birnbaum (2006, 3) argues, “Why would congressional aides and lawmakers want to anger the lobbyists who approach them when they aspire to become lobbyists themselves?”

Browne (1985) discusses a completely different theory on legislative access and contacts. He asserts that,

The importance that lobbyists attribute to access and its necessity in some personal arrangements where policy deliberations take place are inadequate proof that all or even most lobbyists seek eventually to represent their interests in this way” (Browne 1985, 451).

The author argues that the patterns of interaction and the need for access to policymakers depends on how lobbyists view their relationship with legislators. Browne (1985) believes that lobbyists can see themselves in one of three ways: (1) as *policymaking partners* who work together with legislators to meet their interests; (2) they can see themselves as *policymaker opponents* who are in a constant battle with the state government and believe their interests are best served by attacking the flaws in government policy; or (3) as *policymaker dependents* “whose ability to lay claim to policy successes on behalf of their members actually are beyond their own control” (Browne 1985, 463). Browne makes an important point because he believes that how lobbyists interact with legislators depends heavily on the political climate of each state. Browne (1985, 464) summarizes his theory by writing that:

The conditions surrounding the transactions between the lobbyist and the lobbied will determine how they interrelate. The result is that the behavior and lobbying styles of interest groups will vary contextually rather than converge toward a single strategically appropriate set of relationships.

Overall, networking with members of Congress is an important trade practice. How effective a lobbyist is at networking hinges on various factors including how experienced they are as a lobbyist, their ability to provide accurate and useful information to legislators, and their previous legislative connections. How important networking with legislators is to the success of an individual lobbyist depends upon whether they see themselves as a policymaking partner, policymaking opponent, or policymaking dependent in their relationship with members of Congress.

### **Conceptual Framework**

The conceptual framework of descriptive research utilizes categories. These categories define the purpose of the descriptive research, which is to “understand” a



practical idea (Shields 1998). The conceptual framework serves as a guide for the researcher. Shields and Tajalli (2006, 315) write that,

Because micro-conceptual frameworks are applied to the problem at hand, they guide data collection and interpretation. Thus, these frameworks guide the most practical, mechanical, elements of empirical inquiry.

Furthermore, a conceptual framework functions at two levels.

“One operates on a metalevel. Examples might include public choice theory, systems theory or bureaucratic politics. The second is a more narrowly defined abstract framework that usually fits within meta frameworks. Micro conceptual frameworks connect to the specifics of controlled inquiry (Shields 1998, 208).”

The purpose of this descriptive research is twofold. The first function of this applied research project is to describe ways of improving the professionalism of lobbying. This objective is met through defining what characteristics all professions share and describing why lobbying needs to improve its professionalism. The research identified three suggestions whereby lobbying could adapt to meet the standards of a profession: formal education programs, better lobbyist registration laws, and a universal set of professional ethical standards.

The second part of this research describes three common trade practices utilized by lobbyists to aid their success in influencing policy development. The research looks at the trade practices of providing gifts and favors to legislators, making campaign contributions to legislators, and legislative networking. Table 2.1 summarizes the categories used to describe the reasons why there is a need for greater professionalism in lobbying as well as the factors that contribute to success in lobbying and connects these categories to the literature.

**Table 2.1. Conceptual Framework and Descriptive Categories of Lobbying**

<b>DESCRIPTIVE CATEGORIES</b>	<b>SUPPORTING LITERATURE</b>
Improving professionalism <ul style="list-style-type: none"><li>• What is a profession</li><li>• Need for professionalism in lobbying</li><li>• Registration of lobbyists</li><li>• Educational programs</li><li>• Ethical standards</li></ul>	Ainsworth & Sened (1993); Berry (1993); Bobo (2006); Cray (2006); Cruess (1997); Gardner & Shulman (2005); Glazer (1989); Hamilton & Hoch (1997); Hunter et al (1991); Judd (2003); Katel (2005); McGrath (2005); McGrath (2006); Nownes & Freeman (1998); Nownes (2006); Stone et al. (2008)
Trade practices <ul style="list-style-type: none"><li>• Gifts and favors for legislators</li><li>• Campaign contributions for legislators</li><li>• Legislative networking</li></ul>	Ainsworth and Sened (1993); Birnbaum (2006); Bobo (2006); Browne (1985); Katel (2005); Nownes & Freeman (1998); Nownes (2006); Salisbury et al. (1989); Stone et al. (2008); Woodard (2005)

### **Chapter Summary**

This chapter describes and discusses the need for greater professionalism within the lobbying profession as well as three trade practices that are key to a lobbyist's ability to successfully influence policy. Within the improving professionalism category, the characteristics that are common to all professions were defined. The literature explained why there is a need for greater professionalism within lobbying. The literature also yields three recommendations that can improve the professionalism of lobbying: stricter registration laws, the creation of formal education programs, and a universal set of ethical standards.

In the category of trade practices, the literature describes three methods that lobbyists use in order to succeed in influencing policy development. The trade practices

described include: providing gifts and favors for legislators, making campaign contributions to legislators, and legislative networking. Each trade practice is defined and the importance of each task in helping a lobbyist be successful is also discussed. The next chapter discusses the methodology utilized in this research.

## **Chapter 3. Methodology**

### **Chapter Purpose**

The purpose of this chapter is to describe the research methodology used to ascertain Texas lobbyists' attitudes toward lobbying reforms. This chapter also describes the operationalization of the categories within the conceptual framework through a survey conducted by telephone.

### **Research Technique**

The research technique used in this study was telephone survey. Telephone survey is an effective research technique because it provides fast, reliable data and offers a unique opportunity to control the integrity of the sample as the study progresses (Conklin 1999). Furthermore, the Michigan State Department of Education (as cited in Conklin 1999, 423) asserts that:

Telephone survey approach is to be preferred over the mail survey approach inasmuch as it yields a higher response rate and is the only approach that allows those administering it to clarify its general intent and to elaborate on specific survey items as soon as questions arise.

There are some drawbacks that must be kept in mind when conducting telephone surveys. One drawback is the ever-growing number of individuals who have multiple telephone numbers. As a result, the telephone number used to call the randomly selected participant may not be the best or only means of contacting the individual. This may lead to a large number of unanswered calls. Another potential problem is the unwillingness of individuals to answer telephone calls from unrecognized numbers. This unwillingness may be the result of the large amount of telemarketing that takes place today. A third drawback of telephone surveys is the cost; the expense of long distance calls impacts how many individuals will be called, and thus plays a role in the sample size. A final

drawback of this technique is the inability to obtain a response from the total population. As a result, bias becomes a concern as only the opinions of a small sample of the population are taken into consideration. In order to curb bias, a pretest of the questions found on the survey was done to identify any unclear or potentially biased questions. The questions were tested on two lobbyists, one for the Texas Classroom Teachers Association and the other for the Texas Parent Teachers Association.

For this telephone survey research, a questionnaire was created. The survey questions were formulated based on the literature findings and directly correlated to the categories and subcategories within the conceptual framework. In total, sixteen questions were generated and participants were asked to choose the answer that most correlated to their opinion based on a Likert scale. The possible answers on the Likert scale were: strongly disagree, disagree, no opinion, agree, and strongly agree. Potential participants were called using the telephone numbers listed on the Texas Ethics Commission's Web site of registered Texas lobbyists. Before asking the survey, the researcher identified himself as a master's student at Texas State University. Participants were informed that their participation in the telephone survey was completely voluntary, and that all answers would be anonymous. The participants were also told that no individual survey would be singled out when presenting the results of the telephone survey. Finally, participants were told that they may choose to end their participation at any time and their answers would be discarded.

Calls to potential participants were made beginning in late September 2007. When an individual was contacted and chose to participate in the telephone survey, almost all calls lasted less than ten minutes. However, several problems arose with obtaining

responses to the telephone survey. The major problem was either unanswered calls or a telephone number that was not the best means of reaching the individual. The majority of the telephone numbers provided by the Texas Ethics Commission were the office numbers of the registered lobbyists. This became a problem when the lobbyist was not at his/her office, and the vast majority of secretaries or other office personnel refused to provide a cell phone number by which to better contact the lobbyist. Therefore, many potential participants could not be reached. Another problem arose due to the researcher's work schedule and the hour time difference between El Paso (where the researcher resides) and the rest of the state. Making calls and obtaining responses took longer than expected since there were many days when very little time was available during normal business hours to contact possible participants. Overall, the process of obtaining the needed responses lasted until December 2007.

The operationalization between the descriptive categories and the survey questions can be found in table 3.1, and a copy of the survey can be found in Appendix A.

**Table 3.1. Operationalization of the Conceptual Framework**

<b>Descriptive Categories</b>	<b>Survey Questions</b>
<b>Professionalism</b>	There is a need to improve the professionalism of the lobbying occupation.
	Carrying yourself in a professional manner aids in your success as a lobbyist.
	Lobbyist registration laws in Texas are adequate.
	A nationwide lobbyist registration system would increase the professionalism of the lobbying occupation.
	The requirement of formal training or education for all lobbyists would improve the professionalism of the occupation.
	Formal education or training on lobbying would aid in your success as a lobbyist.
	A universal code of professional conduct for lobbyists would improve the professionalism of the lobbying occupation.
	From your experience, most lobbyists carry out their job in an ethical manner.
	Maintaining personal ethical standards aids your success as a lobbyist.
<b>Trade Practices</b>	Providing gifts or favors for legislators is a widely used trade practice of Texas lobbyists.
	Providing gifts or favors for legislators aids your ability to succeed as a Texas lobbyist.
	Making campaign contributions to legislators is a widely used trade practice of Texas lobbyists.
	Making campaign contributions to legislators aids your ability to succeed as a Texas lobbyist.
	Legislative networking is a trade practice that aids your success as a lobbyist.
	Experienced lobbyists have more access to legislators.
	Lobbyists who previously worked in politics or as legislators have more access to members of Congress.

### **Sample**

The 2007 Texas Ethics Commission list of registered lobbyists showed that there were 1780 lobbyists registered with the state. Lobbyists on this list are employed by a vastly diversified group of interests ranging from major corporations such as AT&T to

small organizations such as the Vocational Agriculture Teachers Association of Texas. The sample used for this study consisted of randomly chosen lobbyists who registered with the Texas Ethics Commission. The Ethics Commission's list of registered lobbyists was used because it contains the contact information of all lobbyists in Texas. Starting at the beginning of the alphabetically organized list, every fifth name on the list was contacted.

In total, attempts were made to contact 140 lobbyists. The majority of those called could not be reached either because they did not answer, the number listed was incorrect, or the number listed was not the best means of contacting the individual. Nineteen lobbyists who were reached over the phone chose not to participate either because they were busy at the time or they did not want to partake in the survey. In total, thirty-five lobbyists chose to participate in the phone survey. Therefore, the response rate was 25%. With such a large population, the sampling size of thirty-five respondents makes it impossible to generalize the results of the questionnaire to the entire population. As a result, this study provides only preliminary insight into the opinions of Texas lobbyists.

### **Human Subjects Protection**

This research project was cleared in writing by the Institutional Review Board of Texas State University-San Marcos and found to be exempt from review prior to conducting any telephone surveys. Protection was given to all telephone survey respondents who chose to participate in this research. At the beginning of every telephone survey, subjects were informed of all their rights as participants, and were given information about the research being performed. None of the respondents was subjected to any foreseeable discomfort or danger. Subjects were also informed that their



participation was entirely voluntary and they could stop participating at any time. All information obtained from the telephone surveys was kept confidential and anonymous.

### **Chapter Summary**

The methodology chapter discussed the research technique of telephone surveys. The chapter identified the advantages of using telephone surveys such as the ability to obtain fast and reliable data. The disadvantages of telephone surveys were also discussed, including the potential for a poor response as well as bias concerns. The operationalization of the conceptual framework is presented in table 3.1. Finally, the chapter described and discussed how the sample used for this study was obtained.

## **Chapter 4. Results**

### **Chapter Purpose**

The purpose of this chapter is to provide the results of the phone survey conducted with thirty-five Texas lobbyists. Descriptive statistics are used to present the data. The results of the survey should help provide some insight in determining whether lobbyists in Texas believe that there is a need to improve the professionalism of their occupation and, if so, what are the best ways of accomplishing this objective. The results should also provide some initial impression of the importance of three trade practices in the success of Texas lobbyists.

### **Improving Professionalism Questions**

The thirty-five lobbyists who partook in the study were asked nine questions concerning various ways of improving the professionalism of lobbying. Overall, 62.9% of the survey respondents agreed that there was a need to improve the professionalism of lobbying. Furthermore, 74.3% of respondents either agreed or strongly agreed that there was a need to improve the professionalism of lobbying. The other 25.7% of respondents disagreed that such a need existed. Of the nine questions asked, two received overwhelmingly similar responses: 100% of all respondents either agreed or strongly agreed that carrying themselves in a professional manner aids their success as a lobbyist. From the available responses to this question, 91.4% of the respondents chose “strongly agree.” The only question about improving the professionalism of lobbying to receive a unanimous response concerned whether maintaining personal ethical standards aids the respondent’s success as a lobbyist: 100% of participants strongly agreed with the

statement. The overwhelming response of “strongly agree” to both questions follows the arguments made by the literature that honesty, credibility, and trustworthiness are essential to success of lobbyists.

Two questions in the survey dealt with lobbyist registration laws. The first question asked whether respondents felt that the lobbyist registration laws in Texas are adequate. A small majority, 54.3% of the lobbyists, agreed that the current Texas registration laws are adequate. However, 42.6% of respondents either disagreed or strongly disagreed that the current laws were sufficient. Such close numbers among a small sample size makes it impossible to determine what the results might be if all registered Texas lobbyists were surveyed. A somewhat larger majority, 60% of all sampled lobbyists, disagreed with the need for a nationwide lobbyist registration system. A response like this might indicate that lobbyists feel that lobbying regulations should be handled by each state rather than a nationwide system.

Participants were also asked two questions dealing with whether there was a need for formal training or education for lobbyists. Of the thirty-five lobbyists surveyed, 82.9% either agreed or strongly agreed that a requirement for formal training or education for all lobbyists would improve the professionalism of the occupation. The other 17.1% of those sampled disagreed that such a requirement would improve the professionalism of their occupation. When participants were asked whether having formal training or education on lobbying would aid in their success as a lobbyist, 68.6% agreed or strongly agreed. Such strong support for formal training or education for lobbyists may indicate that there is a need for universities to consider offering academic programs or for states to offer training programs for all registered lobbyists.

The final three questions on improving the professionalism of lobbying dealt with ethics. First, lobbyists were asked whether they felt there was a need for a universal code of conduct in order to improve the professionalism of lobbying. Of the thirty-five respondents, 68.6% either agreed or strongly agreed that there was a need for a universal code of conduct. The other 31.4% either disagreed or strongly disagreed that such a need existed. The second ethical question asked lobbyists whether they felt other lobbyists carry out their job in an ethical manner. A strong majority of 77.1% agreed or strongly agreed that other lobbyists work in an ethical manner. Finally, as stated above, 100% of all respondents strongly agreed that maintaining personal ethical standards aids in their success as a lobbyist. Overall, the results of these three questions indicate that the vast majority of those sampled feel that acting ethically positively influences their ability to succeed as a lobbyist. Furthermore, the lobbyists sampled also believe that the majority of the other lobbyists in Texas carry out their job in an ethical manner.

Table 4.1 provides the frequency of strongly agree or agree answers for each question about improving professionalism as well as the mode response given by participants.

**Table 4.1: Texas Lobbyists' Attitude toward Professionalism Issues**

<b>Sub-Categories</b>	<b>Questionnaire Item</b>	<b>Percent</b>	<b>Mode Response</b>
Professionalism	There is a need to improve the professionalism of the lobbying occupation.	74.3%	Agree (22)
Professionalism	Carrying yourself in a professional manner aids in your success as a lobbyist.	100%	Strongly agree (32)
Registration	Lobbyist registration laws in Texas are adequate.	54.3%	Agree (19)
Registration	A nationwide lobbyist registration system would increase the professionalism of the lobbying occupation.	40%	Disagree (21)
Formal Education Programs	The requirement of formal training or education for all lobbyists would improve the professionalism of the occupation.	82.9%	Agree (26)
Formal Education Programs	Formal education or training on lobbying would aid in your success as a lobbyist.	68.6%	Agree (21)
Ethical Standards	A universal code of professional conduct for lobbyists would improve the professionalism of the lobbying occupation.	68.6%	Agree (19)
Ethical Standards	From your experience, most lobbyists carry out their job in an ethical manner.	77.1%	Agree (25)
Ethical Standards	Maintaining personal ethical standards aids your success as a lobbyist.	100%	Strongly agree (35)
<i>N</i> =35			( <i>N</i> )

## **Trade Practices Questions**

The survey respondents were asked seven questions dealing with the importance of three specific trade practices. The first set of questions dealt with the trade practice of providing gifts or favors to legislators. The results show that 74.3% of the respondents disagree or strongly disagree that providing gifts or a favor to legislators is a trade practice that is widely used by Texas lobbyists. Almost a quarter of the respondents, 22.9%, believe that the trade practice of providing gifts or favors to legislators is widely used by Texas lobbyists. The second question dealing asked whether lobbyists felt that providing gifts or favors to legislators aids their ability to succeed as a Texas lobbyist. Of the thirty-five survey participants, 80% either disagreed or strongly disagreed with this statement. In fact, only 11.4% of the respondents agreed that this trade practice aids their ability to succeed.

A different response arose when lobbyists were asked two questions about the trade practice of making campaign contributions to legislators. On the question of whether making campaign contributions to legislators was a widely used trade practice of Texas lobbyists, 71.4% agreed that it was. The remaining 28.6% of respondents disagreed with the statement. An equal number-28.6%-disagreed that making campaign contributions to legislators aids their ability to succeed as a lobbyist. However, 60% of those sampled did agree that providing campaign contributions played a part in their ability to succeed as a lobbyist.

Such responses indicate that the trade practice of making campaign contributions to legislators may be far more widely utilized by Texas lobbyists than the practice of providing gifts or favors. These answers correlate well with the literature provided by

Stone (2008) which argues that while there is a crackdown on gifts or favors to legislators by lobbyists, such provisions do not apply to campaign fundraisers. Thus it may be possible that over a larger sample, the answers provided to the four questions given above may remain consistent.

The final three questions asked dealt with legislative networking. The first question asked whether legislative networking is a trade practice that aids in their success as a lobbyist; 100% of the respondents strongly agreed that it did. Respondents differed somewhat when asked whether experienced lobbyists or lobbyists who previously worked in politics had more access to legislators. Regarding whether experienced lobbyists have more access to legislators, 71.4% of those surveyed either agreed or strongly agreed that this statement was correct; the other 28.6% disagreed. On the last question whether lobbyists with previous experience in politics had more access to legislators, 68.6% of the respondents agreed or strongly agreed. The other 31.4% of those sampled either disagreed or strongly disagreed with the statement. The responses to these three questions indicate that Texas lobbyists feel strongly that legislative networking is an important trade practice of a successful lobbyist. Furthermore, a majority of those sampled feel that experienced lobbyists and lobbyists with previous political experience have an advantage when it comes to access to legislators.

Table 5.1 provides the frequency of strongly agree or agree answers for each improving professionalism question as well as the mode response given by participants.

**Table 5.1. Texas Lobbyists' Attitude toward the Importance of Certain Trade Practices**

<b>Sub-Categories</b>	<b>Questionnaire Items</b>	<b>Percent Agree or Strongly Agree</b>	<b>Mode Response</b>
Gifts or favors	Providing gifts or favors for legislators is a widely used trade practice of Texas lobbyists.	22.9%	Disagree (19)
Gifts or favors	Providing gifts or favors for legislators aids your ability to succeed as a Texas lobbyist.	11.4%	Strongly disagree (23)
Campaign contributions	Making campaign contributions to legislators is a widely used trade practice of Texas lobbyists.	71.4%	Agree (25)
Campaign contributions	Making campaign contributions to legislators aids your ability to succeed as a Texas lobbyist.	60%	Agree (21)
Legislative networking	Legislative networking is a trade practice that aids your success as a lobbyist.	100%	Strongly agree (35)
Legislative networking	Experienced lobbyists have more access to legislators.	71.4%	Agree (20)
Legislative networking	Lobbyists who previously worked in politics or as legislators have more access to members of Congress.	68.6%	Agree (18)
<i>N</i> =35			( <i>N</i> )

The results of this survey provide relevant information concerning the research purpose. The next chapter discusses what conclusions can be drawn from the research and suggestions for future research on this topic.



## **Chapter 5. Conclusions**

### **Chapter Purpose**

This chapter discusses the findings from the research and summarizes the opinions of the Texas lobbyists surveyed. This chapter also offers recommendations for future studies on this research topic.

### **Summary of Survey Results**

The purpose of this research was twofold: First, to determine if there was a need for a greater level of professionalism within Texas lobbying and if so, identify ways of making lobbying more professional. The second purpose was to describe three trade practices utilized by Texas lobbyists and identify the importance of each in aiding the ability of a lobbyist to succeed. The results of the survey indicate that 74.3% of the Texas lobbyists surveyed agreed or strongly agreed that there is a need for a greater level of professionalism within the lobbying occupation. Furthermore, 100% of survey participants agreed or strongly agreed that acting in a professional manner aids their ability to succeed. Such an overwhelming response may indicate that professionalism and credibility are strongly valued qualities among the majority of Texas lobbyists.

Although a solid majority of the lobbyists surveyed felt that there was a need to improve the professionalism in lobbying, respondents differed on what steps should be taken to achieve that goal. The literature indicates that a better registration system for lobbyists would increase the level of professionalism for the occupation. Yet, of the thirty-five Texas lobbyists surveyed, 54.3% agreed that the current Texas lobbyist registration requirements were already adequate. Furthermore, 60% of the survey

respondents disagreed that nationwide registration requirements would aid in increasing the professionalism of lobbying. The responses to these two questions may indicate that lobbyists feel that a state registration system is preferable to a nationwide registration structure.

When asked about formal training or education, 82.9% of the survey respondents agreed or strongly agreed that some form of required formal education or training for lobbyists would help elevate the professionalism of lobbying. In addition, 68.6% either agreed or strongly agreed that the implementation of formal education or training would aid in their ability to succeed as a lobbyist. These results indicate that the Texas lobbyists surveyed see the value in requiring individuals to complete some form of professional training or university-level education before being allowed to lobby. However, while many universities offer classes on public affairs or lobbying, the researcher was not able to find any university that offers a program that focuses solely on lobbying. A possible solution may be faster than the creation of university-level academic programs is the implementation of continuing education courses or seminars created by the state to help train lobbyists.

The value placed on personal ethical standards by the thirty-five Texas lobbyists surveyed was overwhelming: 100% of respondents strongly agreed that maintaining personal ethical standards aided their ability to succeed as a lobbyist. Of all the questions asked this was one of only two that elicited complete agreement among the lobbyists. Furthermore, 77.1% of the participants agreed or strongly agreed that, based upon their experience, most lobbyists carry out their job functions in an ethical manner.

An interesting part of the survey results is the response to the question of whether there is a need for a universal code of conduct for lobbyists in order to increase the professionalism of lobbying: 68.6% of the respondents either agreed or strongly agreed that a universal professional code of conduct would increase the professionalism of lobbying. However, this percentage is far lower than the 100% of lobbyists sampled who strongly agreed that personal ethical standards aided their ability to succeed as a lobbyist. What these results may indicate is that lobbyists feel maintaining a personal set of ethical standards negates the need for a universal professional code of conduct.

After being asked about the need to improve the professionalism of lobbying, the participants were asked their opinion on seven questions dealing with the importance of three trade practices: providing legislators with gifts or favors, making campaign contributions to legislators, and legislative networking. Concerning the trade practice of providing legislators gifts or favors, participants were asked two questions. They were asked if they felt the particular trade practice was widely used by Texas lobbyists, and whether they felt the use of that trade practice aided their ability to succeed as a lobbyist. In regard to legislative networking, respondents were first asked if this practice aided their ability to succeed as a lobbyist. They were also asked two questions concerning whether certain lobbyists had more access to legislators.

Of the thirty-five Texas lobbyists surveyed, 68.6% either disagreed or strongly disagreed that the trade practice of providing legislators with gifts or favors was widely used by Texas lobbyists. Furthermore, 80% of the Texas lobbyists surveyed also disagreed or strongly disagreed that the use of this trade practice aided their ability to succeed as a lobbyist. These results correlate well with findings in the literature that

indicate most lobbyists do not provide gifts or favors to legislators. The responses may also reflect an awareness of new laws, such as the Honest Leadership and Open Government Act mentioned by Stone (2008, 12), that are designed to severely limit the gifts or favors that lobbyists can give to legislators.

The results for the two questions dealing with the trade practice of making campaign contributions to legislators differed greatly from the response to the question about gifts or favors. A strong majority, 71.4% of the Texas lobbyists questioned, agreed that the trade practice of making legislative campaign contributions is widely used among Texas lobbyists. In addition, 60% of the respondents agreed that making campaign contributions to members of Congress is a trade practice that aids their ability to succeed as a lobbyist. The results may indicate that the literature is correct in arguing that lobbyists today are more likely to be pressured into making campaign contributions to legislators by the organizations they represent because of the recent campaign finance laws. As stated before, these responses also correlate with Stone's (2008) argument that the laws passed to crack down on gifts or favors by lobbyists to legislators have led to the unexpected result of lobbyists turning more to campaign contributions.

Of the three trade practices studied, legislative networking was the only one in which 100% of the respondents strongly agreed that this practice aided their ability to succeed as a lobbyist. These results are not surprising as the majority of the literature indicated that the success of a lobbyist in influencing policy development rests heavily on their ability to access legislators. What was of interest in the responses to the final two questions on legislative networking was the finding that lobbyists believe that more experienced lobbyists and lobbyists with previous political careers have more access to

legislators. A majority, 71.4% of respondents, agreed or strongly agreed that experienced lobbyists have more access to legislators. A possible explanation for these results is that legislators who have worked with lobbyists in the past might be more willing to give them access than a lobbyist they have never had a working relationship with. The same reason may explain why 68.6% of respondents either agreed or strongly agreed that lobbyists who had previous experience in politics or were former legislators have more access to members of Congress. Therefore, these results may indicate that name recognition might play an important part in determining how much access a lobbyist has to legislators.

It is important to note that a flaw exists in the structure of the survey when it comes to the trade practice of legislative networking. The researcher failed to ask survey respondents whether legislative networking is a widely used trade practice of Texas lobbyists. This question was asked about the other two trade practices (gifts or favors and campaign contributions), but was mistakenly omitted for legislative networking. However, given the 100% “strongly agree” response to the question of whether the practice of legislative networking aids in one’s success as a lobbyist, it may be inferred that legislative networking is a widely used trade practice among Texas lobbyists.

### **Suggestions for Future Research**

As noted earlier, the results of this study provide only preliminary insight into the opinions of lobbyists concerning important topics such as professionalism and trade practices. In order for future research to make reasonable assumptions about Texas lobbyists as a population, a much larger sample size would be necessary. In addition, future researchers may consider incorporating questions concerning the type of

organizations a lobbyist works for, and possibly the gender of the lobbyist, in order to determine if survey responses vary among different groups of lobbyists. Future researchers may also consider studying other trade practices of lobbyists, or expanding the study of campaign contributions by tracking whether this method of influence has any impact on voting patterns.

A final suggestion for future research would be to ask similar survey questions of members of Congress or their staff. Their responses would indicate whether legislators and lobbyists think differently when it comes to the need to improve the professionalism of lobbying, as well as which trade practices legislators feel are more widely used among Texas lobbyists.

Reproducing this study on a larger scale could easily be accomplished. A longer time period for the study would allow for more participants, which would provide greater insight into the opinions of Texas lobbyists concerning their occupation.

## **Conclusion**

The occupation of lobbying plays an important part in the policy development of the local, state, and federal governments. The work done by lobbyists to pass or defeat legislation affects all agencies that employ public administrators. Furthermore, many public administrators have gone on to find successful careers in the field of lobbying. It is for those reasons that this research into the field of lobbying can provide useful insight for administrators who seek to better understand the outside influences that affect the agencies for which they work.

Beyond the benefits this research provides to administrators, this study was also conducted as a beginning step toward better understanding and humanizing an occupation

that currently suffers from a negative perception in the eyes of many. Corrupt lobbyists exist just as dishonest lawyers, doctors, and accountants exist. However, through efforts to professionalize the occupation of lobbying and by debunking the negative stereotypes associated with the occupation, it may be possible to understand the value of lobbyists in the democratic process. Further research on understanding the attitudes, opinions, and workings of lobbyists can only help in improving the public perception of this occupation.

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## Appendix A. Survey

### Improving Professionalism

**1. There is a need to improve the professionalism of the lobbying occupation.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(9) (22) (4)

**2. Carrying yourself in a professional manner aids in your success as a lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(3) (32)

**3. Lobbyist registration laws in Texas are adequate.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(4) (11) (1) (19)

**4. A nationwide lobbyist registration system would increase the professionalism of the lobbying occupation.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(21) (10) (4)

**5. The requirement of formal training or education for all lobbyists would improve the professionalism of the occupation.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(6) (26) (3)

**6. Formal education or training on lobbying would aid in your success as a lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(11) (21) (3)

**7. A universal code of professional conduct for lobbyists would improve the professionalism of the lobbying occupation.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(5) (6) (19) (5)

**8. From your experience, most lobbyists carry out their job in an ethical manner.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(4) (4) (25) (2)

**9. Maintaining personal ethical standards aids your success as a lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(35)

**Trade Practices**

**10. Providing gifts or favors for legislators is a widely used trade practice of Texas lobbyists.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(5) (19) (3) (8)

**11. Providing gifts or favors for legislators aids your ability to succeed as a Texas lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(23) (5) (3) (4)

**12. Making campaign contributions to legislators is a widely used trade practice of Texas lobbyists.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(10) (25)

**13. Making campaign contributions to legislators aids your ability to succeed as a Texas lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(11) (3) (21)

**14. Legislative networking is a trade practice that aids your success as a lobbyist.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(35)

**15. Experienced lobbyists have more access to legislators.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(10) (20) (5)

**16. Lobbyists who previously worked in politics or as legislators have more access to members of Congress.**

Strongly Disagree-----Disagree-----No Opinion-----Agree-----Strongly Agree  
(4) (7) (18) (6)