



1967

Reviews

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Recommended Citation

Andrew J. Biemiller, *Reviews*, 77 *YALE L.J.* (1967).

Available at: <https://digitalcommons.law.yale.edu/ylj/vol77/iss2/7>

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Reviews

The Lobbyists. By *James Deakin.* Washington, D.C.: Public Affairs Press, 1967. Pp. viii, 309. \$6.00.

In 1862 Congress passed the Morrill Land Grant College Act, giving to the states, roughly in proportion to their population, a gift of federal lands to be used for the establishment or support of state colleges. For reasons too complex to be examined here, a wealthy New York state senator named Ezra Cornell offered to donate \$500,000 if the Morrill money for New York went to a single institution rather than being divided among two or more of the many eager applicants. His plan had the indispensable support of a scholarly young state senator named Andrew D. White, whose studies at European universities had confirmed his low opinion of higher education in America. Though the project is rightly described as Mr. Cornell's, the form and policies of the institution which finally resulted owed most to Mr. White, who became its first president.

Certainly by any standard of the public good, Mr. Cornell's proposition should have been promptly embraced by a grateful state. But it was not that easy. Since Cornell contemplated a non-denominational college he was opposed by all the denominational institutions, even those which had little hope of latching on to the Morrill funds. The situation was further complicated by an earlier legislative action which assigned the Morrill money to a rival institution which was, however, no nearer physical existence than Mr. Cornell's project and which lacked a sponsor who would so generously supplement the federal grant.

Nonetheless, after a lobbying campaign remarkable for its vigour and resourcefulness, Senator Cornell's plan was accepted. A new state insane asylum was authorized in the same county as one of the hopeful claimants, insuring the support of a most influential state senator from that area. The Methodists, perhaps the most determined denominational opponents, were bought off when Mr. Cornell agreed to throw in another \$25,000 to endow a chair of agricultural chemistry at Genesee College, a Methodist school; that agreement, at Mr. Cornell's insistence, was written into the final legislation. The originally designated but non-existent rival institution was subverted by including

in the Cornell bill a provision that it could retain its rights if, within a stated time, it raised an adequate amount of outside money (a requirement it had no chance of meeting), and, more importantly, by flattering important members of its board of trustees, including Horace Greeley, with the promise of trusteeships in Mr. Cornell's undertaking. It was later charged that other promises were made to officials of the rival college, only to be broken, but there is no proof of this. Supporters of the New York Central Railroad, backing a bill for a rate increase, and devotees of another measure providing for the construction of a new state capitol, were quietly told that their pet projects would remain locked in senate committees until the Cornell bill emerged. Finally, during the key vote in the state assembly, Cornell supporters were stationed in the cloakrooms to chase back waverers who tried to hide there to avoid the question.

In this way was the plan finally enacted. As the late Professor Carl Becker of Cornell summed it up in a delightful lecture series, published by the university in connection with its 75th anniversary in 1942,

of the 22 men who voted against the motion none were from Genesee county, the home of Genesee College, none from Albany where the new state capitol was to be erected, and only one or two from those regions where the New York Central may be supposed to have had some influence in persuading representatives that corporate profit is a public benefit.

The legislative history of the Cornell bill covers almost the whole lobby spectrum. There was money (though not bribery), flattery, cajolery, log-rolling, the promise of future honors, and what purists might call legislative blackmail. The fact that the two chief proponents of the Cornell plan happened to be members of the state senate is irrelevant; they might well have acted in exactly the same way as lobbyists for someone else's cause in which they happened to believe.

It is this many-faceted aspect of the legislative process which James Deakin has captured and commented upon in *The Lobbyists*. He has written a solid, perceptive description of lobbying, past and present; his own commentary and conclusions are thoughtful, restrained and sensible. It would surely be churlish of me to be unduly critical of Jim Deakin's book since his several references to me are so kindly, but I am not disposed to be harsh in any case.

What the book does unavoidably lack is the flavor of lobbying as it strikes the palates of those who are directly involved in it. At the risk of sounding like one of those Elders whose counsel has been rejected

by every younger generation at least since the time of Socrates, I would venture to suggest that there are some aspects of lobbying that can be thoroughly appreciated only by veteran lobbyists and veteran legislators. Since I actively qualify on the first count, and can claim emeritus status on the second, I have a few somewhat different observations to offer.

To an old practitioner lobbying is both less mysterious and more subtle than Deakin suggests. One side of the lobbyist's job is sheer hard work—the hard work of knowing all that can be known about the members of Congress, their prejudices and their enthusiasms, their friends and their enemies; the hard work of knowing all that can be known about the issues we support, so we can discuss them in depth, in detail, and in regard to their impact on every state and every congressional district. The other half of the work is getting along with legislators. In this my staff and I do our utmost to follow three precepts laid down by the President of the AFL-CIO, George Meany—not just because he is the boss, but because his record, first in Albany and later in Washington, qualifies him as one of the most successful lobbyists of all time. Mr. Meany's rules are quite simple: "Don't beg; don't threaten; don't assume you are always 100 per cent right." As in a better known triad of virtues, the last is probably the most important. But we at the AFL-CIO endeavour to apply them all, and to remain on at least civil terms with all members of the Congress, though there are a few whose (to me) unprincipled opportunism is more than my personal supply of Christian charity can embrace.

The pragmatic value of friendliness toward all but your very worst enemies I learned during my first year as a member of the Wisconsin legislature. I was courted by an amiable operator named Eddie Malloy, who had managed the not inconsiderable feat of being retained by both a large food chain and the state's loose organization of independent grocers. Since, by politics and conviction, I was a dedicated advocate of consumers, the blandishments of Mr. Malloy—which in all fairness, involved nothing more than invitations to dinner or a drink—were without avail. After some months, during which we had become friends of sorts from sheer propinquity, I asked him why he persisted in a courtship that was clearly so futile. "Andy," he said, "there are two things about this business. First of all, you never can tell when an issue will come along that we'll see the same way. And second, in the meantime, you never make enemies." There did indeed come an issue, to my great surprise, on which Eddie Malloy and I were on the same side; and the fact that we had remained friends

through months of political disagreement was of considerable help in its successful outcome.

The 30 years since the Eddie Malloy days have been divided almost evenly between being lobbied at—in the Wisconsin legislature and later in Congress—and being a lobbyist. As a former legislator turned lobbyist I am particularly aware of the differences between those two roles. And, not surprisingly, the perspectives gained from one side of the process are invaluable in plying the other side. Like the newspaperman who succeeds in public relations, I have tried to act as a lobbyist by the standards I appreciated in lobbyists when I was their target. It is very likely that as the chief lobbyist for the AFL-CIO I am advancing those causes in which I believe more effectively than I would be able to had I been astute enough or lucky enough to hold on to my old seat in Congress. I suspect that in part I am able to do so because of the long standing and widely recognized role of the AFL-CIO as a “people’s lobby” on all sorts of issues, including many of little or no direct concern to the trade union movement as such. That tradition dates from the early nineteenth century when the first, fragile labor organizations were campaigning not just for their own survival—which, by the way, was a lost cause—but also for free public schools. It has been of national importance since at least 1881 when the direct predecessor of the AFL, the Federation of Organized Trades and Labor Unions of the United States and Canada, held its first convention in Pittsburgh and issued a platform bristling with legislative demands, including compulsory public education and the abolition of child labor.

The discussion of reforms of lobbying, a discussion in which Mr. Deakin takes part, must never lose sight of a number of factors. The power of lobbying is not without its limitations. There are forces that no lobby or combination of lobbies can defeat, and chief among them is a determined and popular President of the United States. In 1961-62, for example, President Kennedy was thoroughly sold on the idea of a 7 per cent income tax credit for new business investments. We in the AFL-CIO were not sold at all. Neither, as it turned out, were the United States Chamber of Commerce, the National Association of Manufacturers, the American Farm Bureau Federation, or the National Farmers Union. For widely disparate reasons all these supposed powerhouses brought before the Congress their most impressive spokesmen, and exerted all their persuasive powers in congressional offices. We lost. In the end the President had his way.

An equally important force, which Mr. Deakin recognizes but per-

haps treats too lightly, is the impact of public opinion, organized or not, upon the members of Congress. For us in the AFL-CIO this is of the greatest importance, because in terms of sheer numbers, we have our strongest voice in highly-industrialized states which are the largest but the least numerous, and therefore a minority voice in the Senate. In those states the big unions in the big plants, with masses of members and well-established communications systems, cannot be ignored. But the more sparsely-settled and less-organized states also have Senators and Congressmen, who may need only some local voice of reason to see things—or some things—our way. There we need unions like the Communications Workers, the Grain Millers, the railroad brotherhoods—unions whose members are often the only trade unionists in town and for miles around.

But in big states or small, great cities or tiny villages, what kind of lobbying can we conduct, amateur or professional? What actual influence can the spokesmen for any interest have upon a member of the Congress, or even on a state legislator?

All we in the AFL-CIO can do, as a lobby, is to follow a course so virtuous that it is almost embarrassing to describe it. We provide facts. Lobbyists play their most important role in the legislative process as sources of information—and the artistry is to provide the right facts to the right legislators. For, surprising though it may seem, there are a good many politicians, even conservative ones, who are swayed by facts. It was that rather than prejudice or preconception which led a deeply conservative former chairman of the Senate Finance Committee, the late Walter George, to support the labor movement's push for disability benefits under social security, and to lead the floor fight to enact it. It led a more recent and equally conservative chairman, the late Harry F. Byrd, Sr., to acknowledge the soundness of our "conservative approach" to social security changes as against the "radical" ideas of the United States Chamber of Commerce.

At least equally important, as I learned during my years in Congress, is the information which lobbyists can supply that is quite unrelated to the actual merits of the issues involved. An excellent example of this involves what was known, to my excessive satisfaction, as the Taft-Biemiller Bill to extend federal aid to medical colleges. Naturally I was anxious to have a part in guiding this precious measure through the elaborate machinery of the House, particularly through the Interstate and Foreign Commerce Committee to which it had been referred. Yet as a very junior member I had no assurance that I would even be assigned to the committee that would handle the bill, especially since

the elderly committee chairman was known to take a dim view of eager youngsters who threatened to upset the slow, established order he cherished.

At this point I was fortuitously visited by a lobbyist for the Railway Clerks, also elderly, behind whose mild and inoffensive manner lay a store of knowledge that made him a very effective fellow. Some people contemptuously dismissed Hartman Barber because he carried a briefcase which must have been 30 years old, and they failed to recognize the value of 30 years' accumulated knowledge. Mr. Barber's primary interest was amending the Railway Labor Act to permit the union shop, a measure that would come before the same committee as my bill. Because of my trade union background he also wanted me on the committee, so he viewed my problem with sympathy. It turned out that among the miscellaneous information Mr. Barber had acquired over the years was the fact that the committee chairman, the dragon whose approval I ached to have, was a lifelong devotee of Henry George and the single tax. "Didn't you do graduate work in economics?" Mr. Barber asked me. He didn't have to wink. I promptly wrote to the chairman, expressing my pleasure at learning that we had so compelling a common interest as the single tax, and hoping that some day we might have an opportunity to discuss it. An invitation came immediately by phone. We had a very pleasant session, and as a sort of afterthought, I wound up on the committee in charge of my precious bill.

Somewhat later, Mr. Barber's union shop bill for railroad workers made its way through the normal committee route but was lodged, apparently without hope of revival, in the House Rules Committee. Another railroad lobbyist, Cy Anderson, called my attention to a loophole in the House Rules—to wit, if a bill identical to a House committee bill were passed by the Senate, provided no money was involved in it, the bill could be brought before the House without referral to the Rules Committee. This shook me a little, since I fancied myself as an expert on the procedures of the Congress. I was somewhat consoled by the surprise of the late Speaker, Sam Rayburn, when a three-member committee on which I served offered the same proposition to him. He acknowledged we were right; the bill was passed on January 1, 1951, the last day the 81st Congress could possibly meet.

Not only do lobbyists serve a useful role, but bribery is largely a thing of the past. Mr. Deakin makes much of problems of outright corruption and the purchase of votes, directly or indirectly, by gifts,

extravagant favors, or contributions to political campaigns. While my views may be assailed as naive, or—more unjustly—even as disingenuous, I am firmly convinced that at no time during my years in public life, and probably at no time since the Credit Mobilier scandals during the administration of Ulysses S. Grant, has the ultimate course of Congress been determined by bribery of any sort. Over the last century there has been no dearth of bribe-givers and bribe-takers. But with the enfranchisement, both legally and operatively, of many more millions of Americans, what used to be called “money power” has lost its omnipotence. Certainly the American political system is far removed from the day when Daniel Webster could, in effect, support the Bank of the United States and then bill Nicholas Biddle for his professional services. The worst that happens, I think, is excessive generosity by some special interests to members of Congress who would have supported them anyway. And that problem is certainly no worse than the difficulties which arise from the conduct of federal departments and agencies—perhaps the last great arena, at least in the federal government, for the champagne and caviar school of lobbyists. By and large, at both ends of Pennsylvania Avenue, what is right has a better chance now than ever before. What is right can prevail today simply because of its rightness, far more easily than it could in that era which some recall as simple, pure and idealistic, but which was in fact far more corrupt in every sense.

This is not to deny, however, that both Congress and the public have a need and right to know of the existence and magnitude of lobbying efforts. That need is largely going unfilled; many individuals and organizations who are undeniably attempting to influence legislation do not register at all under present law, blandly maintaining, without legal rebuke, that they are merely engaged in the praiseworthy pursuit of public enlightenment. The National Association of Manufacturers, for example, unsuccessfully carried its legal battle against filing to the Supreme Court, but still has not registered since 1950. Mr. Deakin rightly points out that “some other large organizations—among them the American Bankers Association, Americans for Constitutional Action and the American Power Association—likewise do not register or report as organizations, although some of their individual employees do register as lobbyists.” A notorious current example is the American Rifle Association, which neither registers nor reports its lobbying activities.

Mr. Deakin offers an eight-point outline of a stronger lobbying law. He would require all persons and organizations actually engaged in

lobbying—that is, in efforts to influence legislation—to register and to report their income and expenditures in detail. The requirement would extend to so-called “grass roots” lobbying, the stimulation of “spontaneous” public opinion, and to lobbying carried on in the executive departments and the federal regulatory agencies. To be sure such reforms are needed, and we in the AFL-CIO will continue to fight for them. But as one who has seen service both in a state legislature and in the Congress, I doubt that the ultimate solution to the problems in lobbying can be found in further regulation of lobbyists. The most stringent proposals Mr. Deakin describes would, if enacted, be of little effect without action by both houses of Congress requiring their members to make a regular accounting of their own finances— income and expenses, assets and liabilities.

Until the Congress does this, there will be those who, like Mr. Deakin, believe that American government is more corrupt and more influenced by lobbyists than it really is. As one who really believes in the American legislative system and who deplores the cynical skepticism of many Americans—I wish that Congress would do it. The whole political climate here, and the attitude of foreign observers of our system, would be the better for it.

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