Michael Pertschuk

He is the former chairman of the Federal Trade Commission. Yet, some of his best friends are lobbyists. They don't lobby for the special interests; they lobby for arms control, civil rights, the environment, consumer safety, and justice. This is their story.

Giant Killers

MICHAEL PERTSCHUK

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To David and Kathleen and all the other good lobbyists

Contents

Preface

I'M NOT EXACTLY NEUTRAL about lobbying. For the last 20 years, I've seen myself as a partisan of public interest causes. Where I wasn't participating—and lobbying myself—I was cheerleading. And though we've blundered from time to time, and can hardly claim a lock either on virtue or wisdom, I do believe that the goals we've sought embody the most generous impulses of the American tradition. And there was much joy in the effort.

This book began simply as a celebration of "great moments in public interest lobbying history"—a chance to tell some good stories for the first time. For the truth is that journalists as a rule have not been much interested in the stuff of lobbying—unless it gives off a foul aroma. Private interest lobbying sometimes does; public interest lobbying, rarely. If there is corruption in public interest lobbying, it's likely to be corruption of the spirit, which is generally less newsworthy than PAC contributions. Political scientists, on the other hand, tend to weigh lobbyists by the gross in divining whether the scales of government are properly balanced, leeching the life-blood out of lobbying in the analytic process.

And for all its high—or low—purpose it is also useful to acknowledge that lobbying is, for all of us at times, a game. Of course we like to win in part because we believe our cause is just, but also because winning is more satisfying than losing. Playing is also satisfying, especially the knowledge of having played skillfully. Then, when the game is worth the candle, when the lobbyist feels in his or her bones that the cause serves the public interest, the pleasures are immeasurably heightened.

What can we learn about public interest lobbyists, and how can we take the measure of their contribution? In getting the answers to these questions, I had two advantages and one liability. First, 25 years mucking about in the legislative process at least left me with some understanding and smell for the dynamics of lobbying —and of legislative myth and reality. Second, I was known and, generally, trusted as a colleague by public interest lobbyists.

I had to get the lobbyists to talk of things which most lobbyists prefer to keep quiet. Most lobbyists believe that their effectiveness shrinks in inverse proportion to their notoriety. They are also reluctant to dispense "trade secrets" indiscriminately. So I had to find lobbyists who shared my belief that the benefits (and the pleasures) of shedding light on their successes outweighed the risks—especially those who believed that a part of the obligation of the public interest advocate is to demystify the process. They also had to trust me.

The liability is the other face of trust, and should be baldly disclosed: at least half of the lobbyists I've chosen to memorialize —on both sides,—are old friends. And those who weren't friends before, are now!

There are obvious risks in this—and losses. As I interviewed them, I urged them to be as open and candid as possible—with the understanding that if, seeing their words in print, they experienced the sinking feeling that they had alienated a potential ally, or turned a casual opponent into an enemy, I would drop or modify the offending words. Their sensitivities varied greatly and often erupted where I least expected them. I didn't end up deleting much that I thought was important, but there were a few keen insights and some colorful characterizations which had to be muted.

On the other hand, I did not rely on the lobbyists to evaluate their own successes. Those judgements come from neutral observers, and, most convincingly, from their opponents.

If friendship exacts an inevitable toll in objectivity, it also has rewards for the reader. I caught several of the lobbyists in the first flush of victory. The first interviews with David Cohen and Kath-

leen Sheekey on the MX campaign took place a few days after the climactic vote in 1984. The sense and feel of the campaign was fresh. The memories had not yet become old war stories. In many places, what you will read are their true and unrehearsed voices: the natural song of the public interest lobbyist.

These are not legislative case studies, attempts to record exhaustively all the critical events and causes leading to the outcome. For each of these campaigns, that would take a book—a tedious book.

Instead, I've tried to highlight in each case the particular qualities that made that campaign special. That causes problems: the stories are by no means "the whole truth." As I circulated the drafts of each campaign story to the central figures for comment and protest, there was a uniform, predictable response: first, the reader would take honest pleasure at seeing his or her labors generously memorialized; then horror, with the realization that everyone else involved in the campaign would resent the choice of heros and, unfairly, suspect self-promotion when none had taken place.

Of course, no one is likely to be disturbed when a legislative disaster is laid at someone else's door. But these are success stories, and it is the coarsest of clichés that while failure is an orphan, success has a thousand progenitors. There will be dozens, perhaps hundreds, of participants who will read each of these accounts and grouse: "Hell, I played as important a role as these guys, and, besides, the critical moments and decisions took place at a different time and in a different forum"—and they may be right.

As David Cohen is fond of saying, lobbying is additive. Lots of people do lots of things right, and you may win. I myself have toyed with a theory that the "compleat" public interest lobbying campaign resembles a matchstick pentagon (or hexagon; I waver). This theory suggests that, in the absence of extraordinary circumstances, no significant public interest campaign which confronts a substantial adversary can succeed without five sides: (1) a broad "outside" grass-roots movement or its proxy, an organized constituency; (2) "inside" leadership, committed congressional and

congressional staff leadership; (3) a network of supportive policy professionals/experts; (4) alert and sympathetic media, and (5) professionally sophisticated lobbyists. An exhaustive analysis of each campaign chosen would reveal the presence of each of these elements. I've tried to touch on each of them, but for the most part, lightly. Which means that there are lots of deserving citizens whose contributions are slighted. From them, I beg forgiveness—especially when they've paid for the book, expecting justice.

So this book, which sprung from the simple urge to tell good stories, ended up freighted with larger ambition.

To the citizen despairing of our democratic institutions, I want to sound a note of hope. Most Americans, polls tell us, believe that the government in Washington is not responsive to the needs and desires of "people like me." That's often a fair assessment, but it isn't always so. Citizen movements—and especially the coupling of those movements with the craft of political advocacy—can make Washington and other legislatures respond and topple giant private interests.

To the leaders and volunteer workers in great and small public interest movements, I hope to convey a sense of the requisite skills, strategies and tactics by which citizen groups with limited resources can prevail. I'd like to overcome lingering aversion to the moral untidiness and ambiguity of politics, and especially of lobbying, to celebrate public interest lobbying as a flowering, not an excrescence of democracy.

To young people tempted to forego the comfort and security of corporate and other private sector careers, I confess to a proselytizing urge: there is a need for public interest lobbyists. There is a career to be made out of the craft of lobbying for the things that you believe in. Though you will lag behind your contemporaries in BMWs, if not Cuisinarts, it's really worth it. It's as if you had a chance to join a sandlot team, which perversely insisted upon taking on the Yankees and then miraculously won—certainly not always, not even often, but often enough to keep hope alive. Also, in a world of institutions that seem hopelessly bureaucratized and impersonal, lobbying is the most personal and individualistic of

crafts. Even on the national stage, individuals can make a difference—Nader calls them "sparkplugs."

A skeptical interviewer once challenged the unquenchable Democrat, I. F. Stone: "And you believe people can still turn the defeat we all face into a victory?" Stone responded: "A friend once gave me a word of hope; he said, 'You know Izzy, if you keep on pissing on a boulder for about a thousand years, you'd be surprised what an impression you'd make.' You never can tell; sometimes you win."