

Comparative Lobbying Practices: Washington, London, Brussels

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This paper is very much a first draft of a larger on-going study of the extent to which lobbying activities and techniques in the three largest and most significant lobbying markets in the world are influenced and shaped by the particular institutional frameworks which operate in those political environments – Washington, London and Brussels. It is intended to provide an identification of the activities which are undertaken by lobbyists in Washington, London and Brussels; to move towards a comparative description of the lobbying techniques which are employed in those places; and to determine how much and in which ways are those activities and techniques related to the policy making processes and political structures which operate in those locations.

This paper is very much a first draft of a larger on-going study of the extent to which lobbying activities and techniques in the three largest and most significant lobbying markets in the world are influenced and shaped by the particular institutional frameworks which operate in those political environments – Washington, London and Brussels. The data presented here is the result of a series of meetings with 35 lobbyists in those cities, which took place in June and August 2001¹. A further set of meetings is to be held later in 2002.

Two prominent writers on interest groups have asserted that:

While much scholarship exists on the techniques of lobbying in the American political system and, to a lesser extent, on other Western countries, there is [sic] no comprehensive comparative studies of these techniques. Thus, we have little understanding of the extent to which the methods and processes of lobbying, one of the most common of political activities in pluralist democracies (indeed, in all political systems), are specific to particular systems or share certain common elements (Thomas and Hrebenar, 2000, p. 1).

Indeed, much of the work on lobbying to date falls into one of two categories – there is a plethora of “how-to” books written by practitioners, which seek to describe those activities which are commonly employed in a given country², and then a smaller number of books which adopt a much more theoretical and academic approach³. The purpose of this project is essentially to identify a middle way between these two modes of thinking about lobbying. It is intended to provide an identification of the activities which are undertaken by lobbyists in Washington, London and Brussels; to move towards a comparative description of the lobbying techniques which are employed in those places; and to determine how much and in which ways are those activities and techniques related to the policy making processes and political structures which operate in those locations. At this stage of the study, the author is focusing more on presenting some of the data obtained from the lobbyists themselves – in order to identify and describe certain key themes, issues and perspectives – and less on placing that data in a theoretical context.

Definitional issues

It still remains impossible to discuss lobbying sensibly without embarking on an examination of the ways in which practitioners and academics define this industry. A host of terms are used – often almost interchangeably. Are we concerned with lobbying, or government relations, or public affairs, or even some other descriptor? One of the characteristics of a profession is that the people who are engaged in that work have some commonly-agreed notion of what it involves; the lobbying industry has yet to forge such a consensus. And what is the relationship between public affairs and public relations?

Lobbying, government relations or public affairs?

Even today, many practitioners are uncomfortable describing themselves as lobbyists, although this may be less true in America than in the UK or the European Union⁴. One American consultant who specialises in advising non-profit organisations and local government is proud to call himself a lobbyist: ‘On my card it says “registered professional lobbyist”. It causes me no difficulty here in Washington, but it does cause me some difficulty with our clients who sometimes take the word lobbyist as a dirty word’ (Marlowe, 2001). Another commercial consultant in London recognises that this problem has its roots in some truth – ‘Lobbying at one stage was all about the dinner party, conversations, and prawn cocktail events, taking people out’ (Butler, 2001).

If lobbying essentially describes the direct advocacy of a point of view about a matter of public policy, it is clearly inadequate as a description of the actual work undertaken by most people in the industry. As the following section on lobbying activities makes clear, advocacy is something that many consultants do infrequently or never; most of their work is about enabling clients to perform their own advocacy: while this is most true in London, it has become a feature in Washington and Brussels also. The terms “lobbying” and “lobbyist” do, though, continue to be useful in the sense that their meaning is widely recognised. As Thomas and Hrebenar have said:

The big advantage in using the term “lobbyist” is that, even though it is shunned by many countries and primarily associated with the United States, it is widely understood and the functions of the lobbyist more clearly recognised across the western world than any other term. Therefore, while far from ideal, it is the most appropriate term to use in comparative analysis of lobbying activity (2000, p. 9).

One clear benefit to lobbyists themselves of being unafraid of term is that otherwise it is in grave danger of being appropriated for use solely by journalists and members of the public to reinforce a notion that lobbying is illegitimate and unethical.

That said, though, government relations is often employed to describe the influencing of public policy, in preference to lobbying. This activity is summarised by a London-based consultant at a global agency as follows: ‘We do advise clients on relationships with Government officials. We identify opportunities to raise their awareness of the client and their profile. We help clients to draft materials for when they speak to Government. We identify who they should go and talk to (and in some cases we will set up these meetings but we will not attend)’. One of the most prominent female lobbyists in Washington has described her company as ‘a classic government relations firm. We do everything that is important in terms of education and advocacy for our

client which includes all three legs of the lobbying stool - direct contact with Capitol Hill, building coalitions (which we do a lot of), and also public outreach and political contact which are important. We work at every level of government including not only the Congress but the administration and the regulatory agencies and the outside world' (Wexler, 2001)

Even when attempts are made to differentiate between lobbying and government relations, the reader is not always left any the wiser. Charles Mack defines lobbying as 'the process of influencing public and governmental policy. Lobbying involves the advocacy, either by individuals or by groups, of a point of view – the expression of an interest that is affected, actually or potentially, by the affairs of government' (1997, p. 2). He goes on to define government relations as 'the application of one or more communications techniques by individuals or institutions to affect the decisions of government' (1997, p. 4). Both definitions appear relatively clear, even if the practical distinction between them is a little less than obvious. But, almost immediately, the waters are muddied further: 'Government relations applies marketing and political techniques to the objectives of lobbying' (1997, p. 5). The only thing which remains clear by this point is that there is a real need for generally agreed, highly specific, definitions of the key terminology to be developed for use by both practitioners and academics.

Alan Butler suggests that the distinction between government relations and public affairs is one which owes its basis to the origin of the lobbying industry in America, and moreover that it is now becoming outdated:

I worked for a government relations company so we didn't have any contact with the media. We proudly boasted in our literature that we never talked to journalists. It sounds ludicrous today. You pick up the newspaper and every issue that affects the client is rehearsed and you can see it going directly into No. 10. That is because of the way the industry was set up in the US. There were government relations companies which lobbied only on legislation and acted like lawyers, they drafted it, they got people to vote for it, they drafted the speeches and in a true sense of lobbying they petitioned public representatives as they entered and left the parliamentary chamber. So that is how government relations came about. Over time in the States it has developed into something very similar to what we call corporate communications – it's issues management, it's using the media where you have political issues. There is still this great divide – government relations versus public affairs - for a large number of practitioners. That will close and I think London will look very much like the US within two or three years in terms of the terminology. Eventually every company in the market place will use the term public affairs (Butler, 2001).

However, he goes on to acknowledge that the term public affairs itself is not yet universally accepted, or the activities which it encompasses fully agreed: 'I suspect if you read any brochures of any of the firms, they're all the same ... but they won't really tell you what public affairs is and that is really because, as an industry, we are still struggling to find out' (Butler, 2001). In very general terms, public affairs appears to encompass all corporate functions related to the management of an organisation's reputation with external audiences – usually including lobbying or government relations, media relations, issue management, and community relations. One commercial lobbyist in Washington has suggested a military analogy - that government relations can be seen as the 'ground effort', while public affairs provides 'air cover'. The head of the Public Affairs Council in Washington has said that:

We were created at the urging of President Eisenhower who felt, among others, that the business community was not nearly as strategic as it could be in how it dealt with Government. You had the field of public relations, which has been around a very long time; you had lobbying, which has been around a long time, of pure government affairs. But, the whole notion of companies working strategically to try to assess and manage their business environment was a relatively new field. I say sometimes that public affairs is the art of doing things on purpose instead of waiting for things to go wrong and needing a crisis plan or needing an emergency lobbying effort to pass or kill a piece of legislation. Public affairs is an attempt to to monitor and manage one's business environment. Within that field there are many functional areas such as lobbying, issues management and when I say lobbying it could be at the state level with this country or national, local or even working on international issues. We view public relations really as very closely related to what goes on in government affairs and many companies don't integrate them often enough (Pinkham, 2001).

Some practitioners, particularly in London, take a less inclusive or encompassing view of public affairs, almost equating it with government relations although with a twist of communication theory. The managing director of a large and highly-regarded public affairs agency there remarks that: 'You could spend a lot of time talking about what is public affairs and almost everybody will have a slightly different definition. Unusually, I think we deal with communications as not being defined and determined by it being a communications discipline but being determined by its target audience. So, I would see as that target audience the politicians, the governments, the regulators, international inter-governmental bodies etc. If you like any person, body or organisation that is involved in developing, defining or implementing public policy, I regard as a target audience and I regard focusing on them as being something that defines public affairs'. Such a definition tends to downplay the role of the media, the general public, and a host of other external stakeholders. Another consultant in London states that his firm offers two broad areas of service: 'public affairs and government relations' and 'corporate reputation management' – 'in other words, policy plus PR' (Anderson, 2001).

Two British academics have suggested that,

The *lingua franca* of what appears to be the principal two arms of public affairs – government relations/lobbying and community relations/corporate responsibility – can be seen as “dialogue at both a societal and government level”. By implication, those working in the public affairs field increasingly are required not only to be proficient communicators, but to have a sound appreciation of how the political parties work, develop policy, are influenced, run campaigns and are funded. Moreover, the type of issues and challenges that normally fall within the public affairs domain generally require far more complex and sophisticated solutions than those required when tackling market-related promotional campaigns' (Harris and Moss, 2001, p. 108).

Public affairs and public relations

Without question, one of the most problematic elements involved in the debate about the definition of lobbying has been the proper nature of its relationship to public relations.

Traditionally in Britain there was very little point of connection between lobbying or government relations and public relations (as indicated above by Butler), although this is currently changing somewhat. By contrast, in the United States the two activities have had a much closer relationship. As Howard Marlowe points out: 'I think that there is an extremely important convergence between lobbying and public relations and in fact many of the public relations firms were the first to branch out into lobbying and the law firms followed and now we have conglomerates going in. I think it is critical that clients understand how to deal with the media in both a response sense and a proactive sense' (Marlowe, 2001). Another Washington-based consultant at a PR firm which also offers government relations services argues that public relations is a broad form of communication which encompasses lobbying: 'Public affairs is about trying to impact public policy by working through elected officials but I always think of lobbying as being a very narrow form of public relations really because you have a very small set audience sometimes it is a congressional committee of 20 members whereas in public relations you are dealing with a much broader audience'.

Others hold a quite different view. According to one commercial consultant in Washington, 'if you can do public affairs, you can do public relations; if you can do public relations, you can't necessarily do public affairs.... Elected officials, regulators, people in Brussels, wherever, they are different animals. They require different skills, a different knowledge base. If you don't know the rules of the House and Senate, you cannot do public affairs'. The head of the Public Affairs Council partially agrees: 'If your experience of public relations is purely media relations, dealing with the press, it is very hard to go from there to understanding how government works and how to make change in government and how to lobby and how to manage those issues. If your area of public relations has been managing issues and reputation and understanding the various things that go into that and especially if you have been involved in strategic public relations involving public policy then getting involved in governmental related policy is not as big a stretch' (Pinkham, 2001).

Anne Wexler (whose government relations firm in Washington is owned by a global PR company) emphasises the differences between the two disciplines:

People who are trained in public relations don't always make the best public affairs people because they look at it as being almost selling. In most cases a lot of the lobbying is kind of a massaging job: what you doing is not necessarily selling anybody. A lot of the people we work with are already sold. The question is what can we do that helps move the process in that direction.... A lot of times we get clients saying, "let's get a Bill passed", and as you listen to them you say to yourself that they don't need a Bill passed. They need a couple of words in an appropriations committee report, which is much easier to get and is something where by working with one or two favourable Members of Congress, you could probably get it done. Public relations people too often will take a look at that and say "let's get a Bill passed" – they'll go out and do a campaign with the public, they will do advertising.... They are not separate, but government relations – what some people called public affairs - are essentially very different from public relations (Wexler, 2001).

Opinion is also divided in London. One managing director of a large consultancy there discounts the contribution which is made by public relations to public affairs: 'Where I am coming from when I look at public affairs is that it is a legitimate and actually important role to ensure that businesspeople and politicians and regulators understand each other and that there is

an appropriate and adequate exchange of information between them. That is an interactive two-way role and one that probably these days owes more to management consultancy in the way that it works than it does to PR'. On the other hand, a second managing director of an equally well established and respected agency in Westminster accepts that some of his peers in the past have 'felt that lobbying was a rather grand thing while public relations was something that happened in the gutter'. He, though, believes very strongly that 'in most countries politicians are very greatly influenced what they read in the media or what they hear on the radio or what they see on the TV'. The judgement as to whether or not to employ media relations concurrently with a lobbying campaign depends very much on the specific situation: on the one hand, 'why take the risk of upsetting the apple cart at the last minute through media exposure [if the issue] is very technical ... sometimes officials are much more nervous once they see something in the media where you risk generating adverse comment'; on the other hand, there are circumstances in which perhaps your client needs to demonstrate to its own members or shareholders that it is campaigning, and in other situations 'when your lobbying appears to be getting nowhere and you really do seem to be up against a brick wall, then frankly you have nothing to lose by putting your case in the media'.

Some people, particularly in Washington, would emphasise the role of public relations as a component of a public affairs strategy, placing it ahead of government relations in terms of impact. One head of a gun control association in Washington stresses the importance of obtaining editorial media coverage as a way of keeping an issue on the political agenda: 'what's much more effective for us, we think, is programmes like 20:20. Everyone single one of those news programmes that covers a political issue, some organisation like ours was there. I always say that about 90% of the lobbying that I do is not with Congress but with the programme directors. If I can get CNN to run a programme like that it reaches millions of people' (Beard, 2001). It should be noted, though, that the question of whether and when to use media relations during a lobbying campaign is one which can only be addressed in terms of the specific requirements of each particular campaign. One writer, though, is cautionary:

Often, inexperienced lobbyists think the only way to pass a bill is to build it up in the press and turn it into a public issue. But this strategy has disadvantages. A public issue is no longer yours to control. The timetable gets speeded up, opponents crawl out of the woodwork, and new influential champions in the press and legislature come forward with their own ideas for compromise and coalition' (Meredith, 1989, p. 10).

One potentially valuable way of exploring the relationship between public affairs and public relations is to consider both the career backgrounds of individual lobbyists and the location of these two functions within organisations. Doug Pinkham's Public Affairs Council has undertaken some research in this area:

Only about half of American corporations organized PR and public affairs in the same department and under the same person but those who do say it works so much better that way and those who don't generally don't have really good reasons for not organizing them together. In many companies you will see public affairs reporting up to the general counsel. They somehow think that well it feels that regulation and that is like law and so it has to report to the general counsel. Also, many people in public affairs come from a legal background so that people think in those terms. If you work on public relations in a corporation there is a very good chance that you started out as a journalist

or writer or editor, so you come into it with that experience and perspective. If you work in government relations, chances are you have worked in government and there is a pretty good chance you are a lawyer or have thought about studying law - that is very different from being a journalist. Now, by the time you are a senior vice-president your jobs are very similar; whether you are running government relations or public relations it is all about the reputation of your company, it is about issues management. But because they have very different career paths to get to the top people don't always relate well to each other or understand the synergies that do exist. Of companies that I see that have the functions integrated, it works beautifully: where you have corporate philanthropy, community involvement, government relations, public relations all reporting to the same person who reports to the CEO, you then look at the issues you face as an organization, what your opportunities are, you can set forth objectives and strategies and then the tactics relate to government affairs tactics, public relations tactics, and those will vary depending on the issue. That then allows you to steer your budgets and your staff resources where they are most effective as opposed to getting in each other's way (Pinkham, 2001).

There has also been stimulating academic work on this in Britain, which reached an opposing conclusion. The authors of that study of ten in-house public affairs departments found a consensus view that public affairs and public relations are very distinct functions: 'public affairs differed significantly from public relations in terms of its focus and range of activities performed' (Harris, Moss and Vetter, 1999, p. 209). One of the respondents questioned in that study offered the opinion that, 'Public affairs is the management of issues, whereas public relations is the management of the interface between the company and the outside world' (cited in Harris, Moss and Vetter, 1999, p. 209).

Lobbying as a self-descriptor

It is not possible in such a brief summary to do very much more than to identify the main descriptors which are employed by professionals working in the lobbying industry. No consensus has yet emerged from their perspectives or from the academic literature as to how this work can best be labelled, although the usage of public affairs is becoming increasingly common. Yet, while acknowledging both that lobbying has had (and continues to suffer from) a poor reputation, and that the term lobbying does not reflect all the activities undertaken by professionals in this field, lobbyists themselves should perhaps be more willing to openly state that they perform a legitimate service. The managing director of a Westminster consultancy has remarked (perhaps a little ruefully) that: 'If you look at the website that the American Association of Political Consultants has, there is a wonderful phrase there which says, "The American Association of Political Consultants is proud to represent the women and men of our industry who have dedicated their lives to making America a better place to live by attaining the goals set out more than 200 years ago in our nation's Declaration of Independence". Wouldn't it be great if people here in the public affairs business felt that way, rather than doing what we have done over the past few years, just hoping that people don't notice that we are here, rather than admitting that we have a fundamentally important role to play here in the democratic process?'

Lobbying Activities

As mentioned in the previous section, the actual direct advocacy of a case to policy makers is merely one element of a lobbying campaign. This is indicated by a commercial consultant in

Brussels: ‘We have a lot of services that lead into four groups: research which is the basis of all that we do; monitoring; political communications or the contact program: this gets into bringing clients for example to meet European Commissioners; and advocacy or lobbying’ (Gibbons, 2001). And indeed, many consultants (as opposed to in-house executives) do no or very little lobbying themselves (particularly in London, but also in Brussels and Washington). So what activities are undertaken by lobbyists in the political systems under consideration?

Atmosphere setting

To begin with, clients will sometimes want initially to simply raise or enhance their corporate profile with decision makers. As Thomas and Hrebenar (2000, p. 6) put it, ‘the lobbying process involves three activities which may overlap in practice: (1) gaining access to policy makers; (2) creating an attitude among policy makers conducive to the group’s goals; and (3) influencing policy makers in the group’s favor. Much interaction by groups with policy makers, therefore, is not related to immediate concerns but intended to gain access or create an atmosphere – involving trust, credibility and maybe even dependence or “capture” – that will be conducive to the group in making future government policy’.

A director of a public affairs consultancy in London gives the example of a water and sewerage company which was seeking to highlight to MPs the fact that the River Thames had become one of the cleanest metropolitan rivers in the world: ‘Like any boring utility company, it doesn’t really turn on any MP. We had to find a way to engage that audience in a lighthearted manner where you are not actually lobbying them; you are developing relationships – not contacts; and demonstrate something about the company as well. The company invested over £1 billion cleaning the river Thames’. The company decided in 1999 to launch an annual duck race whereby MPs representing constituencies through which the Thames runs each drop plastic ducks into the river – the MP whose duck is first to reach the finish line wins a sum of money for donation to one of their constituency charities. The benefits are summarised by Alan Butler: the event ‘gets national TV coverage, MPs participate and we use the inevitable competitive desire of MPs, and the proceeds go the charity’ (Butler, 2001).

Monitoring

Monitoring is frequently mentioned by practitioners as a key element of their work, although as Thomas and Hrebenar (2000, p. 30) point out, this function tends to be neglected in the academic literature. Michelle Gibbons describes monitoring thus: ‘We cover Strasburg, for example, and we go through the agenda and we find what needs to be copied to what clients. We send one consultant down to Strasburg where they will go into a conference and they will do all the monitoring for all the teams. That’s what we do on the monitoring level’ (Gibbons, 2001)⁵. Julius Hobson (a senior lobbyist at the American Medical Association) believes that monitoring can – indeed, should – be done to a more sophisticated level than simply trawling through transcripts of legislative proceedings and politicians’ press releases, that it can involve many forms of useful political intelligence. He has remarked on the sheer quantity of published biographical information which is available on Members of Congress: ‘where they went to school, are they married, have they kids’. However, he goes on to stress that:

if you work for me and that is the only knowledge you have, then you have no value. I want to know anything else about a Member that is not in reference books. I encourage my staff to be observant: there has been a divorce, so that tells you something; when a Member crosses his or her legs, look at the bottom

of their shoes and if there are holes in the shoes, that tells you something about the Member; the way they dress tells you something. In other words, look for what gives you an edge. There was a member who chaired the House budget committee for six years, and what I learned from watching him one day at a hearing enabled me to lobby him for the entire six years: if he was really interested in what somebody was saying he would be sitting forward, but if that person lost him, he would sit back and start rocking, or he would take his gavel and start twisting it, which means he is not listening. So the moment I saw that when I was talking to him, then I had to change the way I addressed him to get his attention back.... My job is to get information and I can't get any information if I am the person doing all the talking. So you want to encourage people to tell you things - the information that we receive is really the currency of our job (Hobson, 2001).

Communication with policy makers

The purpose of detailed monitoring and research is essentially to enable the lobbyist's employer or client to develop messages related to public policy issues and to identify the most appropriate or effective ways of communicating those messages to relevant politicians and officials. The testimony of lobbyists which has been elicited in this study to date suggests that there are three primary options or routes available here.

The first of these – and that which is generally regarded theoretically as the most effective method – is to approach policy makers on the basis of issues. In essence, a lobbyist here would seek to demonstrate that they are aware that the target has a known interest in the relevant policy area. Some lobbyists in all three locations considered in this paper stated that communication with policy makers had to be issue-based. A commercial lobbyist in Washington recognises that, 'when you're lobbying on behalf of a special interest or corporate interest, the first threshold you have to cross with a Member of Congress is creating an identity of interest, demonstrating to them that they have an interest that's common with the interest of your client' (Peysner, 2001). One Brussels consultant suggests that practitioners must always ask themselves whether they want to meet politicians and officials 'just for the sake of shaking hands', or whether there is some issue-driven basis for the meeting (Gibbons, 2001). This is reinforced by a director of a public affairs firm in London – 'What we are in the business of now is sustainable relationships. Contacts are not necessarily good. Increasingly firms are moving away from this notion of "it's who you know". You want the Minister to feel that he is in a position to consult you privately about the industry. You want the Special Adviser to call you to tell you that something serious is going to happen. You want the officials to share documentation with you in advance. And policy not politics, I'm never asked about what politicians are doing, what I'm asked about is the policy. It's becoming much more policy based and clients are investing in that' (Butler, 2001). An American lobbyist takes the view that politicians and staffers accept that the lobbyist has a greater understanding of the issues than they do: 'We work with the staff first, they understand that we are providing them with assistance and then their Members of Congress are happy to see us because we are the experts. The Members of Congress and the staff people are not the experts on any of the issues that we bring up.... We are selling facts, we are selling substance. If a Member of Congress votes for something where he or she can not go back and face the media and say that they have voted on the substance, then I think they have put themselves in a very dangerous place' (Marlowe, 2001).

It is this issue-based approach which characterises the common rationale that lobbying acts as a bridge between the governed and the governors, across which information can flow in order to ensure that policy decisions are better informed. As Anne Wexler puts it:

In my view, in the modern information age, if you didn't have lobbyists you would have to invent them because the deluge of information ... is a particular problem in a legislative process which is absolutely dependent upon information. What lobbyists do is they bring focus on each of these issues. Obviously depending upon which point of view you are taking inside the process, your focus is different. But it does allow legislators, administration officials and so on to see the issue in its different political forms. Then they are able to make a decision based upon focused information rather than a wide swathe of information, some of which may be totally irrelevant. So we really do play a major role in the process now in ensuring that information gets digested and that it has impact within the process' (Wexler, 2001).

The second method employed (again in all three systems to varying degrees), however, tends to emphasise access to decision makers over knowledge of the issues. A Washington consultant expresses this model succinctly: 'Lobbying in particular is very relationship driven'. Again, while insisting that his firm does not attract clients on this basis, the deputy managing director of a London agency recognises the commercial opportunities offered by access – 'What does impress clients is knowing someone. If you tell them that you know Tony Blair, that impresses them. It's not that you have a huge academic background or skills, what will impress clients is knowing someone. We don't do it here for all sorts of reasons' (George, 2001).

This access-based approach can be taken to extremes. One commercial consultant in Brussels remarked that, 'To be a successful lobbyist you need to have as little belief in substance as possible. It's all image. Brussels is full of people who talk with such credibility and say nothing'. Discussing another very prominent lobbyist, one Washington consultant said that, 'He is very much of an access lobbyist, that is, it is who he knows in the Bush administration, it is who he knows in Congress that people are buying, when they hire him. He is an intelligent person, it is not that the substance is unimportant. But the fact is that if he had all of that substance without the access, he would not be making the money that he is making. If I recall correctly, he worked out of his home during the Clinton years because he did not have any access so basically he decided to take it easy for that time, and now that he has access to the White House again, he is back into it'. Howard Marlowe remarks that some American lobbyists have even found it ultimately rewarding to have been embroiled in allegations of sleaze or impropriety – 'The media strike here and there at people who are unethical and then we respond to that in a very cynical way. Usually the lobbyist's response to that is that if they get your name spelt right in the paper, they give you advertising. Some of the time that is actually true. I have seen clients go to people who have been accused of illegal activities because those unethical activities have usually had some part of having access; they have done something that was unethical but it was something that has shown that they are close to very powerful Members of Congress' (Marlowe, 2001).

A third alternative – which points the way towards the next section of this paper on the institutional frameworks which apply in particular political systems – has been articulated by Julius Hobson thus: 'You have to know the legislative process. The issue doesn't matter. If I take a process and you take the issue, I will kick your butt every time because the process is intended to make life difficult for anyone who tries to move things through. That is the key and

that is what I look for in my staff. If you don't know process, I don't want you, because I don't have time to teach staff' (Hobson, 2001).

Advocacy and influencing

The access question leads naturally into the issue of whether commercial lobbyists (often known as "guns for hire") should actually undertake the direct lobbying of politicians and officials themselves; it is taken for granted in all the political systems under consideration that this is a perfectly appropriate function of in-house lobbyists. Most of the "contract" or commercial lobbyists spoken to in the course of this study so far say that they are relatively uninvolved in advocacy⁶. One Brussels commercial consultant does attend meetings with politicians and officials but only ever with his client. He sees the role of the consultant in these meetings as being to 'watch for the warning signs like when their eyes glaze over' and 'to make sure you ask all the right questions that the industry people forget to ask'. An American lobbyist takes much the same position: 'I don't talk to senators very much at all because by and large the folks that we represent are the best lobbyists for themselves'. However, he went on to say that clients do still need lobbyists to provide a professional expertise: 'In our system the way it works best is if people speak up with some degree of organization and a planned strategy' (Marlowe, 2001). So the lobbyist crafts the strategy and organises the campaign, but it is the client who primarily delivers the messages directly to politicians and officials.

One Brussels-based commercial consultant has a very different experience: he represents a European-wide trade association which has 'actually given me a title and a role within their organisation. It is not unusual for me to act on behalf of this organisation one day and the next day to accompany my other clients to meet the same politician'.

Much more commonly, commercial consultants spoken to as part of this project report that they see their role as being to advise clients on how to conduct their own lobbying of policy makers. Typical here would be the comments of the executive director of a relatively new London consultancy – 'The other thing that we say very strongly to people is that we act for clients, we are their advisors, but the clients themselves are more credible and more believable if they tell the story themselves' (Anderson, 2001). In a similar vein, a consultant in the London office of a global public affairs company has said that: 'We do not lobby on our clients' behalf. We do not go along to MPs or officials whom we know and say that we are there on behalf of "Company X" and we'd like to talk to you about "Y". The client is the best advocate and the client should go and see the politician and put their cards on the table and explain what the issue is. Our role is to advise, to help, to guide, but after that they are on their own and they need to go and take our advice and do with it as they will'. One Brussels consultant does undertake advocacy for clients occasionally, but believes that it is not the ideal situation: 'We always go in with the clients, we never go in on behalf of the clients to meetings unless we have to take the meeting, but usually we like to have our clients in with us. And it's better for them as well as they should have contact with their local government/authorities' (Gibbons, 2001).

Finally, the preceding comments have tended to relate to commercial lobbyists advising their clients' in-house government relations or public affairs executives on how to deal directly with politicians and civil servants. It should be noted that there is in addition something of a trend developing (particularly in Washington, where the highest-profile example would be Bill Gates of Microsoft) of the heads of companies becoming active in personally supporting their organisations' lobbying activities. As the president of the Public Affairs Council puts it: 'I think if CEOs especially in big companies were honest with you the vast majority would say it is

important to come to Washington to do their own lobbying personally a few times a year, but I also say that a lot of them do not like to do it. On the other hand there are some CEOs who really use it to their advantage that they come to Washington, that they build relationships with elective representatives, they become a symbol for their company' (Pinkham, 2001).

It should be noted that while many lobbyists do not themselves directly lobby decision makers, rather advising clients on how to do their own advocacy, these commercial consultants should still be properly regarded as key members of the lobbying industry; indeed, they are so regarded universally by practitioners and academics alike.

Application of pressure

Academic research into lobbying frequently discusses the use of what is referred to "insider tactics" and "outsider tactics", although the lobbyists questioned so far in this study do not themselves tend to discuss what they do in these terms spontaneously. That is not to negate the value of the distinction, though, because lobbyists' activities do appear to fit these categories reasonably well. In very broad terms, "insider tactics" relate to lobbying activities which take place in private, and which are based on some explicit commonality of interest and a notion that the lobbyist and legislator or official have some mutual sense of how the political system works. The ultimate expression of "insider tactics" which has emerged in this study to date is offered by Julius Hobson, currently a senior lobbyist at the American Medical Association with a staff of a dozen assistants and a substantial budget. He has not always been so well resourced though: 'In my last job I was the chief lobbyist for the District of Columbia government and I had two big things. Once a week during the football season I had two tickets to the mayor's box at the stadium to watch the Redskins. I also fixed parking tickets for Members of Congress, to the tune of roughly 300 a month for the House and about 30 a month for the Senate. If a Member's car got towed by the city government, I was the one who always got it back so that helped me a great deal in legislative battles' (Hobson, 2001).

A more typical tactic is described by Mike Beard, who runs a gun control association. The activity he describes is common in many lobbying groups; the point here is that it relies upon a relatively sophisticated knowledge of legislators, such as is much more easily acquired by insiders rather than outsiders and such as is used to undertake very targeted advocacy on a private rather than public basis – 'We take every Member of Congress and we rank them on a scale of 1-10, with 1 being a strong supporter and 10 a strong opponent. We will concentrate on those that are 4-6 and we ignore everybody above that and ignore everybody below that. Those folks in the middle tend to be people who come from areas where they have a state that has a large urban population and a large rural population. Our job is to convince them, somehow, that they need to support what the urban voters want more than what the rural voters want. That's the other thing that's working in our favour, is that the country is becoming more and more urban and less and less rural. So there is less reason to think about grandpa's gun and hunting and all that kind of stuff' (Beard, 2001).

The term "outsider tactics", by contrast, is taken to refer to situations where lobbying organisations decide to take a particular issue to the country, as Americans would say, "beyond the Washington Beltway"⁷. In practical terms, this very often involves persuading an organisation's members or supporters at large to themselves lobby politicians by contacting them to urge that they support or oppose a policy proposal (known as grassroots lobbying). This technique is described thus by Julius Hobson: 'What makes the AMA as popular as it is, is not because I think I have the best lobbyists in Washington DC but because I have got the best

grassroots - 145,000 physicians around the country, in every state and every congressional district, who are active politically: they give money and they participate in campaigns, and Members of Congress listen to them.... We no longer do mailings to our membership because we can blast fax them and we can e-mail. This means that we could pull the trigger on the system and within 48 hours that system will rise up and start hitting Members of Congress' (Hobson, 2001). One of the veteran Washington lobbyists, Charls Walker emphasises the importance of utilising grassroots campaigns, but stresses that this does not mean attracting every person of voting age in the United States. Recalling the slogan in George Orwell's **Animal Farm** that "all animals are equal, but some are more equal than others", he insists on the importance of what he terms the 'leadership community' in every congressional district – the bankers, doctors, University professors, newspaper publishers, religious leaders, and so. In other words, 'the people that others look up to and respect': if these people can be persuaded to contact their Member of Congress on any issue, they will be listened to, he believes (Walker, 2001). An academic agrees – 'Elected officials in Washington are responsive to the wishes of their constituents, often to a fault. Nonetheless, some constituents are more important than others in members' reelection efforts' (Shaiko, 1998, p. 5).

According to a commercial consultant in Washington, the application of pressure happens rarely and is generally necessitated by the institutional framework itself – 'In terms of putting pressure on, I think when we are putting pressure on, when we are pushing, we hope that we don't have to push very often. It should be obvious that it's the right thing to do and they want to do it and all we should have to do is give them some suggestions on the right words to say and the right time to say them. But, usually when we are pressuring, it's because of the process demanding an action at a time that might not be convenient politically for the congressmen and might not fit in to their agenda' (Peyser, 2001). One of the most prominent lobbyists in Washington indicates that pressuring legislators to do things they don't want to do is not a common occurrence. She argues that lobbying,

gets terribly misrepresented by the media. They say that somehow lobbyists go around twisting legislators' arms to force them to do things that they otherwise wouldn't do. Most of the studies of lobbying activity show that lobbyists don't work with people who are on the different side of issues. They work with people who are already committed to their side of the issue, but they bring support to those people. If I'm on Capitol Hill and I'm looking to advance an issue, what I need more than anything else is to be able to demonstrate that I'm not alone in this, that I have an army that shares my views on this. I have to look downtown to get people to organise that because in my role as legislator, I'm not going to be able to organise all kinds of outside forces but the people in the lobbying community may well be able to do that. So, it's usually very much a symbiotic relationship that exists between legislators and people in administration and lobbyists – not a confrontational relationship because normally what you are doing is working with people who are already committed in the direction that you want to go (Wexler, 2001).

This point is reinforced by one writer thus: 'Most successful lobbying campaigns spend more time and energy cultivating friends than denouncing enemies. As with identification of the issues, identification of friends is extremely important' (deKieffer, 1981, p. 19). An academic agrees: 'Lobbying known opponents or the indifferent is a more difficult and less rewarding thing, by far, than lobbying friends or potential friends' (Dexter, 1987, p. 66). However, a more recent study suggests that the increased use of "outsider" tactics (such as mobilising grassroots

pressure) has changed this situation – ‘Outside lobbying is often targeted at undecided policy-makers. The very nature of outside lobbying more often than not means that policymakers feel that groups put them in an adversarial position.... In fact, many interest groups resort to outside lobbying when a policymaker the group leaders expected to support the group’s goals turns out to waver on the policy or even oppose the group. Moreover, policymakers grow quite bitter when they think interest groups contribute to constituents’ anger’ (Kollman, 1998, p. 23). Indeed, this point was made in one academic work three and a half decades ago: ‘aside from the lobbyists for a very few interest groups ... most do not attempt to contact those whom they consider to be their legislative opponents.... Most direct lobbying is aimed, therefore, at activating the converted, convincing the neutrals, or working with those members of the legislature who are wavering’ (Holtzman, 1966, p. 81).

The evidence of this and other studies suggests that “outsider tactics” and specifically grassroots lobbying is – compared with its usage in America – relatively undeveloped (though constantly increasing) in Britain and the European Union.

Coalition building

The same is true of the common American tactic known as coalition building, whereby groups with a common interest in a particular policy outcome will co-operate with each other to work for its advancement. These coalitions tend almost always to be temporary arrangements, but can be very powerful. Mike Beard’s Coalition To Stop Gun Violence is atypical in the sense that it is a permanent and formal entity: ‘The coalition is a lobby organization that has been around for 27 years, we are made up of 47 other organizations - national public interest groups in the United States, groups like the American Public Health Association, doctors working on public health issues, the United States Conference of Mayors, religious groups, education groups, social work groups, political organisations’ (Beard, 2001). The more usual situation is that described by Julius Hobson thus:

There is no single interest group in the USA that has the ability to shove through the legislative process everything or anything that it wants without help, which means that you have to work in coalitions. There are no permanent friends and no permanent enemies, only permanent interests. The people that you are lined up with this morning on one issue, you will be fighting this afternoon on something else. It means that from a lobbying standpoint, if you want to work for a trade association or if you are with a lobbying firm, you can’t be emotional about what you are doing. You can’t look at somebody as the enemy and then expect to treat them that way and deal with them in that fashion because the enemy this morning may be your closest ally this afternoon. It is the same too in terms of your relationships with legislators: the issue of managed care reform is one on which we essentially have just about every Democrat in the House and Senate and only a handful of Republicans in both bodies, but on the issue of regulatory relief we have got virtually all the Republicans and only a handful of Democrats (Hobson, 2001).

A consultant working at a PR firm in Washington which also offers government relations services recognises the value of coalitions – ‘I think it has been true to a great degree always but now more than ever that you need co-operation on both sides of the House. It is really impossible to just lamp something through, and Washington is kind of littered with the wreckage of people trying to just get their own agenda through without having to compromise. You are

always trying to broaden your appeal while targeting the message to specific groups'. Finally, one of the great doyens of Washington lobbying, Dr Charles Walker, is convinced that, 'on each and every issue there is a coalition out there somewhere, you just have to know how to identify it and put it together' (Walker, 2001).

Institutional Framework

We have seen that some activities performed by lobbyists are universal across the three political systems under consideration, while others so far are more developed in America and have taken some time to begin spreading to Britain and the European Union. A possible explanation for these differences may be found in the nature of the policy making processes and institutional frameworks which operate in the three systems. As Thomas and Hrebenar (2000, p. 30) put it, 'Whether it is Washington, D.C., Brussels, London, Ottawa, one of the state capitals in the United States or in Australia, there appear to be some fundamental activities of lobbying that are common to all liberal democracies. It is important to emphasise the word activity here and distinguish it from process. It is the activity which is universal; the process for achieving these will, to varying degrees, be affected by culture and institutional structures and mores'. This section of the study, then, briefly identifies the most significant of these structural variations (each of which is illustrated with just one or two examples), but detailed scrutiny and analysis of each of them is a task for the next stage of this study.

Relationship of Executive to Legislature

One clear contrast between Britain and America lies in the nature of the relationship between the Executive and the Legislature. The system of parliamentary government in the UK is very different to the separation of powers in America. Peter Peyser's Washington consultancy specialises in advising local governments. He also has experience of the British system, and notes this contrast:

We had one seminar in London where three American mayors came to talk about what they do. Several people stood up and said, "Do you mean that you would go to the White House and complain to the President of your own party and talk to the press and talk to your constituents about things that weren't being done the way you like it. And you would go there and knock on the door and lodge complaints and lobby them?" And the mayors said, "Yes, that's what we do. We don't care if the President is a Republican or Democrat. Our job is to get things done for our constituents" (Peyser, 2001).

Only a very slight knowledge of how the European Union operates would lead an observer to the realisation that the relationship between the Commission and the Parliament is idiosyncratic in places, and has undergone substantial change over the last decade; this, too, has an impact on lobbying practices.

Role of elected officials/party system

Several American lobbyists commented on the contrasting degrees of party cohesion and discipline in Britain and America:

Another thing which makes our system different is that while in a parliamentary system, people are basically picked from the top down, we are absolutely the

opposite. Elected officials here are self selected, they wake up one morning, they say “I should be a member of Congress and I am going to run”, and a lot of them are very wealthy and fund their own campaigns. So when they show up as an elected official, they show up because they decided to do that and they are responsible for getting here. They are not going to let some party leader tell them what to do all the time, so we don’t have the party discipline in the USA that you would find in a parliamentary system.... One of the things that makes us different is that there 535 Members in Congress, 435 in the House and 100 in the Senate. Our lobbying is to go after every vote because we don’t get to 218 in the House and 51 in the Senate except by one vote at a time (Hobson, 2001).

Anne Wexler agrees: ‘I think the most unusual and different thing for people who come out of the Westminster system is that we don’t have the kind of political party control that you have in Britain and Ireland and so Members of Congress are much more independent. We don’t have the party rigidity where party conferences decide what the policy is and everybody votes the same way’ (Wexler, 2001). And finally, one Brussels consultant points out that members of the European Parliament have a range of motivations which influence their behaviour: ‘In the European Parliament you get MEPs voting according to their nationalities sometimes and according to their political group sometimes’.

Regulatory frameworks

The three political systems operate very different mechanisms by which lobbying and lobbyists are regulated. Clearly, these standards and rules will inevitably impact on what lobbyists actually do and don’t do. Mike Beard notes the requirement on lobbyists in Washington to register: ‘I am a registered lobbyist. Here in the USA, if you are involved in lobbying with Congress you have to register with both the House and the Senate and that is why we say we are registered lobbyists. We file financial reports with both the House and the Senate every quarter and come under some minor regulations, not a lot, that is with regard with how we spend our money’ (Beard, 2001). A consultant in Washington is conscious of differing approaches to regulation – ‘I’m sure that you’ve found that here in the US there are a lot of different ways to access Government decision-making. There are things that we do here that European parliaments and other places view as being unethical and illegal, but that’s the way that our system is set up. There are other systems where members of parliament are able to take outside income from corporations, which here is viewed as being unethical and illegal. So there are a lot of cultural differences in terms of how our politics and government systems operate and how they are open to, influences from the outside’ (Peyser, 2001).

Nature of EU

There is no question that the way the European Union is organised has a very significant affect on how lobbying is undertaken. The policy making process there provides a number of separate routes through which information can pass (for instance, should organisations lobby the Commission directly, or go through their national government, or find a government in another member state which is sympathetic, or access the system through their government’s permanent representatives in Brussels?). The managing director of a Westminster consultancy argues that:

You have to try and find some connection between the client’s objectives and the interests of the institutions - when you go to Brussels representing a British company you don’t say, “this is bad for us as a British company”, but that, “in

terms of the way things are at the moment, the single market is not working as you intend it should". What I would often advise British companies is not to ask the British government to champion their case, but to try and see if they can find a way for example of using the Irish government or the Dutch government because the British are so unpopular in Brussels.

One Brussels consultant notes that while political parties may be less important there than in Westminster, the major political groups in Brussels can be significant – ‘The European Parliament has got 626 MEPs, which are broken up in terms of political groups. If you want to get legislation through Parliament, the two biggest groups are the most important – if you can get the Conservatives and Labour to agree, the legislation will go straight through’ (Gibbons, 2001). Another discussed the fact that the nature of the EU system creates its own sets of problems and opportunities. The example he used related to the drafting of an EU Directive, during the course of which his client’s interests hinged on very precise crafting of the text:

Language is another issue of European lobbying. In English, you can argue in English that your life is transient, the universe is transient, something that begins and ends is transient. However, in German and Dutch, the words that are used were very specifically short term. While we could live with a directive which said in English, “transient”, if it said “transient and incidental” as a directive, it needed to be both. If it said “transient or incidental” it could be one or the other. In German and Dutch, we could live with “transient or incidental” but we couldn’t live with “transient and incidental”.

Legislative timetable

In all political systems, lobbyists have to be keenly aware of the timescales involved in the decision making process. Very briefly, both Westminster and Washington appear to be more willing than Brussels to accept amendments to proposed legislation once a Bill has been published. An experienced Brussels consultant discussed this issue:

In terms of how to influence the process, what we would advise our clients is that the earlier you get in the better, to ensure that you know what the Commission is doing. We have a lot of clients that come to us at Parliament stage because that is when things get political and that’s when things get public and the politicians are out to talk. If you are coming in at a very late stage, the final draft is nearly on the table. At a very late stage, when an agreement has been reached, they are not very willing to want to know about it. Going in at the very end when they have all passed their working groups, the discussion has gone through several working groups, with all of the national experts coming together, they are all agreeing an opinion, they all think that this is the way we should go forward, they give it to the Ministers. Coming into the very late stage it is very difficult to actually change anything at that stage. Most people don’t realise they have to be in at an early stage in the process (Gibbons, 2001).

Money

In the words of one writer, ‘For many lobbying groups, the campaign contribution is a straightforward purchase of access rather than a commitment to the candidate or his political philosophy’ (Peters, 1980, p. 12). Certainly, the role that money plays in the political system is

markedly different in all three systems. Several Washington lobbyists spoken to during this study discounted financial contributions as lobbying tactics. According to Mike Beard, a gun control lobbyist, ‘We do not have a Political Action Committee (PAC), although we used to. We got involved in the campaign finance reform movement trying to change the impact that money makes on elections in the United States, and it felt sort of unfair to campaign against PACs while we had one. But we also came to believe that the money the PAC gives is less important than getting people to vote period. Under a PAC you can give up to \$5,000 to a candidate. That’s not a lot of money to the average candidate. We would much rather spend our \$5,000 getting people to vote for or against a candidate on the basis of the issue than giving them money to run the campaign’ (Beard, 2001). Howard Marlowe believes that lobbyists who think contributions will provide them with access to politicians, may be disappointed:

From a lobbyist’s point of view what you have to decide is how much you want to be involved in what I am going to call the political game because here is the legislative process and here is the political process. The lines have become very blurred, and I am very disturbed by that trend. Most people when they give money, they believe that they are buying something. They think that they are the best friend of that Congressman. In fact they are probably one of about 10,000 best friends of that Congressman. And the Congressmen know the game too. Why is it a game? We are easy sources of money. If a Member of Congress had to raise the kind of money that he/she needs to get re-elected by going out in their district, they would be spending not just as much time as they already spend, they would be spending all of their time going around. They need us for our money and we need them (those of us who choose to play that game), because we want to sell our clients on the fact that we are one of those “best friends” and we have got that access (Marlowe, 2001).

David Rehr is a highly prominent and successful trade association lobbyist in Washington. His organisation – the National Beer Wholesalers Association – has thought carefully about his strategy for disbursing financial contributions:

Most lobbying/public affairs/government affairs operations don’t really think through how they give their money. They often in fact give money to people who are their adversaries because they think they can reduce their hostility. It doesn’t really work. Our general strategy is we tend to give people who are really our friends a substantial help to signal everyone else that if you stand with us, we stand with you. I don’t want to make too much of the money issue but a lot of people give money to gain access. That is to say, they will give a Congressman a contribution because they think they need to do that in order to see him. We do not believe that. We believe – based upon the strength of our wholesalers and on all of the experience of our staff here – that we should be able to see that Congressman without having to pay a price to get us in the door. If we didn’t have a PAC, we may not be the eighth most influential group [according to a ranking of interest groups by *Fortune* magazine] - there’s no question that helps us – but we probably would still be in the top 25. If you think about all the other tools that you might have in your organisation, it overcomes the money (Rehr, 2001).

It should be remembered, as Dr Rehr emphasises, that cash is far from the only resource at the disposal of lobbyists. As one writer puts it, ‘Notwithstanding numerous references to the evils

and omnipresence of money and politics, financial wealth is neither the best nor the only asset that piques legislators' interest in working with lobbyists. The nature of Congress and the electoral process dictate that other assets, especially information, are more important' (DeGregorio, 1998, p. 138). Encouraging members or supporters to become active in politics is about more than simply using computer software to initiate letter-writing campaigns, as Julius Hobson explains:

Physicians by and large have seen themselves as going through medical school and then going into private practice and caring for patients by doing their medical thing, which means that they see themselves as lone rangers. Lone rangers never got anything through the United States Congress ever, and so the hard part is getting them to understand that they have to band together as a group and participate actively in the process which means voting, it means giving campaign money or whatever it takes to be involved in the political process. In other words, it means influence the governing process. If you don't influence the elective process you are going to be hard pressed to influence the governing process (Beard, 2001).

One respected consultant in the London office of an international public affairs agency makes a similar point – 'I don't think I have ever played politics with money. What I use is called political currency. What is your political currency? What are you using to buy you support, attention, interest? It's not actual currency, it's political currency. If you look at the three component parts of all Government decisions – politics, economics and law. If your political currency has got all those three areas, or even two of the three, there is a greater likelihood of success. That question of "what is in it for MPs?" – you appeal to their personal interest in so far as you can through a political currency (Butler, 2001).

Public support

Julius Hobson suggests that political institutions generally operate within the limits of popular consensus, and that this has a bearing on how policy is made:

The United States Congress is really an incremental institution. It does not pass major legislation that creates substantial change. The last time that Congress passed anything that had a significant impact on the country was in 1933 during the first 100 days of Roosevelt's administration during the depression. It likes to do things a little bit at a time. What gets politicians in trouble is when they use the word revolution in terms of governing. The reason for that is that the American people are also incremental people and the only time they liked the word revolution was in 1776 and thereafter that word makes them nervous because it means substantial change. So Congress has become cognizant of that and operates in that fashion (Hobson, 2001).

A commercial consultant in Washington accepts the need for his clients to develop media relations although he does not offer that service himself: 'We are not a public relations firm and we don't have a media relations function.... [but the role of media relations in a public affairs campaign] is just an expression of the fact that you have to demonstrate public support for what you are doing, and that's a good thing. It can't all be done behind closed doors when no-one's looking' (Peyser, 2001). Finally, the power of local media in generating support is a point reinforced in some of the literature. For instance, Wittenberg and Wittenberg state that: 'On a

scale of 1 to 10, lobbyist Tommy Boggs estimates that hometown papers rate a 9 in terms of influencing a legislator, whereas the national papers and television news programs come up no higher than a 6 or 7. So, like salesmen with sample cases, lobbyists also have to carry their ideas to the media back home' (1989, p. 123).

Conclusion

It is clear from this and all other studies that the question of how "lobbying" and "lobbyist" should be defined remains far from settled – are people engaged in lobbying to be referred to as "lobbyists", "government relations managers", "public affairs executives", or some other term? Thomas and Hrebenar (2000, p. 8) have concluded that lobbyists can best be defined through reference to the actual activities which they undertake: 'The definition of a lobbyist we have developed is as follows: "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"'. Such an approach is potentially usefully for a study of this nature: defining what lobbyists actually do not only clarifies which of the activities are undertaken in different political systems, but in addition enables analysis to be made of how those activities relate to the nature of the institutions involved in the policy making process in the three locations under consideration.

Wolpe and Levine argue that, 'To thrive and triumph in the environment of Congress, lobbyists must understand the rules of the game, the fundamentals of lobbying, and the informal constraints that govern the political art of lawmaking. Lobbyists must adapt to the prevailing rigors and mores of the institution' (1996, p. 11). One example indicates how lobbying activities can be shaped by the structure of the political process. Dr Charls Walker recalls how, under the seniority system in Congress in the 1950s and 1960s, he and other lobbyists could get legislation passed simply by persuading the Speaker of the House, the relevant committee chairman and the ranking member of the committee. This situation changed as a direct result of the influx of new, young liberals elected to the House and Senate in 1974 as part of the backlash against the Watergate revelations. These reformers immediately began to seize power away from the older and more conservative committee chairmen. One consequence was, in Charls Walker's words, that, 'no longer could a lobbyist rely on a few powerful supermembers.... A lobbyist would have to work both sides of the aisle, up and down, and would not feel at all comfortable unless upward of some twenty solid votes [of the committee's members] were in hand, including the chairman' (Walker, 1998, p. 26).

An academic also makes the point that the effectiveness of particular lobbying activities can vary according to changes in the cultural or institutional frameworks within which they are applied: 'Traditional government relations practice such as access and relationship-based lobbying has become less influential. This has occurred for several reasons, most prominent among these including: term limits legislation has been passed or is being considered in many jurisdictions, strict contribution limits have been put into place, and the general public remains averse to any activity that smacks of "buying" public policy decisions' (Fleisher, 2001, p. 48).

A Brussels civil servant has suggested that the changes to the European Union's institutional architecture which resulted from the Maastricht and Amsterdam treaties in the 1990s will require significant shifts in practice by lobbyists: 'The changes are likely to lead to lobbyists concentrating less on the initial proposal of the Commission and more on the influence of the

Parliament.... Interest groups and public affairs consultants have become extremely sophisticated in the lobbying of the EU. Unfortunately, the rules of the game keep changing. It is certain that those seeking to influence the process will quickly adapt to the institutional framework introduced by the Treaty of Amsterdam' (Gray, 1999, p. 308). A similar point has been made in relation to the state legislatures in America:

Lobbying is different today because legislatures have changed so markedly. Lobbying could not afford to lag far behind. Since the late 1960s and the period of state legislative reform, legislatures practically everywhere have modernized. The expansion of professional staffing has increased their capacity. Moreover, they have developed a sense of independence and do not routinely accept executive leadership.... With legislatures developing, political careers and elections becoming more important, and partisan competition sharpening, the environment for lobbying has been undergoing further change.... The [legislative] process is far more driven by politics than it used to be. Lobbyists cannot remain aloof from this new reality because they are so integral to the process, a process that politicians, and not lobbyists, continue to command' (Rosenthal, 1993, p. 5).

One academic has gone so far as to assert that, 'If political scientists were charged to design a national legislature to maximise interest group influence, they would be hard pressed to improve on the American Congress' (Wilcox, 1998, p. 89).

The importance of institutions

Julius Hobson has asserted that the nature of an institution is not simply a matter of its internal rules, but additionally of its character; both should matter to the lobbyist – 'I try to get my own staff to understand the importance of the history of the institution of the Congress and the institution of the Presidency: how both have grown since 1789 and how they have changed and how they relate to each other, how both the House and the Senate are institutions with their own psychology. One of the ways you can see the difference is to watch some one who is elected to the House and serves in the House for a while and then gets elected to the Senate. They adapt like that' (Hobson, 2001). The head of a global firm's Brussels office has pointed to a number of institutional differences between Washington and Brussels: 'Washington – high mobility of decision makers, Brussels – low mobility of decision makers; Washington – ambiguity in the law is bad, Brussels – ambiguity in the law is good; Washington – financial flows from interest groups, Brussels – financial flows to interest groups; Washington – high level of regulation, Brussels – low level of regulation'.

Many of the lobbyists spoken to in the course of this study have talked about the interplay between lobbying and institutions. One senior consultant in Washington, though, spent a great deal of time on this area. His remarks are instructive, and worth quoting at length:

I want to give you the lens through which to view this town. This town is made up of three categories:

- First are *individuals*. Everybody is an individual. George Bush is an individual, Senators are individuals.... They have individual needs, individual priorities, emotions and influences.

- Within that are *institutions*. This town is made up of institutions. The US House of Representatives is an institution, the Supreme Court is an institution. The buildings don't leave. People come and go but the buildings stay. They stay for 200 years, they function supremely well.
- And the third is *environment*. You can call it the political environment, you can call it the cultural environment, you can call it the electoral environment, you can call it the consumer environment, but the environment is the overview under which all these things operate.

For example, George Bush, the *individual*, has certain priorities. Education is a personal priority of his. So he is an individual. He occupies an institution in this town and that institution is the office of the President. If you read the US Constitution there are certain responsibilities that the President has. The President negotiates treaties and the President is Commander-in-Chief of the United States armed services. No matter who occupies the office of the President, they have to do those things. The *institution* will mould and drive his behaviour. The other thing the President can do is use the "bully pulpit"... The President can walk into the briefing room anytime he wants and the three networks and CNN will cover it. Other politicians can't do that, they don't command that kind of respect. Why? Because of the institution of the Presidency - it's not because he's George Bush, but because he is the President of the United States of America so he can use that pulpit to evangelise, to argue on behalf of his position. He has the capacity to affect the environment.... So, when you think about this town, there are different institutions, different rules, different forms, different behaviours. As institutions, the House and the Senate behave in certain ways regardless of who the individuals are that make them up.

Julius Hobson also points out that lobbying activities in Washington are shaped by the way in which Congress considers Bills – 'Most of the lobbying that we do is defensive. It is actually easier to do that because of the way the legislative process is structured in Congress - it is easier to stop something than it is to pass something, so you are basically making sure nothing bad happens' (Hobson, 2001).

Cultural factors

In addition to the institutional frameworks, it must be remembered that each of the three systems has particular cultural norms and values which can shape lobbying practices. The head of a gun control organisation in Washington has suggested that historical and cultural factors play a significant role in his particular policy arena:

The National Rifle Association has been around since the Civil War. It's a large organisation; they claim over 1 million members. They have organisations in every state in the Union. They had a budget last year of somewhere over \$100 million. They give a lot of money to candidates. They do a lot of state organising and they do a lot of political campaigning. But that's not enough to explain what is going on. No one organisation is that powerful. Part of what is going on in the US is that it is a cultural issue. A lot of people believe that guns are an important part of our history. The images of the lone American with a

gun who fought of the British, won independence, and then fought off the Japanese – that's built into the American psyche somehow and it's very hard to work out. The second amendment is the other part of it. Most Americans believe that somehow the Constitution protects guns in a way that it doesn't any other consumer product. The entire wording of the second amendment is, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed". What the National Rifle Association does is quote the second half (Beard, 2001).

One managing director of a respected consultancy in Westminster believes that variations in lobbying practices between the three locations can, in part, be explained in terms of geography, the historical development of the lobbying industry, and national characteristics:

The difference between Brussels and London is that there is somewhat more advocacy in Brussels than there is in London, though probably somewhat less advocacy in Brussels than there is in Washington. Why is there more in Brussels than there is in London? Partly simply the question of geography - in London most of the clients are here already or can get here easily so it is actually quite easy to get the client in front of a politician, but Brussels is a bit further away so this is done less regularly. But the Commission and the parliamentarians still want to be kept up to date regularly so they are happy to deal with consultants.... In Washington, lobbying has been around a long time and it is very specialised so you will have consultancies who are specialists in particular sectors and specialists in particular bits of the political structure, so you have consultancies that specialise in, Democrats in the House of Representatives or maybe they specialise in agriculture or something like that and therefore if they are specialists it is much more natural that they should be putting the case. I think it might also simply have to do with natural characteristics for here people tend to be very reserved, polite, discreet, while Americans seem to be very brash and in your face.

Alan Butler (a director of a global agency's London office) agrees that geography plays a part, and additionally remarks on the importance of the legal/cultural position of lobbying in America:

Continental business structures are very different to US/UK business structures. I think the other difference is that we don't have a constitutional right to petition public representatives here. Until very recently we didn't have the right to do anything. We were told what we weren't allowed to do, and that just characterised your approach because in the States the people are much more vigorous. That's why lobbying [in Britain] always had a dirty feel about it.... I think there is a lot to be said for the differences in style, that is why Brussels is different to London, but similar to Washington. They are two huge functioning bureaucracies. It's also to do with the financial sector. Here we have the city of London and the city of Westminster together. If you are a practitioner in the States, you have New York and you have Washington. If you are in Europe, you have Frankfurt and Brussels. They are very different geographic and different market places for communications (Butler, 2001).

Future agenda

Writing two and a half decades ago, Jeffrey Berry suggested in his study of lobbying by public interest groups in America that the tactics or activities they pursued fell into three broad categories:

First, there are those techniques that are characterized by direct communication between lobbyists and governmental officials. These include private, personal representations before people in government; testifying before congressional committees; and formal legal action, such as litigation and intervention in administrative proceedings. Second, there are methods by which groups lobby through their constituents. For this cluster of tactics, the professional staffs act as intermediaries, stimulating lobbying by citizens toward their government. They may ask all their members to write letters or to participate in protest demonstrations; or they may ask individual, but highly influential, members or constituents to contact a key policy maker. Third, groups may try to change governmental policy by influencing elections or altering public opinion. The techniques of this sort are contributing money to political campaigns, publishing voting records, releasing research results, and public relations campaigns (1977, pp. 213-14).

These remain useful groupings. An even earlier study dealt with the ways in which lobbying was influenced by the political institutions and culture in Britain, Italy and the United States. Its author suggested that, 'An examination of lobbying by interest groups in other political systems might profitably precede a consideration of such lobbying in the American context. Our purpose is not to be inclusive, but rather to show how some attributes of lobbying are affected by certain characteristics of these systems' (Holtzman, 1966, p. 40). Among the issues scrutinised were: the historical development of lobbying and cultural notions about the legitimacy of interest representation; the supremacy of the Cabinet in British policy making; the party systems in the three countries; the "sponsoring" of British Members of Parliament by groups such as trade unions; the ideological divide in Italian politics; the relative power of the countries' civil services; the impact of a proportional representation electoral system in Italy; the relative influence of parliamentary committees in policy making; the development of federalism and notions of mass representation in America; the extent to which political and executive power is centralised in each system; and so on. All these – and many more – factors remain valid areas of inquiry today.

The next phase of this study is the collection of additional data, through another series of meetings with lobbyists in Washington, London and Brussels later in 2002. Thereafter, the complete set of findings will be further analysed so that a more detailed description of the full range of lobbying activities can be produced, and then put into more of a theoretical context. Finally, a more refined discussion of the relationship between these lobbying activities and the institutional frameworks and policy making structures of the three political systems will be developed.

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Notes

1. The author would like to acknowledge the assistance provided by Paula McNulty in producing transcripts of the meetings. At this stage of the project, some lobbyists are identified in this paper not by name but in terms of their position; in such cases, their quotations are not referenced.
2. The titles of these books often indicate their practice-based approach. Examples of such works in America would include deKieffer (1981), Meredith (1989), and Wittenberg and Wittenberg (1989). British books include Curry (1999), Dubs (1989), Miller (2000), and Wilson (1984).
3. Among these works would be those by Greenwood (1997), Holtzman (1966), Kollman (1998), and Mack (1997).
4. In America too, though, lobbyists recognise that they are not held in high regard collectively. One commercial lobbyist there told the author that: “Lobbyist” has never really been a good word. I grew up in Delaware and I had to give a speech there to a group of insurance agents. There were about 50 guys who all knew my family very well and I said, “because of the work I do, I am a registered lobbyist, but please do not tell my mother. She still thinks I’m a piano player in a whorehouse, and would be horrified to find out I was a lobbyist”.
5. The author knows from personal experience how fundamental monitoring is to the development of a lobbying strategy, having spent two years in Westminster monitoring for a range of commercial and voluntary sector clients; its fundamental importance, however, does not make it any more challenging than it is in reality.
6. Evidence from other work would suggest that this is more true of lobbyists in London than of their counterparts in Brussels and Washington. It may be that further data is needed to make this study more representative in this respect; or it could be that the general practice in Brussels and Washington is currently evolving away from advocacy; or it could be possible that some consultants are reluctant to state publicly the full extent of their involvement in advocacy.
7. The Beltway being the orbital highway around Washington.

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