

Lobbying: Creating Value & Minimizing Risk

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Lobbying

is...

“...a deliberate attempt to effect or resist
change in the law through direct
communications with public
policymakers...”

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Daniel Ostas, The law and Ethics of K Street

Lobbying – Definition Redux

- **Active** – organized, strategic, direct, research
- **Influence** – Education, persuasion, people, money
- **Government Policy Makers** – legislators, staff, regulators, administrators
- **Impact** – make change or protect the status quo

Origin of the Term “lobbyist”



“Grant complained incessantly of all the “lobbyists” who were getting in the way of his toddy.”



1st Amendment US Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Lobbying Balance Sheet: Liabilities and Assets



"These new regulations will fundamentally change the way we get around them."

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"Sure, you can grow to be president...
but for real power consider becoming a lobbyist."

The Exchange Model

“Since I have arrived here, I have had an application to be concerned, professionally, against the bank, which I have declined, of course, although I believe my retainer has not been renewed, or refreshed, as usual. If it be wished that my relation to the bank should be continued, it may be well to send me the usual retainer. .”

- Sen. Daniel Webster

In One Word - Guanxi

guanxi

(pronounced gwanjee)

The Chinese word *guanxi* translated literally means relationships. In the Pacific Rim, having guanxi can make all the difference in ensuring that business will be successful.

Friendship, trust, cooperation, reliability, connections - all key components. "Guanxi" can minimize the risks, frustrations and disappointments of sourcing offshore.

Do you have it?
We do.

Technical Expertise Model

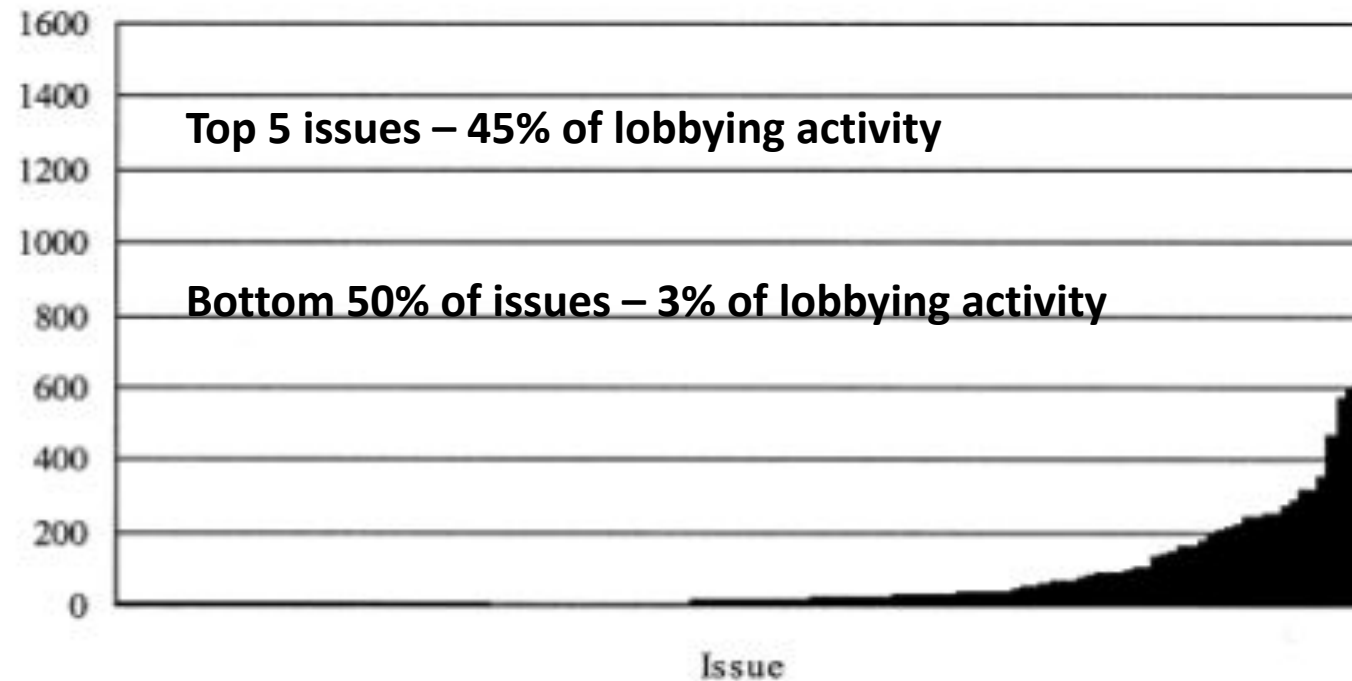
“Lobbyists are, in many cases, expert technicians and capable of explaining complex and difficult subjects in a clear, understandable fashion...the lobbyists who speak for the various economic, commercial and other functional interests of this country serve a very useful purpose and have assumed as important role in the legislative process.”

- John F. Kennedy

The 80-20 Concentration of Lobbying

FIGURE 1

Number of Interest Groups Active Across a Sample of Issues, 1996



AGRP Code of Ethics

Article I – Honesty and Integrity

Article II – Compliance with Applicable Laws,
Regulations & Rules

Article III – Professionalism

Article IV – Conflicts of Interest

Article V – Diligence & Best Efforts

Article VI – Compensation and Engagement Terms

Article VII – Confidentiality

Article VIII – Public Education

Article IX – Duty to Governmental Institutions

Lobbying Disclosure Act of 1995

Motivations:

- Explosive growth in lobbying
- 1991 GAO study – 10,000 of 13,500 “influencers” not registered*
- Need for better definitions – e.g. “lobbying,” “lobbyist”

*“I am very proud to be able to sign this legislation to bring lobbying in Washington into the sunlight of public scrutiny.”***

- President Clinton

* History of the Lobbying Disclosure Act, Lobbyinginfo.org

** <http://www.encyclopedia.com/doc/1G1-18073360.html>

Lobbying Disclosure Act of 1995

Lobbying Disclosure Act – Registration Requirement

Individual Lobbyist

If: Retained by client for compensation, **and**

If: You will make more than 1 contact, **and**

If: You will write or speak with a covered official about legislation or policy making, **and**

If: you will spend 20+ percent of your time lobbying in the next 6 months, **then** you must register

Lobbying Firm

If: in a 6 month period income from lobbying exceeds \$5,000, **and/or** lobbying expenses exceed \$20,000, **then** you must register

The Disclosure Data



<https://www.opensecrets.org/lobby/>

Developing a Lobbying Campaign

6 Core Questions

1. What is the objective...near-term and long-term?
2. Who are the stakeholders (pro and con) and what do they need/want?
3. When should you lobby?
4. How do you frame an issue?
5. Where and with whom do you lobby?
6. What resources do you put against an issue? Where do you get them?

Who/What Stakeholder Mapping

Who	What	
	Needs	Wants

Guidelines

- Enumerate all stakeholders
- Segment by support or opposition, interest level, power, strength of relationship, etc.
- Prioritize needs and wants
- Gauge alignment of interests
- Identify potential coalition members

When to lobby?

- There is interest
- There is near-term potential for action
- There is long-term potential for action
- Others are taking action

How do you Frame the Issue?

- Framing can significantly impact policy outcomes
- Once framed, hard to change

Global Warming v. Climate Change

Customizing the Message

Audience

Message Design

Policymaker

The Bottom Line

Policymaker Staff

Specific and detailed

Interested Parties

Simple with key insights

General Public

Sound bites

Source: Based on Guideline on Lobbying and Advocacy, ICCO, June 2010, p. 37.

Venue Options Decision Framework

Level: Federal or State

Branch: Congress, White House, Departments, regulators

Target:

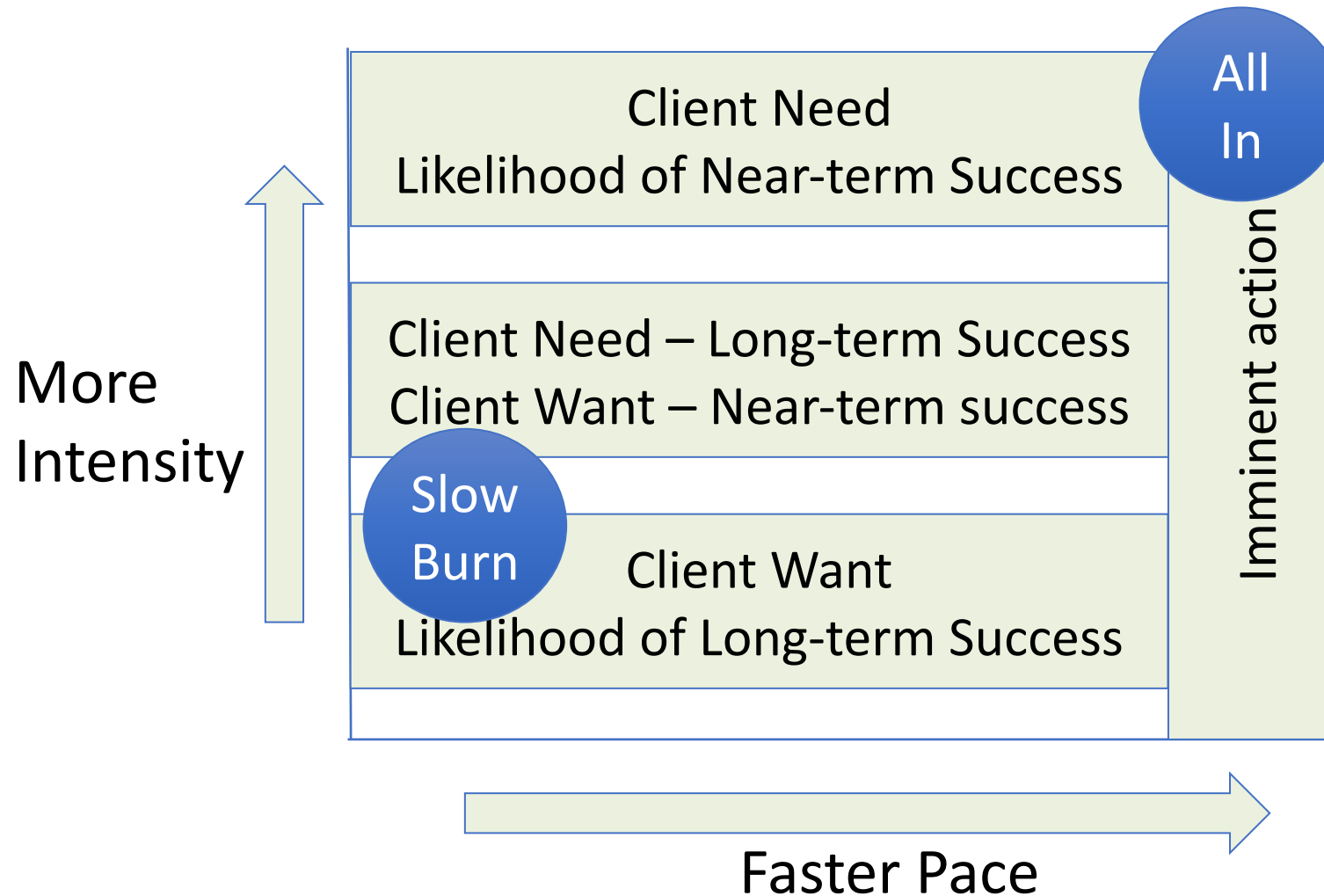
- Legislature: Member, Committee Chair, Leadership
- Executive Branch: Technocrat, Leadership
- Independent Regulators: Technocrat, Leadership

Venue Selection Based on Opposition

Opposition	Strong	<i>Unattractive Seek Alternatives</i>	<i>Important But Expensive</i>
	Weak	<i>Ignore</i>	<i>Ideal Venue</i>
		Weak	Strong
		Your Position	

Source: Choosing Battlegrounds: Interest Group Lobbying Across Multiple Venue, Thomas Holyoke, Political Research Quarterly, Vol. 56, No. 3 September 2003.

Intensity and Pace of Lobbying Campaigns



Case Examples



AN ANALYSIS OF UNITED STATES DAIRY SUBSIDIES



Nikkole M. Adams

JUUL®

STARTER KIT

JUUL Device
USB Charging Dock
4 Flavour JUUL pods
20 mg/ml Nicotine
(1.7% Strength)

- Glacier Mint
- Golden Tobacco
- Royal Cream
- Mango Nectar

The Alternative
For Adult Smokers

**This product
contains nicotine
which is a
highly addictive
substance**



Getting Started at Your Company

Building Lobbying Capacity: Action Items

1. Draft an internal lobbying policy (goals, dos and don'ts)
2. Create a lobbying organization & roles and responsibilities (can be dedicated or existing positions)
3. Establish lobbying priorities
4. Develop an advocacy campaign for priority issue
5. Execute, follow-up and assess

Lobbying Campaign Template

What is the objective...

Near-term: _____

Long-term: _____

Who are the stakeholders (pro and con) and what do they need/want?

Who	What	
	Needs	Wants

When should you lobby? _____

How do you frame an issue? _____

Where and with whom do you lobby?

Where: _____

With whom: _____

What resources do you have?

	Limited	Extensive
Funds	<div></div>	<div></div>
Access	<div></div>	<div></div>
Time	<div></div>	<div></div>
Coalitions	<div></div>	<div></div>
Social Proof	<div></div>	<div></div>
Grassroots Support	<div></div>	<div></div>