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K STREET INSIDERS

This series of weekly columns by the biggest names on K Street unpacks the most important issues facing the lobbying business and the people in it.

What makes a special interest special?

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It should come as no surprise that the media is an equal-opportunity critic when it comes to lobbyists.

Recent articles in a number of publications, including *The Washington Post* and *The New York Times*, paint unflattering portraits of lobbyists with ties to Democratic lawmakers. Do these articles describe violations of campaign finance laws, illegal gift-giving or other ethical lapses? No, the crux of the criticism was that these individuals who were friendly with Democratic lawmakers lobbied for companies that were interested in pending legislation.

As part of the case against them, two lobbyists with ties to Democrats were singled out, one for having received a kiss from a powerful committee chairman and the other for eating at a certain restaurant. Apparently it does not matter if an individual is an honest, law- and regulation-abiding Democrat or Republican. It seems that merely knowing important people is enough to earn an otherwise honorable person discredit.

Why is this important? As we enter the home stretch of this historic political year, we are witnessing a rare engagement by the White House, Congress and the American public. At few times in recent

American history has there been such a focused and informed debate about issues of national proportion.

In the first six months of 2009, we saw unprecedented legislation regarding climate change pass the House of Representatives; since then Congress has turned its attention, and that of the American public, to the issue of healthcare reform. To the apparent dismay of some, there are a great number of lobbyists representing a multitude of entities with interests in the legislation.

The overwhelming majority of these lobbyists are seeking only a change or addition to a certain section or provision. Regardless of the extent of their interest, however, all are vulnerable to being labeled “special interest” lobbyists and worthy of all of the opprobrium that is associated with the label. Those who are on the other side are typically said to be representing the public interest. But of course, like most things, it is not that simple.

Assuming that both sides of an issue have an interest, what makes one side special or, as it’s implied, “bad”? When a utility or health insurer supports most of the provisions of the climate change or healthcare legislation but tries to change some parts, is it acting against the public interest? Can it be both good and bad at the same time?

The demonization of one side by the other may be good

politics, but it is contributing to the gridlock and negativity that is stifling the legislative process at the state and federal levels in America.

The belief that advocates are either good or evil leaves little room for compromise. Issues are debated first on a political level and then on the legislative level, where there is very little room for politicians of either party to budge. This overly simplistic good-versus-evil dichotomy contributed to the divisive-

Many in the media have predicted that permitting them to do so could contribute to the downfall of the country as we know it. This is based on their assumption that all corporate speech is adverse to the public interest. Why can’t it be informative even if it is provocative? Let the media and the so-called “watchdog” groups take them to task when they are wrong or misleading. In recent years, the latter have seen their fundraising dramatically

ASSUMING BOTH SIDES OF AN ISSUE HAVE AN INTEREST, WHAT MAKES ONE SIDE SPECIAL, OR, AS IT’S IMPLIED, “BAD”?

ness of this summer’s town hall meetings — events that should have been opportunities for at least some positive debate.

And what is the public interest, anyway? Is it determined by a quantitative test? If a majority of Americans support a particular position, does that become the public interest? (According to a recent CNN poll, more than 60 percent of Americans oppose further restrictions on guns. Is the NRA a public interest group?) And what if a majority of Americans do not support a position on an issue? Is it wrong to try to convince the public of the merits of a position? Even if the party trying to do the convincing is a corporation?

The Supreme Court will soon rule on whether corporations may have a greater ability to speak on political issues.

increase and, more than ever, have the resources to run their own advertisements.

Recently, several corporations withdrew from the U.S. Chamber of Commerce due to the Chamber’s position on the pending climate change legislation. Who among the corporate speech critics would argue that the public interest wouldn’t be served by an advertising campaign funded by those corporations and aimed at members who opposed the legislation?

Would those corporations be transformed into a “special public” interest?

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