**Civics 101**

**Episode XX: Episode title**

This transcript was generated using an automated transcription service, and may contain typographical errors.

**Nick Capodice:** [00:00:23] This is Civics 101. The podcast refresher course on the basics of how our democracy works. Virginia Prescott is up for the holidays this week. I'm Nick Capodice. And today we're replaying an episode that we aired back in the summer: lobbying. Lobbying is one of the most stigmatized often misunderstood professions in the Capitol. We wanted to pull back the curtain. Hope you had a great holiday and hope you enjoy the episode.

**Virginia Prescott:** [00:00:47] In 2016 Interest groups spent more than three billion dollars lobbying federal agencies and lawmakers. Where does the money come from and where does it go. And is lobbying as shady as people think. Our guide for today is a former Senate staffer and lobbyist former lobbyist that is Jimmy Williams. He now hosts the podcast Decode D.C. Jimmy ready to dish the dirt?

**Jimmy Williams:** [00:01:10] Let's rock n roll. Thank you.

**Virginia Prescott:** [00:01:11] So you were a lobbyist for many years. Which interest groups did you represent.

**Jimmy Williams:** [00:01:17] Well I'm trying to think of which ones I didn't. I represented NASCAR. I represented big banks. I represented the National Association of Realtors, Wine and Spirits distributors. I think I might be missing somebody.

**Virginia Prescott:** [00:01:32] No, you're covering booze NASCAR.

**Jimmy Williams:** [00:01:37] Essentially all the essential American things that you could possibly need in your life. Right. I mean that's that's all you need.

**Virginia Prescott:** [00:01:42] Well give us a sentence what what is lobbying.

**Jimmy Williams:** [00:01:45] The first definition is sort of a legal definition and that is a lobbyist is basically anyone who spends at least 20 percent of their time influencing the federal government and that includes both the legislative and the executive branches. Why 20 percent? Well that's because Congress has deemed 20 percent to be the number or the threshold that you have to meet in order to register as a lobbyist. Now what's the real answer. Anyone can be a lobbyist. And the reason that is so is because in the First Amendment it is terrifyingly clear you have the right to redress your government for your grievances. It is etched in stone. There it is. And that could be you calling your congressman up and saying Hey where's my Social Security check or I don't like your votes or going to a town hall. That in essence is also lobbying. You're just not beating that 20 percent threshold.

**Virginia Prescott:** [00:02:42] All right let's explore this a little I mean because there is a vast difference in scale and someone showing up to a town meeting and somebody wining and dining which is which is my impression of a lobbyist. You know lots of expensive dinners and breakfasts gifts. Jack Abramoff you know sort of double breasted suits. So tell me about a typical day for a lobbyist.

**Jimmy Williams:** [00:03:04] Let me. Can we just go back in time and I can tell you what my typical day would have been like, wake up in the morning use the bathroom take a shower maybe work out.

**Virginia Prescott:** [00:03:12] Get a little less detail.

**Jimmy Williams:** [00:03:13] OK. All right. So less details you go to your office and you probably before you go to your office you probably go to a breakfast fundraiser. You have a check, either your own, your trade associations or a client's check and you drop that check off with the fundraiser. You have bad eggs and bad bacon and stale coffee and you talk about policy then you leave and you go to your office and you use your time contacting Hill staffers or administration staffers and then you probably go to a hearing on the House or the Senate side the same people by the way to staffers that you just talked to and the same members that you just had breakfast with then you break for lunch and you go to another fundraiser and you have another check. And that could be for a different member of Congress or a different senator. You do exactly the same thing you hand that check over and you talk about policy and then you leave. You don't get to take a nap. You go back to your office or you take clients up to the hill and you let them meet with members of Congress and senators that you have already prearranged meetings. Then you go to another cocktail party for another member of Congress with another check from another client. And you talk about once again policy.

**Virginia Prescott:** [00:04:30] Yes. OK so that's a lot of checks. That's a lot of checks being turned over. How is lobbying not bribery?

**Jimmy Williams:** [00:04:37] It is bribery it's legalized bribery.

**Virginia Prescott:** [00:04:39] What's the distinction here. What crosses the line maybe is the question.

**Jimmy Williams:** [00:04:43] So if you say to a member of Congress I'm going to give you this check and you're going to drop a bill or introduce a bill for me a piece of legislation. And they say yes that is illegal under the law. If you give a member of Congress a check and you say this is what I care about or my client cares about. We'd love for you to drop a bill and they don't say yes or no but then they drop a bill that's legal bribery.

**Virginia Prescott:** [00:05:15] So there's a wink wink nudge nudge factor here.

**Jimmy Williams:** [00:05:18] Yes but there has to be an implicit quid pro quo in order for it to be illegal.

**Virginia Prescott:** [00:05:23] So this is just unspoken I mean it's sort of like going to you know a pickup bar. Everybody knows what's happening but nobody says it out loud.

**Jimmy Williams:** [00:05:34] Well Virginia I'm not sure how to answer that Virginia, that's, that's not true. I have been to bars. Look I mean everybody is there for a reason. There's gambling happening at the casino right. Fairly good metaphor but the bottom line is is that it's all legal OK.

**Virginia Prescott:** [00:05:49] What are the other rules of got the governing lobbying?

**Jimmy Williams:** [00:05:52] Well the most of the rules actually fall within the lobbyist camp. And so you have to register as a lobbyist with the clerk of the House of Representatives and with the secretary of the Senate you have to file semiannual reports with them saying Who you've lobbied what issues you've lobbied on who your clients are how much money they are paying you to lobby on their behalf and what specific pieces of legislation that you are working on. All of that as a matter of public record you can go and try to find that just by simply going onto the House and the Senate Web sites.

**Jimmy Williams:** [00:06:28] What isn't reported is when you fall under that 20 percent threshold that we mentioned earlier and that's where there is a big huge grey area or how do I want to say this the right way. There are a lot of people that are our onto the 20 percent threshold.

[00:06:47] So in essence organizing or preparing a fundraiser or getting ready for constituents or clients to come into town that is not considered lobbying. But if you call and ask for a meeting that is technically considered a part of the 20 percent. So what do you do if you're a former member of Congress or former senior staffer. You just don't do all the dirty work. ie all that stuff I just talked about. Instead you just keep all the real stuff under 20 percent and that's why there's a sort of shadow group of lobbyists out there that no one talks about because if you're not doing the 20 percent. Well guess what. You don't have to register with the federal government.

**Virginia Prescott:** [00:07:29] Today lobbying is very much tied to money. Is it always been. So what do we know about the history of the lobbyist.

[00:07:36] Well lobbyist have been around for a really long time the term lobbying comes from a bunch of old white stuffy men that used to sit in the lobby of hotels in Washington D.C. waiting for members of Congress who were in those staying in those hotels back then the members of Congress did not live in Washington D.C. And so they would wait for them to come down and they would lobby them and you know by the lapels and this is what my client wants. And yes the money was there still then as well. But the bottom line is money has always been a part of lobbying because again you can give money to a member of Congress and a senator says the question is is how much can you give them and whether or not the Supreme Court thinks it's constitutional.

**Virginia Prescott:** [00:08:18] OK so you are at one of these fundraisers breakfast dinner lunch whatever you're talking with somebody would put those kind of conversations like.

**Virginia Prescott:** [00:08:30] For a member of Congress or a senator, you go to the breakfast and you sit down and you have your coffee and the bad eggs and the bad bacon and it's it's fine. And the member says OK can everyone just go around the table and say who you are and who you represent and say Hey my name is Jimmy Williams Thank you Congressman I appreciate you being here. I represent the National Association of Realtors. And they care about mortgage interest deduction and he'd be like I'm with you on that. Awesome. And then the member of Congress sort of says here's what's going on in Congress. Does anyone have any questions and people ask questions. Lobbyists do ask questions of those members. You got to pay to walk in the door. Then you get a chance to speak up and be heard. And so that's kind of how a fund raiser works around food and booze.

**Virginia Prescott:** [00:09:16] Did you ever feel, Jimmy, like you were promoting interests that you couldn't really get behind.

**Nick Capodice:** [00:09:22] Well I would never do that when I worked for a a lobbying shop a lobbying firm. The NRA was a client of the firm. I would not work on the NRA because I just fundamentally as a human being disagree with what the NRA purports to advocate on behalf of, which has Gun Owners of which I am one. But I just don't like their tactics. Here's the deal. Even the NRA even gun owners and gun manufacturers and even tobacco companies have the right to redress their government and they have the right to hire lobbyists and have their voices heard. I just chose not to work on those issues.

**Virginia Prescott:** [00:09:56] Could could you become an elected or one rather become an elected member of national government. You know in the House or the Senate without having taken money from lobbyists.

**Jimmy Williams:** [00:10:07] No no.

**Virginia Prescott:** [00:10:08] So every everybody's everybody's got the taint of lobbyists.

**Jimmy Williams:** [00:10:12] I'm sure they do. Bernie Sanders Senator Bernie Sanders decried lobbyists and Elizabeth Warren decries lobbyists. And if I bet if you checked their their campaign donation rosters with the Federal Election Commission I guarantee you they take tons and tons of money from lobbyists. Now that may be big labor that may be environmental groups that may be you know children's advocates group affordable housing things like that. But by and large every single member of the House and the Senate they take campaign donations from the people and from lobbyists. Does determining whether you like those lobbyist or not that's a matter of discretion.

**Virginia Prescott:** [00:10:51] How much money do lobbyists make.

[00:10:55] Well if you're really lobbying for a trade association you're gonna make less if you're lobbying for a law firm or a lobbying firm. You're going to make more. Most staffers when they leave the Hill. And that makes it that makes up a super majority of people that become lobbyists when they leave the Hill they're going to make anywhere from you know 150 up 150 thousand dollars up. It is it is not unheard of for a senior Hill staffer to leave Capitol Hill and make a half a million dollars a year. That's a big improvement over being the highest paid personal Capitol Hill as a staffer would be a chief of staff. And I think they can make just over 150000 dollars a year.

**Virginia Prescott:** [00:11:37] Jimmy what's a real world example of when you were successful or are maybe not so successful as a lobbyist.

**Jimmy Williams:** [00:11:44] So when I was, can I start in as a staffer and then tell you.

**Virginia Prescott:** [00:11:48] Sure.

**Jimmy Williams:** [00:11:48] So when I was a staffer I worked on steel issues. Steel is. That's what cars and planes and trains and automobiles are made of right. And refrigerators for that matter. And then when I got out of the Congress as a staffer and became a lobbyist I had a client that came to me and said look you know are domestic steel maker and there is a problem here we can't we we're being flooded in this country with Russian and Chinese and Brazilian steel that is under undercutting us. And so having gained that knowledge about trade laws what is a section 201 versus a 301 and your listeners are going to go what's he saying. Well that's all part of the trade law and having known that and learned that as a staffer I was able to then say to my client hey here's the best thing that you should do. You should not go down this path. Instead you should go to these members and ask them to help you because they are the key players in this legislation and in this area.

**Virginia Prescott:** [00:12:48] I don't think a lot of kids grow up thinking mommy daddy I really want to be a lobbyist when I grow up.

**Jimmy Williams:** [00:12:54] They don't. They don't.

**Virginia Prescott:** [00:12:55] How does one make, how does one become a good lobbyist?

**Jimmy Williams:** [00:12:59] If you want to become a lobbyist you've got to go work on Capitol Hill man you've got to learn the ropes you've got to learn what an amendment is and you've got to learn how to get a bill passed and you've got to learn how to compromise. There are plenty of people that sit around watching C-SPAN all day long. That's fine. But until you actually go up to Capitol Hill and deal with these members on a day in and day out basis and learn the ropes then that's what it takes to become a good staffer and a good lobbyist.

**Virginia Prescott:** [00:13:26] Jimmy, thank you so much. Really appreciate it.

**Jimmy Williams:** [00:13:28] Absolutely. Anytime.

**Nick Capodice:** [00:13:34] That was Jimmy Williams a former lobbyist himself and the host of the podcast Decode DC speaking with Virginia Prescott back in July. This episode was produced by Maureen McMurray and the rebroadcast by Ben Henry. Our senior producer is Taylor Quimby. theme music for the show is by Broke for free. Oh and here's a little something. If you want even more civics in your life one of the things they do at the show is write a newsletter every week that you can sign up for Civics 101 podcasts dot org. This week was one I delved a little bit too deeply into presidential Christmas trees. And while you're there you can submit any questions you might have about anything in our government and we'll see what we can do. I'm Nick Capodice, Civics 101 is the production of New Hampshire Public Radio.