

THE WHITE HOUSE

WASHINGTON

November 9, 2009

David G. Wenhold, PLC, CAE, President
Peter G. Mayberry, ALL Board of Directors
American League of Lobbyists
P.O. Box 30005
Alexandria, VA 22310

Dear Messrs. Wenhold and Mayberry:

I am writing to respond to the American League of Lobbyists' letter objecting to the Administration's measures to restrict lobbyists from serving on federal boards and commissions.

As you know, the President feels strongly that the way business has been done in Washington in recent years needs to change. Restricting lobbyists who advocate for special interests from privileged positions within government is the most recent step that the Administration has taken to implement that change.

While we appreciate your thoughts, you do not address the main point of our October 21 letter: that it's the system as a whole that concerns us. As we previously noted, lobbyists for major special interests have in recent years wielded extraordinary power in this town. The result has been a national agenda too often skewed in favor of the interests that can afford their services. Today, for example, major banks are spending tens of millions of dollars on lobbyists whose mission it is to gut meaningful financial reforms, despite the blatant industry abuses that have led to worst economic crisis in generations. The insurance industry has unleashed its army of lobbyists to try and frustrate health insurance reform and keep in place a system that works better for them than the American people. And the oil and gas companies are lobbying furiously to frustrate reforms that will put America on the path of leadership in clean, home-grown, renewable energy.

Candidly, we were disappointed that you do not address that fundamental systemic problem or offer any solution to it.

Let me turn now to each of the points you did address. First, we do not believe that the Administration's actions will "deprive career public officials of the knowledge, perspective and insight" offered by lobbyists. Should members of the Administration wish to hear from anyone affected by this policy, they are free to call on such individuals for testimony or input. What the policy restricts is giving these lobbyists a government position at the same time they are initiating their own separate contacts with the government to advocate for the positions of the special interests they represent.

Second, we respectfully disagree that the timing of our announcement and the subsequent agency actions resulted in any unfair or ex post facto penalty to your members. We announced this at the same time to everyone, lobbyist or not. Service on these boards is a privileged position of public trust and it would be inappropriate for anyone to have any special entitlement to serve on them.

Third, your contention that the board members who this policy will affect are experts who merely “happen to be” lobbyists sidesteps long-standing national concerns focusing on members of the lobbying profession. The American people, through Congress, began applying special rules to lobbyists in 1876. The United States Supreme Court has treated lobbyists differently from other experts and public servants since 1954, when it upheld special restrictions for lobbyists, recognizing that “[o]therwise, the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal.” Since then, numerous courts have upheld differential treatment for lobbyists based on the widely-held recognition that their profession poses the potential for risk to the public interest.

Finally, we wish to be clear that it is not our intent to “demonize [y]our profession.” As we have said before, we have no doubt that many of the lobbyists on federal advisory boards bring great knowledge to those panels – but their participation also puts them in a unique position to influence policy on behalf of their individual clients.

Our view is not that lobbyists should be limited from advocating for their clients – just that they should not do so while at the same time holding positions within the government. We believe that the revolving door that has for too long characterized Washington policy-making should be closed and that all reasonable steps should be taken to assure the American people that the system is working fairly for all.

Sincerely,



Norman L. Eisen
Special Counsel to the President