



QUALITY RESEARCH FOR COMPETENT DEBATE

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Resolved: In the United States, organized political lobbying does
more harm than good.

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TOPIC BRIEF

Continuing in what is apparently a year-long trend of assigning topics to the wrong debate event, the National Forensics League has announced its February topic. LD debaters everywhere are jealous.

Resolved: In the United States, organized political lobbying does more harm than good.

The wonderfully intriguing aspect to the writing of this topic is that the NFL decided to finally word it in a manner by which it can be debated equitably. The words “does more harm than good,” or some permutation thereof, have been lacking from PF topics for far too long.

It has been apparent for some time that those topics which make blanket statements put themselves into positions where a certain respect for a priori argumentation makes many experienced judges have a natural bias – more specifically, a bias toward the more weakly worded side of any resolution. The perfect Public Forum topic is one that takes two sides of a relevant issue, and words itself in such a way that these two sides are mutually exclusive and equally defensible. This topic falls short of that standard, but there is at least some sort of

recognition that a topic should be worded to discourage potentially abusive argumentation from easily winning a majority of its rounds. For that, this topic is lauded. An issue has been presented, a line was drawn, and the wording is such that at the very least it does not alter the natural bias of the topic at hand. In other words, the only bias that should occur in this topic should come from the nature of organized political lobbying itself. This is exactly what a Public Forum resolution should be.

That being said, there is a certain amount of natural bias to the issue at hand. Organized political lobbying is a contentious issue in this country, and as a result people have already formed strong opinions about it. Those people naturally fearful of moneyed interest in politics would side with the Pro, and those people who favor a broader construction of the right to petition one's government would side with the Con. Another cleavage would be between those who view the practical implications of lobbying efforts in politics, and those who have read Federalist X (and tend to view the subject in a more theoretical light).

And the wording of the topic itself, while a refreshing change from the poorly worded topics of recent months, is far from perfect. Even when evaluating whether a thing does more harm than good, a seemingly incorruptible and unabusive word if ever there were one, we are still left at best with evaluating a set of alternatives to the thing in question. This is intellectually defensible, but also

incredibly difficult. Counterfactual reasoning is inherently necessary in such argumentation, and can even lead to a debate about the nature of human beings in and of themselves. After all, when alternatives are compared, should we decide which conceptually possible alternative is the best, or rather which actually possible alternative is best?

While some people would side with the latter simply because “this is Public Forum,” that is intellectually weak. If we are deriving our answer from the topic, as we should if we are to be intellectually strong debaters, we need to figure out far more about what the topic says than we ever should want to know for a month’s debate.

And then we come to the jealousy of LD debaters across the nation. While the wording of this topic is indubitably that of Public Forum, there is even less doubt that the subject matter belongs to the realm of political philosophy. After all, organized political lobbying is nothing more than the outgrowth of interest groups as actors in a political system. Interests + money = organized political lobbying.

Even if LD had not staked a claim to this debate, which it has, the style of debate better lends itself to the theoretical arguments that must accompany this topic.

With due respect to the PF debaters of the National Forensics League, I would submit that prior knowledge of Federalist X is much more common in LD than in

the aforementioned event, as would be knowledge of Montesquieu and others. As this theoretical background will be necessary for the counterfactual arguments demanded by the topic, I am unconvinced that Public Forum is the proper forum for this subject.

But for all that, this is a topic worth debating and worth debating well. Let's begin with an analysis of framework, beginning with an attempt at operant definitions. The jurisdiction of the topic is clearly specified as the United States, giving us a finite boundary for our debate. That being said, the United States is the outermost domain of discussion, rather than the most insular. This means that not only the federal government but also state and local ones are fair game, and should not be ignored. Organized political lobbying definitely occurs at the state level, and probably can be said to occur in many municipalities as well. But in the case of some municipalities we might have yet another issue: is there a point at which a lobbying process can become so corrupt, that it ceases to become lobbying altogether? Not an issue in many places, this might come to be a turning voter in some municipalities and some rounds. But we'll get to the definitions of lobbying in a short while.

Because of the presence of Federalist X, the Pro will be more apt than the Con to point out the admissibility of state and local governments in the realm of this resolution. As the paper rightly points out, and as is empirically evidenced around

the United States, smaller jurisdictions are more likely to be corrupt and overly influenced by one or more interest groups than larger ones. Any time a complex political unit is broken down into simpler, more homogenized ones, there is a greater likelihood not for an outright tyranny of the majority, but for a willful ignorance of a process incidentally destructive of the rights of marginalized citizens. State and local governments also can be more dominated by specialized interests for many other reasons. For all that the federal government is a behemoth organization, states are responsible for most of the day-to-day functions of running public services directly or indirectly. The greater size of these governments in their own regions, and the relative lack of constitutional limitations upon them, means that they must have both a greater complexity and a greater potential for abuse. The Pro can and should bring this up in the course of debate.

Next we come to the phrase “organized political lobbying.” What is intended by this phrase is almost certainly the assortment of paid K-street lobbyists who take members of Congress out for lunch on a regular basis. These people are employed by specific interest groups, and are expected to encourage legislators to support their employers’ agendas. Is this a definitionally accurate interpretation?

Probably so.

The easiest way to begin analysis of this phrase is by looking at its subject – lobbying. While functionally a noun in this sentence, the term is in the present progressive tense and thus is derived from a verb. A great definition, found at OSCEA.org, is “a term for any number of activities that attempt to influence the passage or defeat of legislation or administrative rules and regulations.” This is broad, but fine considering that the resolution imposes its own limits upon the term with its modifiers already. Lobbying can be basically any form of persuasive communication with a policy maker.

This, of course, makes lobbying almost inherently political – not in the technical sense of a government’s policies, but in the sense that their activities must be under the purview of politics more generally, the eons-old art of deciding who gets what. Lobbying is a mechanism by which the actions of politics are influenced. So the meaning of the word “political” in the resolution is almost redundant. We could assume that lobbying were political. If it fits your case to only refer to lobbying in the context of official government entities, try to define it as such, but there is no compelling reason to think in either direction.

But unlike the aforementioned adjective (and if you think that political is an adverb in the context of the resolution, you’re wrong), the term “organized” will be a turning one in many debate rounds. See, not all lobbying is created equal.

There are many types of lobbying, and some of them are far more organized than

others. Some of the least organized do not even employ professional lobbyists, but instead rely on grassroots contact between legislators and their constituents. This has important legal and resolutorial connotations.

In the United States, wherein the resolution will operate next month, every citizen is guaranteed the right to petition the government for redress of grievances, as explicitly said in the First Amendment. Given our colonial history of being ignored by George III in our attempts to peaceably resolve our differences over tax policy, etc, this has long been seen as one of the most important fundamental rights to a free society. Not only is it something to which human beings inherently have a claim, it is also essential to liberty in general and responsive democracy in particular. Without the ability to petition government officials, communication between representatives and the represented suffers. The more out of touch with the needs of citizens a member of a legislature becomes, the more insulated from the very demands of his office he is. And while the right to petition a government official is by no means equitable with the right to have grievances automatically fixed by said official, there seems to be little doubt that mere communication between individuals and their legislators is protected by law, especially when the communication deals with legislation at hand.

So from a constitutional perspective, lobbying is something that is an inherent right of American citizens. If lobbying is attempting to influence public policy by

means of persuasive communication, how could it not be? This has several important implications. First, the shock value of a constitutional argument in a PF round should be enough to scare several opponents into silence. But furthermore, the argument actually has merit. The reason that lobbying is a protected act is because it is tantamount to the oxygen of democracy. Without it, citizens run the risk of the destruction of all their rights, and we could safely assert that few Americans, and fewer judges in your rounds, view such an outcome as desirable.

But the legal distinctions that have been made since 1787 have given some credence to a less libertarian and more practical approach to the way lobbying is conducted in American society. The most important dichotomy seems to be between grassroots organizing and organized lobbying itself. In a nutshell, nobody wants a K-street lawyer unduly affecting the legislative process with a briefcase full of cash and the promise of a PAC's electoral support. But organizations such as the NRA, AARP and others insist that if their "lobbying" efforts are grassroots organizing – encouraging their members to independently contact and petition their representatives, rather than using a paid lobbyist as an intermediary – this falls into the "life-force of democracy" category.

There is plenty to be said for this distinction. The operant difference, of course, comes from money. A legislator can and probably should be influenced by an incredibly high number of his constituents voicing support of or opposition to a

piece of legislation at hand. That much seems to be indicative of nothing more than responsiveness. But when money enters the equation, and votes in a legislature are being effectively exchanged for campaign contributions, people start to get quite a bit more upset. Granted, few politicians are careless enough to make an explicit exchange of votes for money, but there is often an understood exchange at play that is much more difficult to trace. Professional lobbyists are masters of this game, and knowing where to apply money and pressure.

And that is the real problem with identifying the true nature of organized political lobbying. While many dedicated organizations attempt to track the flow of money in the legislative process, there are few direct correlations to be drawn between money and votes. If the NRA donates money to a Republican legislator's campaign fund, it is almost impossible to declare that the donation was unethical. After all, the Republican in question would likely have sided with the NRA anyway; who is to say that the money was not just to encourage the re-election of a legislator already proven to be friendly to the needs of the group? Furthermore, campaign contributions, while limited by law in many jurisdictions and the US as a whole, are generally protected by the First Amendment as well. Few people want to completely eradicate money from politics, and nobody thinks that it would be possible.

So a lobbyist with a briefcase full of cash is probably a bad thing. But a lobbyist informing a legislator of just how many American voters will side with his organization on a particular issue is probably nothing but good for responsive politics. Indeed, lobbyists are an important tool in informing legislators of the desires of Americans. As we can never know the pervasiveness of monetary corruption in legislators, it is difficult to account for the “more harm than good” specified in the resolution.

One of the most important framework arguments to come out of all of this is the admissibility of grassroots organizing into the debate round. Do grassroots lobbying efforts count as “organized political lobbying?” Strangely enough, the grassroots organizations in question would hope to avoid the association, for reasons both legal and practical. Not only do they not want the stigma of being labeled as lobbying, but their actions could be limited under existing precedent (and all their members could be forced to register with certain governments) if they were.

That being said, grassroots organizing is a form of organized political lobbying. Any so-called grassroots effort is being orchestrated by some entity, be it an individual or an organization. Whether the extent of the organization is a mass email telling a thousand people to write their congressman, or it involves a massive march in Washington D.C. to protest a piece of legislation, the effort is

organized in some way. And if the grassroots effort is directed at a political effort, it is political lobbying. One could try, with definitions both rare and abusive, to argue that grassroots efforts are separate from lobbying altogether, but this does not appear to be an argument capable of carrying weight.

We've already discussed the last phrase in the resolution to some extent, but it will suffer some additional analysis. The phrase "does more harm than good" is self-explanatory. On the Pro, one will try to prove that organized political lobbying is a bad thing overall. On the Con, one must argue that it is a good thing overall. Some might assert that a balanced Con is still possible, and one could win a round by arguing a net-neutral effect. This is foolish. The positive and negative effects of lobbying upon the political system are enormous, and almost impossible to quantify. The notion that with innumerable forces being applied in either direction, the net outcome would be zero is, to quote Marshall, "an absurdity too gross to be insisted upon." This resolution demands, through the phrase in question, that debaters on the Con should actually have an advocacy.

We'll discuss additional items of framework as the analysis needs, but for now I'd like to move to what may very well be the most important document with respect to this resolution in existence: Federalist no. 10. It will be important not only because people will use it as evidence, but because it gives better insight into

today's issues from a theoretical perspective than one could find anywhere else, by an American commentator.

James Madison, one of our Founding Fathers and later in life the fourth President of the United States, authored the Federalist Papers along with Alexander Hamilton and John Jay. It should be noted that the papers were so named because their authors were of the Federalist persuasion, which at the time (while not yet a political party) was a growing faction itself in United States politics. The US had been suffering under the yoke of the Articles of Confederation, a document that loosely provided for a poor unification of the states with only voluntary monetary donations. It left the government with little real power and no ability to unite the country. Our first experiment with unification had gone horribly wrong.

The Constitutional Convention was called to design a new document to organize the country, and it provided for much more federal power than the Articles. It called for a strong executive branch, where the Articles hadn't really provided for any executive branch. It called for the power to tax imports, giving the government a source of revenue at last. And for the several States in question, it was a threat to their sovereignty. The Federalists loved the constitution, but agreed to add the bill of rights immediately upon passage in order to allay anti-Federalist concerns.

Even so, the Federalist/anti-Federalist and Federal/State divides meant that the ratification of the Constitution was far from certain. Needing nine states' approval to become ratified, and especially those of New York and Virginia given their size and economic prowess, the Federalists decided that a public relations effort was needed. So Hamilton, probably the biggest Federalist force at the time, recruited Madison and Jay to write 85 articles arguing for the ratification of the Constitution with him.

This historical background is included because it is vitally important if one is to understand the impact of Federalist no. 10 was written by Madison in defense of a large union with a strong central government. The point of the essay was not to argue for the existence of interest groups, and it was certainly not to advocate in favor of lobbying. While it does address these subjects, the only context in which it addresses them is that of size. Madison simply makes the argument that large governments are better able alleviate the ill effects of faction (or today, interest groups) than would be smaller state governments. And moreover, he was doing it because it was his job to persuade people to become in favor of ratification of the US Constitution.

So when reading Federalist no. 10, do not make it more than it is. It is not an argument in favor of interest groups. That being said, it does give much appropriate insight into the subject, which we will now discuss.

People do not think in the same manner. Every person in this country is an individual. He has individual tastes, likes, dislikes, and interests to protect. He is furthermore endowed with mental faculties that are better, worse, or otherwise different from those people around him. Madison asserts that because of this fact, it is inevitable that people's opinions will differ from one another. And where these differing opinions find that they are arrayed on the same side of an issue as a group of others, factions will be wont to form. He also points out that historically, the unequal division of property, separating man into various classes, is the biggest and most important source of faction. But he disagrees with others who advocate the abolition of unequal distribution of property, arguing that faction would result nevertheless.

This being the source of faction, Madison argues that to remove it would be impractical. One way of doing it would require a society homogenous in both desires and interests. And while Madison uses the term impractical, impossible might better apply given his arguments and the reality of the situation. This is an important argument, because Madison believes that removing the source of faction is one of only two ways to limit the potential damage that could be caused by it. The other way is to remove liberty.

Madison likes liberty, as did most of the Founding Fathers, and pretty much everyone at that time. He makes the obvious argument that liberty is good, and altogether essential to political life. Without liberty, the idea of faction becomes meaningless indeed. He basically asserts that as long as people are free to divide into factions, they will.

So we can neither create a homogenous society nor remove liberty if we are to have ourselves a working democracy. But Madison had already asserted in the previous essay that factions were indeed dangerous to a society, in that they could tear it apart (remember that the union was very fragile at the time). So how do we best protect against the dangers of faction? Madison's answer is to control its effects.

Now, here is where Federalist 10 loses some of its applicability. Madison feels as though only a majority faction is truly dangerous in a democracy or republic. He points out that the principle of popular sovereignty demands that a majority should always be able to counter the abusive effects of a minority with a simple vote. As long as a country is democratic, a majority should at least be able to undo things done by a minority should they feel as though their rights or interests are being threatened. So Federalist 10 can be said to focus on the tyranny of the majority only.

But the problem with this is the same problem that we have with applying many Colonial arguments to the present day. Government has become so much more complex that a simple majority of interested parties is insufficient to guarantee their victory. Fewer than half of our eligible voters actually cast a ballot in most non-presidential election years, meaning that our society is already dominated not by the most numerous force but by the most involved. There can be little doubt that the necessity of financing campaigns means that wealthy citizens have much more influence on the electoral process than others. The educated, who understand the nuances of the legislative process and take time to learn about the issues, are far more likely to have an impact on legislation than the uninformed. A simple majority of interested parties is insufficient in today's politics. The most involved, the best-funded, and the most well-organized groups of individuals wield far more power than comparably sized groups of apathetic, poor and disorganized ones, no matter how much their rights are threatened.

But back to Madison's argument, which nevertheless maintains its vitality in the lessons that it can still transmit to the present day, we are left with the subject of how to control the ill effects of a dominant faction – howsoever the dominant faction came to be so. Madison asserts that there are two ways by which this may be accomplished: first, by ensuring that no interest group ever reaches a majority but only a plurality at best; second, by depriving this majority of the opportunity to create such a tyranny – by “their number and local situation.” Madison's

argument, after noting the two possibilities, is that a large republic is the best possible vehicle for achieving them both. He declares that in smaller republics and pure democracies it is proportionally easier to gain a majority simply by virtue of the smaller number of people involved, and says that pluralities are more likely in larger countries. He even makes an argument in favor of large republics based on the mathematical ratios of representatives to the represented, arguing that a greater division in number of the two makes for a government more able to check the interests of a majority. In short, Madison makes a great argument... for a large Republic.

Well, we already have one of those. Madison, Hamilton and Jay must have written well, because the Constitution was ratified and the United States of America is here today. So what lessons do we take from Federalist no. 10? First, that interest groups can absolutely cause harm. Second, that interest groups are inevitable in a free society. And now, lucky debaters, the real debate begins.

When faced with the phrase “does more harm than good,” a debater can set out to prove or deny that fact in one of two ways. The first is to assemble evidence on both sides of that resolution, debate the evidence and the arguments they support, and judge the result by a cost-benefit analysis mechanism. Compare all of the good things that lobbying does to all of the bad, and determine if the effect is positive or negative. I think very little of this approach, for one reason: it

discounts the possibility that even something “bad” under the purview of a cost-benefit analysis could be good, if it prevents something that is ultimately worse. One can do good by doing bad, if that bad prevents a worse alternative from taking place.

The second way is to evaluate the thing counterfactually, or in opposition to the facts of the situation as they are. What would happen if organized political lobbying were suddenly to disappear? Certainly, many of the countless good and ill effects that they have on the political system would disappear as well, but what would take the place of interest groups in society? This question is not easy to answer, because interest groups are a natural outgrowth of basically all democracies in one form or another. Their existence seems inevitable, and one can not imagine the mechanism by which they would themselves be abolished.

Madison’s argument is that the only way to get rid of interest groups altogether, that could feasibly be achieved, is to rid a society of that liberty which allows for faction and difference of opinion. And quite frankly, he’s not far from the truth. “Abolishing” interest groups would almost certainly require the striking of the right to petition, as grassroots organizations and K-street alike are an outgrowth of this right. With it, they will never be exterminated. So a Pro debater could make the argument that any removal of interest groups would require the abolition of the

right to petition – which would certainly be far worse than all of the harm interest groups are purported to cause.

The only problem with this argument is that the resolution never asks us about the mechanism by which interest groups would be eliminated. It never even implies that they could be eliminated. It just asks if their presence is good or bad. The question of what would happen if they were eliminated is an important outgrowth of that issue, but maybe not how it would happen. So as much as I hate to say it, the success of this argument probably depends on phrasing. The argument that “abolishing interest groups would require the repeal of the First Amendment” is vulnerable to the Con attack that there is no “abolition” implied in the resolution.

The easiest middle ground to reach on this subject is for the Pro to concede that the manner in which interest groups would be exterminated is not a subject for today’s debate, while the Con admits that what would happen next is open for debate. It would be as though Albus Dumbledore had come back from the grave to cast a Vanishing Spell (“Evanescio”) over the entire industry/institution. It magically disappears, and can’t come back. We just have to figure out what comes next.

That’s where it gets confusing. This is sort of a discussion that has already been settled... in reverse. Remember that political parties had not yet formed during

the writing of Federalist 10. When Madison talked about factions, he meant any group of individuals desiring to submit the rights of others to their own interest.

Both political parties and interest groups fit that definition, and fit it well.

Actually, political parties are nothing more than interest groups. The only difference is that in addition to normal interest-group activities, they also run a slate of candidates for office, trying to influence policy in the first person rather than the third. And most political scientists agree that if political parties were to be abolished, they would be replaced by independent candidates (no others would be allowed), but these candidates would simply be in the pockets of interest groups. Hey, political interests are going to organize. If you get rid of one form, the other will simply get stronger and take their place.

So if you magically get rid of organized political lobbying, one thing will happen. Political parties will take over the roles of interest groups – which they'd already love to do, but more specific interest groups have a greater ability to focus on one issue than catch-all political parties. We have fairly weak parties already in the US, compared to other nations, but it is still unlikely that the vast majority of Americans want their political parties to gain more strength. There would be no real alternative, however, if interest groups were no longer allowed to lobby.

This would probably be disastrous. Interest groups use lobbying as a tool to keep legislators responsive to the wills of organized people, and altogether function as a

check on the power of parties to dictate the political process. Indeed, it can be said that one of the reasons political parties in the US are weak is because interest groups have been so effective at subverting the will of partisan legislators to the demands of the citizenry. So for all the ill that lobbying may do, and for all the corruption that it entails, it keeps interest groups viable and political parties vulnerable.

There is one other possibility, albeit unlikely. In the absence of effective interest groups capable of influencing the legislative process, it may come about that viable third parties will enter the electoral process. Lobbying may be illegal, but certain third parties are basically interest groups with a slate of candidates anyway, built around a specific issue or group of issues (think Green Party, which was formed out of concern for the environment, and barely had a stance on many other issues when first formed). If interest groups coalesced into viable third parties, a desirable shift may be seen in the American political system. But this is, of course, nigh impossible in the United States. Our electoral system of Single Member District Plurality (SMDP) means that third parties will almost never be able win seats in a legislature on a consistent and sustainable basis. Countries with such a system will almost certainly revert to a two-party system in the end, even if a Ross Perot makes a decent stand from time to time. For more information, read about Duverger's Law.

With what space I have left I'd like to talk a little bit about lobbying as it is practiced today. Most judges and probably most debaters as well will have a Pro bias on this topic, because the stigma surrounding lobbying is pervasive and persistent. But in order to counteract this bias, I'd like to point out a few of the actions of lobbyists that make our political system work.

First, lobbying informs legislators about certain topics. Interest groups go out of their way to assemble enormous reports on subjects that concern them, and make compelling cases for their point of advocacy. Much of the information that crosses a congressman's desk does so because a lobbyist put it there. And with many lobbyists putting many different reports on many different desks at the Capitol, there seems little doubt that legislators have a variety of contrasting opinions from which to choose. In such a competitive and adversarial system, a decent legislator should be able to decide which side should prevail objectively. As any debater who has lost a round against a bad opponent due to the presence of an incompetent judge knows all too well, this system isn't perfect. But I'm not going to recommend that you tell this to your judge.

Second, lobbying encourages action and discourages do-nothing Congresses. Once elected, the advantages of incumbency dictate that a congressman should try to bring back pork to his home district, and do little else that would cause controversy. Interest groups push issues through Congress, and they make sure

that legislators are forced to make the tough decisions necessary for good governance. Without interest groups, thousands of bills would die in committee, never to be seen again.

Speaking of bills, lobbyists write many of them. While only a member of Congress can drop a piece of legislation in the “hopper” on Capitol Hill, the legislation was often originally written by a lobbyist or another wing of his interest group. These are the people with the knowledge and expertise to do the job of writing a bill well, and they are always subject to review and edit by the legislator’s office to counteract bias and judgment errors. But once again, we have lobbyists as integral to the legislative process.

This is not to say that lobbying does not have ill effects. Obviously it does, and the bad may very well outweigh the good. That’s what your debate round should attempt to decide, and for more information, see the evidence section of the file. But the idea that lobbying is a corrupt and evil institution fails to acknowledge it as a natural outgrowth of the complicated political system in which we operate. Lobbyists advocate, they inform, and they make legislators listen to their constituents. So when preparing cases, keep in mind that a fair hearing for lobbying is indubitably necessary.

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Suranovic, author of International Trade Theory and Policy, 2000 [Steven M., The Lobbying Problem in a Democracy, March 3]
<http://internationalecon.com/Trade/Tch105/T105-7.php>

There is a real problem with the lobbying process in democratic societies. Even though lobbying is a legitimate process of information transfer between constituents and government decision-makers, it also produces some obvious disparities. Whenever policy actions generate concentrated benefits and dispersed costs, the incentives and abilities to lobby are significantly different across groups. Potential beneficiaries can often use the advantage of small group size and large potential windfalls to wield disproportionate influence on decision-makers. Potential losers, whose numbers are large and expected costs per person quite small, have almost no ability to lobby the government effectively. Thus, in a democratic society in which lobbying can influence decisions, decisions are likely to be biased in the favor of those policies which generate concentrated benefits and dispersed losses.

PRO – 2) Lobbying causes legislation to protect corporations not consumers

Suranovic, author of International Trade Theory and Policy, 2000 [Steven M., The Lobbying Problem in a Democracy, March 3]
<http://internationalecon.com/Trade/Tch105/T105-7.phpa>

Unfortunately, and perhaps coincidentally, most policy actions taken produce concentrated benefits and dispersed losses. In the case of trade policies, most protectionist actions will cause concentrated benefits to accrue to firms, whereas losses will be dispersed among millions of consumers. This means that protectionist policies are more likely to win political support especially when lobbying can directly affect legislated actions. In many countries this tendency is reflected in the type of trade policy procedures that are available by law. Escape clause, antisubsidy, and antidumping policies are examples of laws which are designed to protect firms and industries in particular situations. In evaluating these types of petitions in the US, there is NO requirement that effects on consumers be considered in reaching a decision. Clearly these laws are designed to protect the concentrated interests of producing firms. It would not be surprising, and indeed it seems likely, that the concentrated interests of businesses affected the ways in which the laws were originally written. The absence of a consumer lobby would also explain why consumer effects are never considered in these actions.

PRO – 3) Lobbying and the private corporate sector now control democracy not the other way around

Wilby, staff writer for the Guardian, **2009** [Peter, Big Health flexes its lobbying muscle. Democracy quivers, August 15]
<http://www.guardian.co.uk/commentisfree/2009/aug/14/nhs-healthcare-business-interests-lobbyists>

As Reich puts it, **"Democracy and capitalism have been turned upside down." Our democratic institutions do not regulate capitalism; rather, market institutions regulate democracy, setting the limits of the possible.**

The point of democracy is to tame unaccountable concentrations of power. Yet, while governments are under constant scrutiny, banks can wreck the economy (and then demand taxpayer bailouts), supermarkets can kill town centres, oil companies can pollute the planet and, it seems, there is little we can do about it. These types of petitions in the US, there is NO requirement that effects on consumers be considered in reaching a decision. Clearly these laws are designed to protect the concentrated interests of producing firms. It would not be surprising, and indeed it seems likely, that the concentrated interests of businesses affected the ways in which the laws were originally written. The absence of a consumer lobby would also explain why consumer effects are never considered in these actions.

PRO – 4) Lobbyists work for their own welfare not the general welfare

Rozeff, Professor of Finance at the University of Buffalo, **2005** [Michael S, Good and Bad Lobby Groups, August 18]
<http://www.lewrockwell.com/rozeff/rozeff15.html>

The web definitions of lobbying point to goals such as a specific cause, or laws that further one's own interest or inhibit those of opponents, or establishing an individual's or organization's point of view. This means that lobbyists usually, but not always, are working for the private interests of their sponsors or themselves. They are generally not working for the "General Welfare" but their own welfare. Since the door to such activity has been constitutionally opened by the Supreme Court, the lobbyists and their backers naturally have walked in. **That all of this works to the detriment of society has long since stopped being noticed.**

PRO – 5) Lobbying has empirically influenced decisions that have had negative impacts for years to come

Rozeff, Professor of Finance at the University of Buffalo, 2005 [Michael S, Good and Bad Lobby Groups, August 18]

<http://www.lewrockwell.com/rozeff/rozeff15.html>

A process in which government is basically for sale means that those in and around the lawmaking power extract gain for themselves without worrying about the losses imposed on others. If those losses are spread widely or if the causes of them are hard to pinpoint, then the forces of reaction such as counter-lobby groups may be slow in arising. **Bad laws can take the society far away from where it otherwise might go. The military-industrial complex described by President Eisenhower can foster war after war. A sugar lobby can foster domestic prices that are two or three times the world price. A labor lobby can put minority workers out of the general economy altogether by Jim Crow laws or by minimum wage laws. A construction lobby can devastate neighborhoods. From this viewpoint, the process we have now is rotten.**

PRO – 6) Lobbyists have corrupt techniques such as “junkets”

Rozeff, Professor of Finance at the University of Buffalo, 2005 [Michael S, Good and Bad Lobby Groups, August 18]

<http://www.lewrockwell.com/rozeff/rozeff15.html>

Lobbyists use a broad range of verbal and political techniques to influence legislation. One widely-used tool is the junket, a trip for legislators paid for by the lobby. The junket is corrupt. It amounts to bribery-lite, because a basic fact of human psychology is that when person A gives something to person B, then person B feels an obligation to person A. Specific examples include all-expenses-paid conferences at luxurious resorts, fully paid trips to India, and wining and dining. Although these goodies are duly reported on Congressional financial disclosure forms, they are then typically ignored because the Democrats and Republicans have an understanding that they will look the other way. **Tom Delay’s trip to Korea shown on Schedule VII of his 2001 form got him into trouble because the lobbyist had registered as a foreign agent. More typically, Mr. Delay spent 10 legal days in Kona, Hawaii in 2002, and the American Association of Airport Executives reimbursed him for \$5,967.28.**

PRO – 7) Lobbyists often use “junkets” to influence legislators

Rozeff, Professor of Finance at the University of Buffalo, **2005** [Michael S, Good and Bad Lobby Groups, August 18]

<http://www.lewrockwell.com/rozeff/rozeff15.html>

One site estimates that \$14.3 million was spent on Congressional junkets between 2000 and the present. Mr. Delay came in 29th out of the top 100 recipients. Given about 538 members of Congress and a 5-year period, this works out to \$5,316 per Congress member per year. The total amount spent by lobby groups to influence legislation is many orders of magnitude greater. The Pharmaceutical Research and Manufacturers of America had \$150 million budgeted for 2004. Lobbyists in the State of California alone are reputed to have spent \$267 million.

PRO – 8) Unethical lobbying has become institutionalized

Rozeff, Professor of Finance at the University of Buffalo, **2005** [Michael S, Good and Bad Lobby Groups, August 18]

<http://www.lewrockwell.com/rozeff/rozeff15.html>

All of this lobbying, influencing, pressuring, hiring, and to-and-fro movement of personnel is entirely legal. It's also entirely sensible given the way the government operates, but it is corrupt. Corruption naturally accompanies the State. The State is plunder, there for the taking. It's Treasure Island. One only needs the treasure map and a properly outfitted ship. The Jim Hawkins of today is a bright young law school graduate. They come a-flocking. Columbia and Barnard students even have a Lobby Day in Washington. We institutionalize our corruption so that we no longer have to face what it really is.

PRO – 9) Lobbying has a fundamental flaw which is that it creates laws for private purposes

Rozeff, Professor of Finance at the University of Buffalo, **2005** [Michael S, Good and Bad Lobby Groups, August 18]

<http://www.lewrockwell.com/rozeff/rozeff15.html>

A process that passes laws for private purposes is unhealthy for any society since it means that some gain at the expense of others. Injustice cannot remain indefinitely at the core of a society's ethic without undermining economic and social relationships. A society following such a rule in its public affairs will eventually apply it to its external relations in foreign affairs and to its private affairs internally. Since the State has some importance in people's lives, its undermining of just rules of conduct will tend to sap the morale of the people, producing cynicism, skepticism, and nihilism.

PRO - 10) Lobbyists are harmful to the U.S.

Mitchell, CATO Institute, **2009** [Daniel J, Our Tax Dollars Are Being Used to Lobby for more Government Handouts, July 22]

<http://www.cato-at-liberty.org/2009/07/22/our-tax-dollars-are-being-used-to-lobby-for-more-government-handouts/>

The First Amendment guarantees our freedom to petition the government, which is one of the reasons why the statists who want to restrict or even ban lobbying hopefully will not succeed. **But that does not mean all lobbying is created equal. If a bunch of small business owners get together to lobby against higher taxes, that is a noble endeavor. If the same group of people get together and lobby for special handouts, by contrast, they are being despicable. And if they get a bailout from the government and use that money to mooch for more handouts, they deserve a reserved seat in a very hot place.**

PRO - 11) Riskiest lenders were most active lobbyists

Wroughton, Reuters, **2009** [Lesley, Riskiest US lenders were most active lobbyists, December 29]

<http://www.reuters.com/article/idUSN2918380020091229>

U.S. lenders involved in risky mortgage lending that contributed to the 2007 financial crisis were also some of the fiercest financial lobbyists, according to a report by International Monetary Fund economists.

In the report "A Fistful of Dollars: Lobbying and the Financial Crisis," **the economists said their studies showed that lenders taking on the most risk were also the most active in lobbying against laws and regulations related to mortgage lending.**

PRO - 12) Finance lobby negates responsible lending legislation

Mathiason, staff writer for the Guardian, **2010** [Nick, IMF study links lobbying by US banks to high-risk lending, January 5]

<http://www.guardian.co.uk/business/2010/jan/04/imf-study-links-lobbying-high-risk-lending>

Highlighting 33 pieces of federal legislation that would have tamed predatory lending or introduced more responsible banking but were the target of intense lobbying, the IMF found that the efforts by banks to resist the legislation overwhelmingly succeeded.

PRO – 14) Lobbyists prevent any regulatory legislation after financial crisis

Pearlstein, business columnist for the Washington Post, **2009** [Steven, Wall Street's Mania for Short-Term Results Hurts Economy, September 11]

<http://www.washingtonpost.com/wp-dyn/content/article/2009/09/10/AR2009091004224.html>

It's been a year since the onset of a financial crisis that wiped out \$15 trillion of wealth from the balance sheet of American households, and more than two years since serious cracks in the financial system became apparent. Yet while the system has been stabilized and the worst of the crisis has passed, little has been done to keep another meltdown from happening. Even the modest regulatory reform effort launched with much fanfare back in the spring is now bogged down by bureaucratic infighting and special interest lobbying. And back on Wall Street, the wise guys are up to their old tricks, suckering investors into a stock and commodity rally, posting huge profits on their trading desks and passing out Ferrari-sized bonuses. The Wall Street Journal reports they've even cranked up the old structured-finance machine, buying up claims to life insurance proceeds and packaging them into securities.

PRO - 15) IMF report finds that increased financial lobbying was a major cause of the recession.

Igan, Mishra, Tressel, members of the Research Department of International Monetary Fund, 2009 [A Fistful of Dollars: Lobbying and the Financial Crisis, October 14]

<http://www.imf.org/external/pubs/ft/wp/2009/wp09287.pdf>

Our findings indicate that lobbying is associated *ex-ante* with more risk-taking and *ex-post* with worse performance. They are consistent with a *moral hazard interpretation* whereby lenders engage in risky lending strategies because they expect preferential treatment associated with lobbying. 6 Such preferential treatment could be a higher probability of being bailed out, potentially under less stringent conditions, in the event of a financial crisis. Another source of moral hazard could be “short-termism”, whereby lenders lobby to create a regulatory environment that allows them exploit short-term gains.7 Such distortions have been claimed to be related to risk-shifting in financial markets.

PRO - 16) IMF report shows higher delinquency rates during key events of the financial crisis

Igan, Mishra, Tressel, members of the Research Department of International Monetary Fund, 2009 [A Fistful of Dollars: Lobbying and the Financial Crisis, October 14]

<http://www.imf.org/external/pubs/ft/wp/2009/wp09287.pdf>

To summarize, lobbying is associated *ex ante* with more risk-taking as measured by higher LIR, higher securitization and faster credit expansion. In addition, there is evidence that lobbying lenders are more prominent in areas with higher delinquency rates and had more negative abnormal returns during the key events of the financial crisis.

We show that lenders that lobby more intensively on these specific issues have (i) more lax lending standards measured by loan-to-income ratio, (ii) greater tendency to securitize, and (iii) faster growing mortgage loan portfolios. Ex post, delinquency rates are higher in areas in which lobbying lenders' mortgage lending grew faster, and, during key events of the crisis, these lenders experienced negative abnormal stock returns.

PRO - 17) IMF report illustrates that less lobbying power could aid the prevention of future crises

Igan, Mishra, Tressel, members of the Research Department of International Monetary Fund, **2009** [A Fistful of Dollars: Lobbying and the Financial Crisis, October 14]

<http://www.imf.org/external/pubs/ft/wp/2009/wp09287.pdf>

With the caveat that empirical evidence cannot single out one interpretation as the true explanation, **our analysis suggests that the political influence of the financial industry can be a source of systemic risk. Therefore, it provides some support to the view that the prevention of future crises might require weakening political influence of the financial industry or closer monitoring of lobbying activities** to understand the incentives behind better.

PRO - 18) Financial lobbyists are only concerned with the amount of money big firms make not how constituents can benefit

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

It's about the way that lobby—with the eager support of a resurgent conservative movement and a handful of powerful backers—**was able to fundamentally change the way we think about the world. Call it a virus. Call it a meme. Call it the power of a big idea. Whatever you call it, for three decades they had us convinced that the success of the financial sector should be measured not by how well it provides financial services to actual consumers and corporations, but by how effectively financial firms make money for themselves.** It sounds crazy when you put it that way, but stripped to its bones, that's what they pulled off

PRO - 19) Financial lobbyists are harmful to country's economy

Drum, staff writer for Mother Jones, 2010 [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

Now if the aerospace lobby had told us after the 1986 Challenger disaster that the key to better performance was to turbocharge the engines and quit performing preflight inspections, everyone would have agreed that they were crazy. Yet that's essentially what the finance lobby has done over the past decade, and in some weird way we were too mesmerized to recognize it. Within months of a near catastrophe caused by one of the industry's brightest stars, the lobbyists were busily making certain that it would happen again—and that when it did happen, it would be bigger and more disastrous than ever.

PRO - 20) Finance lobbyists are responsible for the “overdraft scandal”

Drum, staff writer for Mother Jones, 2010 [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

That might explain why the Fed has dragged its feet addressing the scandal of overdraft fees on debit cards. And "scandal" isn't too strong a word. The overdraft industry, which started only 16 years ago, has grown to nearly \$40 billion. It's one of the banking industry's biggest honeypots.

How? Well, many people don't realize that you can incur more than one overdraft fee in a single day, or that many banks deliberately reorder purchases to ensure that you pay the maximum number of fees. And while the Fed finally ruled that come July consumers must opt in to overdraft protection, it didn't address the central flaw: **Overdraft fees are essentially a form of loan sharking. Consider that the average overdraft amount is \$17 and is paid back in five days. With the typical overdraft fee now around \$35, this works out to nearly \$2 in fees for every \$1 borrowed, an effective annual percentage rate of more than 10,000 percent. Not even the Mafia has a qig like that.**

And the only reason it's legal is because in 2004 the Federal Reserve bowed to industry pressure and ruled that overdraft fees shouldn't be classified as loans. Sure, it conceded, banks promote overdraft protection "in a manner that leads consumers to believe that it is a line of credit." And the Fed politely encouraged them to shape up. But it didn't actually require anyone to stop these practices. It was yet another multibillion-dollar cash cow protected by the finance lobby at the expense of consumers.

PRO - 21) Lobbyists responsible for laundry list

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

It was, depending on your perspective, either a vicious circle or a virtuous one. **Deregulation produced vast profits, and those profits in turn provided the money to lobby for further deregulation. It was this ocean of money that allowed the financial industry to spend nearly \$500 million on political contributions in just a single election cycle, and it was those contributions that helped keep so many flagrantly abusive—but profitable—practices alive and well. It was, for example, what allowed Big Finance to keep Congress from banning "universal default," the small-print declaration on millions of credit card applications that banks could retroactively raise interest rates on consumers at any time for any reason.**

It was why the FBI's warnings of an "epidemic" of mortgage fraud as early as 2004 were completely ignored.

It's why no one ever did anything about the multibillion-dollar abuse of the "yield spread premium," a kickback paid to mortgage brokers for guiding their customers into higher-interest loans than they qualified for.

It was why the Fed ignored years of pleading from community groups to do something about abusive mortgage lending.

It's why the credit card industry could afford to spend 10 years and \$100 million lobbying for a punitive bankruptcy bill that, among other things, made it harder to write off credit card debt.

It's why banks are paid fat subsidies to make government-backed student loans even though the Congressional Budget Office estimates taxpayers would save \$80 billion over 10 years if the government made the loans outright.

It's why Hawaii Sen. Daniel Akaka's bill ^[19] to require a warning to consumers about how long it takes to pay off a credit card balance if you make only the minimum payment was effortlessly swatted aside year after year.

It's how the late Delaware Sen. William Roth ^[20] (also the creator of the Roth IRA, another bank windfall) could get away with slashing tax audits on the superrich by doing nothing more than holding transparently comical hearings in 1997 and 1998 that portrayed IRS agents as jackbooted thugs

who kicked down doors and held guns to young girls' heads while forcing them to undress.

PRO - 22) Finance lobbyists no longer need to even lobby to get what they want

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

What's remarkable, when you listen to that recording, is not that the banks got everything they wanted—of course they did. **It's that the new policy passed virtually without question. There was a single written dissent from an unknown risk management expert in Indiana, a couple of routine queries from one commissioner, and reassurances from staffers that the new rule posed no problems because the banks would police themselves. After less than an hour of desultory discussion, the new rule was in place.**

In other words, very little lobbying was even required. After three decades of deregulatory fervor, it had simply become unnecessary. The SEC, like so many other government watchdogs, was by 2004 a thoroughgoing victim of regulatory capture, its appointees mostly Wall Street insiders with more sympathy for banks than for the public they were supposed to protect.

PRO - 23) Americans are victims of Stockholm syndrome to finance lobby

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

But the problem was bigger than just that. Unlike most industries, which everyone recognizes are merely lobbying in their own self-interest, the finance industry successfully convinced everyone that deregulating finance was not only safe, but self-evidently good for the entire economy, Wall Street and Main Street alike. It's what Simon Johnson, an MIT economics professor and former chief economist for the IMF, calls "intellectual capture." Considering what's happened over the past couple of years, we might better call it Stockholm syndrome.

Like all the other products of the industry's three-decade lobbying spree, the change to the net capital rule ended up in disaster when the overleveraged financial system nearly collapsed on itself. By October 2008, even former Fed chairman Alan Greenspan, one of the country's biggest cheerleaders for self-regulation, was admitting the obvious: There was a "flaw" in the free-market worldview. "Those of us who have looked to the self-interest of lending institutions to protect shareholder's equity, myself especially, are in a state of shocked disbelief," he said in testimony before the House oversight committee.

PRO - 24) Finance lobby actively negates legislative change to economy

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

The problem isn't that Obama administration officials don't know where the real fault lines lie. Treasury Secretary Tim Geithner [24] released a set of guidelines earlier this year that focused squarely on leverage, capital requirements, and regulation of the shadow financial system, not just on commercial banks. And a month later Obama economic adviser Larry Summers noted that our current deregulated system has produced economic crises like clockwork every three years. "Surely we cannot be satisfied with a system that misfires so seriously so frequently," he said.

But Obama's actual regulatory proposal didn't reflect any of this sense of urgency. "We don't want to tilt at windmills," he explained last June—and there was little doubt which windmill he was talking about. Just a couple of months earlier the financial industry had won a stunning victory over a seemingly shoo-in administration proposal to modify bankruptcy laws for strapped homeowners—and they had not only won, they had managed to get billions in extra bailout money at the same time. That remarkable demonstration of raw power caught the Obama administration's attention, so rather than risk another defeat it began compromising even before its proposal was introduced. Top bank executives and financial lobbyists were part of the planning from the start, and as a result mutual funds and hedge funds got away with only modest new limits, credit ratings agencies were left largely untouched, the most dangerous varieties of derivatives were left alone, almost nothing was done to reduce the size of the biggest banks, and additional powers were given to the Fed, which has shown repeatedly that it's too close to Wall Street to ever regulate it effectively.

PRO - 25) Finance lobby too big to fight

Drum, staff writer for Mother Jones, **2010** [Kevin, Capital City, January/February issue]

<http://motherjones.com/politics/2010/01/wall-street-big-finance-lobbyists>

How could all this happen so soon after the financial industry's reckless behavior nearly caused a global meltdown? Ironically, it's probably because the bailout was so successful. Without a sense of crisis to drive things, the political will to take on the industry has largely dissipated. Even after nearly destroying the world economy, the finance lobby is, still, simply too big to fight.

PRO - 26) Finance lobby responsible for irresponsible banking

Mathiason, staff writer for the Guardian, **2010** [Nick, IMF study links lobbying by US banks to high-risk lending, January 5]

<http://www.guardian.co.uk/business/2010/jan/04/imf-study-links-lobbying-high-risk-lending>

Powerful American banks spending lavishly on lobbying are more likely to engage in high-risk lending and their shares have performed less well than others, a groundbreaking study by the International Monetary Fund has found.

The in-depth research will prompt calls for a wholesale clean-up of Capitol Hill by the Obama administration. Lobbying by the finance, insurance and real estate (Fire) sector outstrips any other in the US economy.

PRO - 27) The more that is spent on lobbying the riskier the banking process

Mathiason, staff writer for the Guardian, **2010** [Nick, IMF study links lobbying by US banks to high-risk lending, January 5]

<http://www.guardian.co.uk/business/2010/jan/04/imf-study-links-lobbying-high-risk-lending>

The paper, written by a trio of high-profile IMF economists, established that **firms who spend more on buying access to politicians are more likely to engage in risky securitization of their loan books, have faster-growing mortgage loan portfolios as well as poorer share performance and larger loan defaults.**

PRO - 28) Obama administration bends to health industry lobby demands

Kirpatrick, staff writer for the New York Times, **2009** [David, White House Affirms Deal on Drug Cost, August 6]

<http://www.nytimes.com/2009/08/06/health/policy/06insure.html>

Pressed by industry lobbyists, White House officials on Wednesday assured drug makers that the administration stood by a behind-the-scenes deal to block any Congressional effort to extract cost savings from them beyond an agreed-upon \$80 billion.

Drug industry lobbyists reacted with alarm this week to a House health care overhaul measure that would allow the government to negotiate drug prices and demand additional rebates from drug manufacturers.

PRO – 29) Health care lobbyists are negatively influencing health care reform

Zajac, staff writer for the Chicago Tribune, **2009** [Andrew, How health lobbyists influenced reform bill, December 20]

http://www.chicagotribune.com/health/chi-health-lobbyists_bddec20,0,4862599.story

But **Bob Edgar, president of Common Cause, a nonpartisan, nonprofit watchdog group, had a harsher assessment, blaming "a toxic cocktail of insiders and money" for short-circuiting a government-run plan that would have competed with private insurers.**

"We'll get a bill. And the president will sign it. But it'll be less than the country deserves," said Edgar, a former six-term member of the House.

PRO - 30) Obama administration goes back on promise to keep lobbyists at bay

Kirpatrick, staff writer for the New York Times, **2009** [David, White House Affirms Deal on Drug Cost, August 6]

<http://www.nytimes.com/2009/08/06/health/policy/06insure.html>

The new attention to the agreement could prove embarrassing to the White House, which has sought to keep lobbyists at a distance, including by refusing to hire them to work in the administration.

The White House commitment to the deal with the drug industry may also irk some of the administration's Congressional allies who have an eye on drug companies' profits as they search for ways to pay for the \$1 trillion cost of the health legislation.

But failing to publicly confirm Mr. Tauzin's descriptions of the deal risked alienating a powerful industry ally currently helping to bankroll millions in television commercials in favor of Mr. Obama's reforms.

PRO – 31) More lobbyists in the climate debate on Capitol Hill only complicates the process and delays any real legislation

Lavelle, staff writer for The Center for Public Integrity, **2009** [Marianne, Tally of Interests on Climate Bill Tops a Thousand, August 10]

http://www.publicintegrity.org/investigations/climate_change/

Of course, the framework for climate change legislation developed by a trio of senators — Massachusetts Democrat John Kerry, South Carolina Republican Lindsey Graham and Connecticut independent Joe Lieberman — already makes clear that the climate debate will expand into new realms. Incentives for nuclear power construction and more offshore oil and gas production are key proposals they've floated for gaining Republican and moderate Democratic votes for a climate change package. **But beyond what are sure to be high-profile battles over those issues, the lobbying records also reveal that a host of smaller battles are brewing — sure to greatly complicate the already immense challenge of writing a successful bill. It's one of the reasons that — despite the pledge by President Barack Obama and other world leaders to exhibit "strong political will" on climate — it most likely will be months before the Senate moves on a measure to curb fossil fuel emissions.**

CONFIDENTIAL

CON – 1) Lobbying is an essential part of the political process

Graham IV, President and CEO, ASAE & the Center for Association Leadership, **2009** [John H., Lobbying Remains Essential, December 3]

<http://lobbying.nationaljournal.com/2009/11/obama-and-the-lobbyists-1.php>

In my current role representing the trade and professional association community as well as in my previous post with the American Diabetes Association, **I see firsthand the value these organizations bring to the policymaking process. Ultimately, the insights and expertise they share with government officials help result in better, more effective policies in areas like trade, manufacturing, standard-setting, disease control and prevention, and more. The White House has heard unanimously from the chairs of all 16 industry trade advisory boards that help formulate the trade policy of the United States that their latest directive regarding lobbyists serving on advisory boards is misguided.** The White House responded that it was unconvinced.

Regardless of how one feels about lobbying, it remains an absolutely essential piece of the American political system, and one that is constitutionally protected and heavily regulated under the Lobbying Disclosure Act. As the White House continues to incrementally cut off its contact with individuals and organizations registered to petition the government, one has to wonder how far their efforts will go.

CON – 2) The majority of lobbyists work to promote citizens interests

Dooley, President of the Bryce Harlow Foundation, **2009** [Linda, Competing Voices, December 1]

<http://lobbying.nationaljournal.com/2009/11/obama-and-the-lobbyists-1.php>

But since the election, the administration's actions (and the justifications offered by Special Counsel Norm Eisen) make it clear this president truly believes it is his civic duty to restrict the participation of registered lobbyists in order to protect the public's interest. **It's as if registered lobbyists are somehow free agents and not an extension of the competing voices that we've proudly held up as a sign of a strong, vibrant democracy. Sure, there are many steps that the lobbying profession can continue to take to help promote a better understanding of what it does; practicing the art of lobbying with integrity and leading by example is what most registered lobbyists do every day.**

CON – 3) Despite negative connotation lobbyists are still an integral part of the electoral process

Burns, Peltason, Cronin, Magleby, O'Brien, Light, authors of Government by the People Brief, Fifth Edition, 1995 [James, Jack, Tom, David, David, Paul, Political Parties and Interest Groups]

http://wps.prenhall.com/hss_burns_govbrief_5/0,7874,770274-,00.html

Lobbying is any activity aimed at influencing public officials, especially legislators, and the policies they enact. The term "lobbying" was not generally used in the United States until the middle of the nineteenth century. The word not only refers to the lobby or hallway outside the House and Senate chambers but also to the hotel lobbies in Washington where petitioners and agents of influence congregated. A Senator or member of Congress coming out of his chamber of hotel might be accosted politely by several lobbyists seeking to influence his vote on some decision. **Despite their negative image, lobbyists perform useful functions for government, such as providing information pertinent to decision-making, educating and mobilizing public opinion, and even preparing and testifying about legislation.**

CON – 4) Lobbying is the best way for elected officials to communicate with the citizenry

Brown, Evens, doctors and authors of article in Radiology Journal, 2000 [Jeffrey J, Ronald G, Public Policy: The Case for Lobbying in Radiology, February]

<http://radiology.rsna.org/content/214/2/321.full>

Most interest groups recognize lobbying as an essential activity. Lobbyists can offer a service to policymakers by providing information about issues and constituents' views. Democracy demands that elected officials who face reelection pursue sufficient numbers of votes to win. The rational politician will construct a policy platform with the voters' preferences in mind. **Although politicians have several avenues by which they can learn their constituents' views, which include direct communication with individual voters and public opinion polls, lobbying is the most common means by which citizens communicate their preferences to legislators.**

CON – 5) Lobbyists are experts in their field and serve to educate Congress on a specific issue

Brown, Evens, medical doctors and authors of article in Radiology Journal, **2000** [Jeffrey J, Ronald G, Public Policy: The Case for Lobbying in Radiology, February] <http://radiology.rsna.org/content/214/2/321.full>

Lobbyists also serve an educational role. The myriad issues facing members of Congress are too varied and complex for the individual members to have expert knowledge of each one. Lobbyists provide government officials with a broad range of data, from technical information and statistics to political ideology and opinions. Many lobbyists are experts in the area of legislation that is being considered and can help guide lawmakers' decisions in crafting policies.

On the whole, lobbyists provide the majority of the data used by congressional committees in planning and drafting legislation (4). Lobbyists also serve a liaison function by delivering information about the groups they represent to legislators and by reporting back to their organizations about happenings in Congress, in the White House, and in the regulatory agencies.

CON – 6) Washington needs lobbyists to function

Pappas, citizen member of the Times Recorder Editorial Board, **2006** [George, A Different Perspective on Lobbyists, August 28] <http://www.alldc.org/press/pr082806.cfm>

Recently, a few lobbyists have run afoul of the law. **Lobbyists who work hard and lawfully for their clients are getting hit with a very broad and negative brush.**

Most lobbyists help elected officials become knowledgeable in areas that are unfamiliar to them. It is simply not possible for today's Washington to function without them.

It is indeed a shame that the public judges all these professionals by the actions of the few bad actors that make the headlines.

CON – 7) Legislation depends on the input of the governed, such as lobbyists

Gelak, President of the American League of Lobbyists, **2003** [Deanna R, 'For such a time as this', March 26]

http://www.alldc.org/press/030326_TheHillSpecialReportonLobbying.pdf

Decisions are only as good as the input received. Today as always, the quality of our democracy depends on the participation of the governed. Information and oversight from representatives from opposing perspectives and groups without political action committees contribute to a healthy process.

CON – 8) Lobbyists hold politicians accountable to the public

Gelak, President of the American League of Lobbyists, **2004** [Deanna R, Letter to presidential candidates, February 3]

http://www.alldc.org/press/040203_AP.pdf

Lobbying is an essential part of the American political process protected by the first amendment to the U.S. Constitution and one of the major ways that politicians are held accountable to the people. Lobbyists represent all points of view on the major issues that confront the country and the Congress – environment, labor, the elderly, teachers, veterans as well as businesses, to name just a few.

CON – 9) Lobbyists are empirically responsible for landmark legislation

Bass, Founder and Executive Director, OMB Watch, **09**[Gary, Attack Corruption, Not Lobbyists, November 30]

<http://lobbying.nationaljournal.com/2009/11/obama-and-the-lobbyists-1.php>

Nonprofit advocates and lobbyists have been involved in nearly every major public policy accomplishment in the country – from civil rights to environmental protection to Medicare. These are not abstract issues. Tens of thousands of lives have been saved by passing laws that improve car safety and reduce drunk driving. Hunger and disease for millions of children have been reduced by passing laws that advance public health as well as food and nutrition programs. In other words, nonprofit, public interest lobbying is an honorable tradition, a peon to our American heritage, the First Amendment, and free speech.

CON – 10) Lobbyists represent more than just big corporations

Sheperd, editor for Newsbusters.org, **2007** [Ken, Not All Lobbyists are Bad, March 14] <http://newsbusters.org/node/11425>

And keep in mind, **though many lobbyists do represent rich corporations, there are also many representing labor unions, teachers, non-profits, environmental groups, civil liberties advocates and so on. Even newspapers have lobbyists.**

CON - 11) Lobbyists work issues which represent the diversity of the American population

Farmelant, staff writer for the Boston Globe, **2009** [Scott, Makeover for Lobbyists, March 7] http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2009/03/07/a_makeover_for_lobbyists/

Behind the headlines, lobbying work bears almost no resemblance to the popularly held notion of smoke-filled backrooms and lavish fundraisers. To truly succeed, lobbyists must master mundane minutiae inherent in public policy, details that will ultimately convince elected officials to support or oppose a particular cause. The issues that lobbyists work on reflect the diversity of the population and their beliefs. Every well-known concern, ranging from consumer affairs to municipal financing to green energy to organized labor to elder care, uses lobbyists to promote its positions and policies.

When it comes to lobbying, there is a clear difference between good and bad. Bad lobbyists are exactly that, immoral and deserving of punishment. **Good lobbyists are** the opposite, **bringing about advances in healthcare reform, public transit, gun control, and countless other initiatives.**

CON – 12) Lobbyists give voices to the voiceless

Snyder, managing partner of IKON Public Affairs and former chief of staff to U.S. Senator Arlen, **2006** [Craig, Don't tarnish all lobbyists for others' sins, March 31] <http://www.alldc.org/press/pr033106.cfm>

The argument continues - lobbyists and their rich clients have special access, purchased through campaign contributions, which give an unfair advantage to the free expression of some. Nonsense. **Of course not every American can equally exercise the right to petition the government, just like not everyone can equally exercise the right of free speech by owning a newspaper. But the genius of our democracy allows, even encourages, the voice of the entire nation, in its full diversity, to be heard in the halls of power - in other words, to be lobbied for. Some of DC's biggest and most winning lobbies - AARP, the Sierra Club, the Children's Defense Fund, etc. - proclaim themselves as voices of the "voiceless."**

CON – 13) Lobbyists promote charity and raise awareness about fetal alcohol syndrome

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27] <http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Brodie isn't the only high-priced counselor who labored for free this year to help a worthy cause. **Lobbyists are usually reviled as shills for greedy interests. But dozens of them also work without pay to advance projects that embrace the giving spirit.** What better time to acknowledge such selflessness than now, the holiday season?

Katharine R. Boyce, a partner at Patton Boggs LLP, persuaded lawmakers to appropriate \$840,000 to tell low-income women about the dangers of alcohol consumption during pregnancy. Fetal alcohol spectrum disorder, the No. 1 cause of mental retardation in children, is completely preventable if women don't drink alcohol while they're pregnant.

CON – 14) Lobbyists provide thousands of dollars to food banks

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Right here in Washington, the Capital Area Food Bank is richer thanks to Piper Rudnick LLP. Lobbying by Karen A. Regan and William H. Minor, and advice from Carl L. Vacketta and William A. Smith II, produced a \$300,000 gift for the food bank in the D.C. appropriations bill. Piper Rudnick lawyers also regularly hold food drives and fund-raising events to help reduce hunger in the city.

CON – 15) Lobbyists provide thousands of dollars to public schools

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

The District's struggling school system got a boost because of other Patton Boggs lobbying. The Center for Inspired Teaching, which puts public school teachers through rigorous training, received \$150,000 in taxpayer money because several of the firm's lawyers pleaded its case in Congress.

CON – 16) Lobbyists work pro bono to help orphans

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Kidsave International creates model programs around the world that move orphans into adoption or long-term mentoring situations. Pro-bono lobbying by Van Scoyoc Associates brought Kidsave International an appropriation of \$400,000 for its on-going work in Russia.

CON – 17) Lobbyists successfully work to raise money for higher education

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]

<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Wesley D. Bizzell, an associate in the D.C. office of Winston & Strawn LLP, successfully lobbied Congress to award \$500,000 to South Carolina State University and the University of North Carolina at Wilmington to produce a documentary about the Montford Point Marine Corps, the first black troops in the Marines. The schools thought the federal government should preserve the stories of these men who fought for civil rights while also serving their country, and now they will be.

CON – 18) Lobbyists raise money to help nuns build a community center for migrant families

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]

<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Martha M. Kendrick, a Patton Boggs partner, helped obtain for the Sisters of Notre Dame an appropriation of \$770,000 for the Office of Farm Workers Ministry in Apopka, Fla. With a separate contribution of land and \$290,000 raised from migrant families themselves, the nuns can now build a new community center.

CON – 19) Lobbyists raise \$100,000 for a program which inspires young females to participate in regular physical activity

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]

<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Sarah Groothuis Vilms and Laurence E. Harris, also at Patton Boggs, helped the Women's Sports Foundation win \$100,000 in federal funding for the GoGirlGo! Initiative. The program aims to inspire girls between the ages of 8 and 18 to get involved in regular physical activity and organized sports. Research shows that girls who participate in sports are more likely than inactive girls to stay in school, graduate from high school, get better grades and go to college and are less likely to get pregnant prematurely.

CON – 20) Lobbyists work for free to help train blind Seeing Eye dogs

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

In New York State, criminal penalties will apply for motorists who leave the scene of an accident in which a guide dog has been struck. For that, Empire Staters can thank Tom Shanahan of the Albany, N.Y.-based Shanahan Group, who shepherded the legislation pro bono on behalf of the Guide Dog Foundation for the Blind Inc. of Smithtown, N.Y. Shanahan and his wife, Kate, also voluntarily take eight-week old puppies into their home and raise them for a year until they are ready to begin formal training.

CON – 21) Lobbyists work for free to help thousands of families after 9/11

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

The Association of Trial Lawyers of America (ATLA), one of the sharpest-elbowed lobbying groups in town, showed its softer side by mounting what it calls the largest pro-bono legal representation program in history -- Trial Lawyers Care, which provided free lawyers to the Sept. 11 victims' families. Every person eligible for the federal government's September 11th Victim Compensation Program who requested a lawyer -- more than 1,700 people in all -- got one without charge from ATLA and its state affiliates.

CON – 22) Lobbyists give the clothes off their backs to low income families

Bimbaum, staff writer for the Washington Post, **2004** [Jeffrey H, Sometimes Lobbyists' Advice Really is Priceless, December 27]
<http://www.washingtonpost.com/wp-dyn/articles/A28087-2004Dec26.html>

Even the American League of Lobbyists got into the charitable act. The 25-year-old group decided to put its members' fancy clothes to a higher use. It held what it called a Capitol PurSUIT drive and collected more than 7,000 business suits and related items. They were all donated to low-income people who are trying to enter the job market. The league's foundation also raised nearly \$150,000 at its annual Members of Congress vs. Lobbyists basketball game in September. The proceeds paid for eye glasses, braces and tutoring for D.C. kids on Capitol Hill.

CON – 23) Lobbyists are protecting American workers from outsourcing

Lavelle, Pell, from The Center for Public Integrity, 2009 [Marianne, M.B., New Groups join climate lobby fray, December 28]

http://www.publicintegrity.org/investigations/climate_change/

At issue are the free “allowances,” or carbon dioxide pollution permits, that the House-passed climate bill would give to manufacturers that use a lot of energy to produce internationally traded products such as steel and aluminum. **Those energy-intensive industries fighting international competitors successfully lobbied for protection from loss of jobs to China and other cheap-energy countries if the United States unilaterally enacted a carbon reduction program that would make coal burning more expensive here.**

CON - 24) Massive amounts of lobbyists are joining the fight against climate change

Lavelle, Pell, from The Center for Public Integrity, 2009 [Marianne, M.B., New Groups join climate lobby fray, December 28]

http://www.publicintegrity.org/investigations/climate_change/

Watch soup makers face off against steel companies. Witness the folks who pump gas from the ground fight back against those who dig up rock. And watch the venture capitalists who have money riding on new technology try to gain advantage in a game that so far has been deftly controlled by the old machine.

An analysis of the latest federal records by the Center for Public Integrity shows that the overall number of businesses and groups lobbying on climate legislation has essentially held steady at about 1,160, thanks in part to a variety of interests that have left the fray. But a close look at the 140 or so interests that jumped into the debate for the first time in the third quarter shows a marked trend: Companies and organizations that feel they've been overlooked are fighting for a place at the table.

CON – 25) These lobbyists are bringing massive amounts of money to help fight climate change

Lavelle, Pell, from The Center for Public Integrity, **2009** [Marianne, M.B., New Groups join climate lobby fray, December 28]

http://www.publicintegrity.org/investigations/climate_change/

The amount of money involved quite likely **rose as well.** **Although amounts spent on lobbying by issue are not disclosed, if the groups involved spent just 10 percent of their lobbying budgets on climate issues, they shelled out \$30.5 million in the third quarter — up nearly 13 percent over the previous quarter.**

CON – 26) Venture Capitalist lobbies are lobbying for new innovation in clean technology

Lavelle, Pell, from The Center for Public Integrity, **2009** [Marianne, M.B., New Groups join climate lobby fray, December 28]

http://www.publicintegrity.org/investigations/climate_change/

What the venture capitalists want isn't a handout or carve-out, as traditionally seen on Capitol Hill, **but a regulatory environment that creates a more favorable playing field for new tech investments.** **“Our effort was to talk to as many people on the Hill and in [the Department of Energy] and White House as we could about the way the innovation economy could work,” he said.**

CON – 27) The problem on Capitol Hill isn't lobbyists it's Congress

Scotts, A staff writer for Accuracy in Academia, **2009** [Bethany, Congressional Corruption Outlined, May 20]
<http://www.academia.org/congressional-corruption-outlined/>

“In fact the lobbyists fit within the Madisonian view. Lobbyists are perfect,” Prof. Turley argued, later continuing, “That’s a good thing because it allows factional interests to be expressed clearly and effectively in Congress and what you have to do is try to make sure everyone has that ability to influence Congress.”

The problem, as he defines it, is a corrupt Congress not special interests. “I would put 75 percent of the responsibility of the current political crisis on the members of Congress,” he argued.

CON – 28) Lobbyists ensure human rights here and abroad

Weisberg, staff writer for Newsweek, **2009** [Jacob, All Lobbyists Are Not Created Equal, April 18]
<http://www.newsweek.com/id/194652>

Consider Tom Malinowski, who worked as a foreign policy speechwriter during the Clinton administration. **Since leaving government, Malinowski—who declined to comment for this story—has been Washington advocacy director for Human Rights Watch, where he has spoken up for political prisoners abroad and against the Bush administration’s policies on torture and detention.**

CON – 29) Lobbying is good for the environment

Lavelle, staff writer for The Center for Public Integrity, **2009** [Marianne, Tally of Interests on Climate Bill Tops a Thousand, August 10]
http://www.publicintegrity.org/investigations/climate_change/

More than 460 new businesses and interest groups jumped into lobbying Congress on global warming in the weeks before the House neared its historic vote on climate change legislation, a Center for Public Integrity analysis of just-disclosed lobbying records shows.

The surge in the 12 weeks leading up to the June 26 vote meant that about 1,150 different companies and advocacy organizations were promoting their vision of how the nation should tackle climate change, a more than 30 percent cumulative jump over the 880 companies and associations that were storming Capitol Hill on the issue as the year began.

CON – 30) Lobbyists bring a diverse amount of ideas to the climate change table

Lavelle, staff writer for The Center for Public Integrity, 2009 [Marianne, Tally of Interests on Climate Bill Tops a Thousand, August 10]
http://www.publicintegrity.org/investigations/climate_change/

The interests were wide-ranging. It's no fluke that **farm interests took center stage as the vote approached, considering that nearly 20 companies and organizations that produce or promote biofuels — including refiners and would-be refiners of plant matter from corn to wood chips to algae — started lobbying climate legislation for the first time.** But they were joined by a host of others. **American Superconductor of Devens, Massachusetts, pushed for the electricity grid modernization in the bill — a move that would enhance the market for its superconductor wires, which the company says can carry ten times the power of traditional copper cables and potentially double the power capacity of wind turbines. Electric grid investment also was a primary goal for PickensPlan, the advocacy project of billionaire T. Boone Pickens, which joined the lobbying fray in the second quarter.** Pickens had sunk millions into the Texas wind power he touts as an important domestic resource, but electricity from the rural plains isn't going anywhere without more wires. In fact, Pickens last month postponed his power plan due to financing problems.

CON – 31) Higher education lobbies to promote climate education in universities

Lavelle, staff writer for The Center for Public Integrity, 2009 [Marianne, Tally of Interests on Climate Bill Tops a Thousand, August 10]
http://www.publicintegrity.org/investigations/climate_change/

About 30 higher education institutions and associations — from Ivy League to community colleges — also joined in lobbying on the climate bill in the final weeks before passage, most with an eye on federal money that might be available for climate-based educational programs or research. The Exploratorium — a San Francisco-based, interactive science museum — along with four other science centers, said in a letter to the climate bill's authors, “we see few more important issues for our future as a species” than global warming; the organizations wanted to be sure that institutions like science centers and natural history museums also would be eligible to compete for climate education grants.