

Lobbying—A Definition and Recapitulation of Its Practice

For lack of an appropriate word the law is sometimes prevented from changing, but when a good word is coined and it *catches on*, often times it has a catalytic effect on legal growth.¹ Some words become so popular to law² and laity alike³ that they eventually come to mean all things to all people. This results in such ambiguity that any attempt to use the word intelligently must necessitate retreat to such a level as to render the word impotent if not altogether meaningless.⁴ The term *lobby* is an example of just such a word that has “caught on”, and wide and indiscriminate use has so broadened its meaning as to require re-definition for the purposes of this article.

Although the historical origin of the term *lobbying* connotes the buttonholing of elected representatives to government office, even in its infant days the term was ambivalent.⁵ Today lobbying

¹ LEVI, AN INTRODUCTION TO LEGAL REASONING 6 (1949).

² See FEDERAL AND STATE LAWS ON LOBBYING, prepared for the Assembly Interim Committee on Government Efficiency and Economy (1949), for an insight as to how our law makers interpret the word.

³ See 28 LIFE 63 (June 12, 1950), in which America's children are depicted as the country's most ruthless pressure group against their own parents for the purchase of Hopalong Cassidy paraphernalia; The Right to Petition, 28 LIFE 34 (June 26, 1950).

⁴ Zeller, *State Regulation of Lobbying* in THE BOOK OF THE STATES 124 (1948-49), “Few statutes provide clear specific, and meaningful definitions of what constitutes lobbying. In Louisiana and Texas a person is guilty of lobbying who privately or secretly attempts to influence a legislator except by appealing to his reason! In addition, actual practice in Georgia and California is in direct contradiction to their constitutions which still contain the obsolete language that lobbying ‘is declared to be a crime’ (Georgia) or seeks ‘to influence the vote of a member of the legislature by bribery promise of reward, intimidation or any other dishonest means’ (California).” Although lobbying is a crime in Georgia, lobbyists are allowed to register as such by the payment of a \$250.00 fee. GA. CODE § 92-508 (1933). Although registrations number as high as 900 per year (Wisconsin), in 1947 the Georgia secretary of state reported “that the State of Georgia did not have anyone to register under the State Lobbying Law.”

⁵ Note, *Federal Regulation of Lobbyists*, 15 GEO. WASH. L. REV. 455 (1947). “The late Senator Caraway from Arkansas once said, ‘There are no good lobbies—I have made up my mind. It is all wrong.’ Bellows once wrote, ‘The very term lobbying is in itself suggestive of sinister methods.’”

Comment, *Improving The Legislative Process: Federal Regulation Of Lobbying*, 56 YALE L. J. 304 (1947). “Whereas the old style lobby, confined almost entirely to representatives of business interests, operated secretly and depend-

labels create even more confusion because they cover not only a multitude of sins, but also embrace an equally commendable number of worthwhile and necessary activities. Actually there is nothing any more fundamentally evil and sinister about the use of lobbying than there is for instance in the use of our national currency. However, there is not so much widespread confusion as to what our currency is and how it operates as exists concerning lobbying. One reason for such misunderstanding is the attempt to treat lobbying as an isolated problem rather than as a problem so fundamental that it is virtually a segment of our way of life. Another reason is the failure to understand the political and economic development of this country.⁶ When drafted, the Federal Constitution provided in theory that the interest of individuals be expressed through their elected legislators. These representatives were elected on a geographical-political basis, and if it is true that this was an adequate means of evaluating the various interests of the component members of society in 1789, it is patently clear that this is not the situation today. The failure of the constitution to provide group representation lies in an overlooking of the fact that individuals identify themselves and their interests not only with state or political sub-divisions but more importantly with their business, economic, social, professional, religious, and fraternal groups. As the country's means of communication and transportation improved, its citizens' group interests have proportionately expanded and interests confined to political or geographical boundaries have correspondingly decreased. Increasing complexity of legislation today—legislation which often is only fully understood by the affected groups—has given rise to extra-legal machinery for achieving group aims, and the survival of geographical-political representation to a large measure obscures the real basis for legislative action today.⁷ The failure of our two party system to pro-

ed for its success upon personal solicitation of legislators, often corrupted by bribes, such methods are obsolete today."

In the old days, impecunious Senators were said to have received outright bribes passed to them across card tables in the form of card winnings in the old Hall of the Bleeding Heart Pool Room on Pennsylvania Avenue in the nation's capital. 2 POORE, *PERLEY'S REMINISCENCES* 515 (1886).

⁶ Lerner, *Minority Rule and the Constitutional Tradition*, 86 U. OF PA. L. REV. 457 (1938).

⁷ Two groups have advanced remedies designated to reconcile the existing fact situation with political theory. See MACDONALD, *A NEW CONSTITUTION FOR A NEW AMERICA* (1921); GALLOWAY, *CONGRESS AT THE CROSS ROADS* (1946); SIMMONS, *Reorganization of the Federal Government*, 31 A.B.A.J. 63 (1945). The first group seeks a means by which group interests can be fitted into the formal pattern of government, a system of functional representation as a substitute for, or supplement to, existing political institutions. A second group regards the problem of representation as subordinate to a rationalization of

mote opinion and policy, together with very real obstacles placed before embryo *group interest* political parties to qualify for state and national elections⁸ has created a need which coupled with the people's constitutional right to petition their government⁹ has not unstrangely resulted in various forms of group petition. Thus a basic legislative problem is the adjustment of the conflicting interests represented by state and national organizations of "interest groups": teachers organizations, labor organizations, farm organizations, religious organizations, veteran organizations, pension organizations, business organizations, real estate organizations, public utility organizations, etc.

Consequently, today the term lobbying embraces three general areas of activity for the purpose of defeating or influencing passage of legislation: (1) citizens expressing individual opinion on legislation,¹⁰ (2) citizens organized into groups for the purpose of expressing collective opinion on legislation; and (3) the paid legislative agent, against whom most lobbying regulation is directed. Since the privilege of the individual to express his opinions on legislative matters is such a time honored custom as well as a fundamental constitutional right,¹¹ group one of the above three categories can be dismissed without further consideration. It is within groups two and three that the real lobbying problems exist. Thus *lobbying* may be defined as being the processes used by organizations to stimulate such activity by their members (and by the general public as well) as will impress legislators with their serious interest in the sponsored legislation. The word *lobbyists*, on the other hand, may be defined as being those organizations and their employees (who may be individuals, firms, or corporations) who utilize the above lobbying processes.

The most highly publicized activity is that of the professional lobbyist¹² who undertakes to "buttonhole" congressmen, but this

the whole legislative process. Their emphasis is upon administrative efficiency, extension of federal research, and information services.

American history is full of examples of legislation passed at the instance of and for the benefit of special interests. Odegard, *Lobbies and Current History*, 31 CURRENT HISTORY 690 (1930); ZELLER, *PRESSURE POLITICS IN NEW YORK* (1937); Chamberlain, *The President, Congress, and Legislation*, 61 POL. SCI. Q. 42 (1946); HERRING, *GROUP REPRESENTATION BEFORE CONGRESS* (1929).

⁸ OHIO GEN. CODE, § 4785-61.

⁹ U.S. CONST. AMEND. I. "Congress shall make no law abridging the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

¹⁰ See note 9, *supra*.

¹¹ See note 9, *supra*.

¹² Sometimes referred to as *legislative counsel* if a member of the bar and therefore exempt from lobbying registration requirements in many states. See OHIO GEN. CODE, § 6256-5.

is considered by some writers¹³ as being the least important phase of lobbying activity.¹⁴ Of primary importance, it is thought therefore, are the activities which encourage members of organizations (or members of the general public) to write or speak to their congressment in behalf of a particular point of view.¹⁵

Legislators are not usually seriously concerned with attitudes of particular interest groups but if voters of their own districts display serious concern as to a particular legislative issue they may, and probably will be spurred to action. For this reason state and national *pressure group* organizations spend considerable time and money in efforts to stimulate their members (and members of the public) to display great interest in their sponsored legislation, so that the legislators may become aware of "grass roots" interest in the measure.¹⁶

It probably bears re-emphasis at this point that lobbying, properly conducted, is not only a perfectly legitimate exercise of constitutional prerogative, but can be a benefit both to legislative bodies and to the country at large.¹⁷ In addition to providing an unofficial form of functional representation, pressure groups which throw light on current legislation, call attention to the voting records of our legislators, and inform the members of their organizations and incidentally attempt to so inform the general public as to the meaning of legislative proposals, are quite a benefit and service to our society.¹⁸

¹³ Futor, *An Analysis of the Federal Lobbying Act*, 10 FED. B. J. 366 (1949).

¹⁴ Comment, *The Federal Lobbying Act of 1946*, 47 COL. L. REV. 98 (1947). "The perennial problem of legislative lobbying has changed significantly during the past sixty years. Where the lobbyist once bribed he now uses public opinion as a lever."

¹⁵ In 1935, the excesses of the utility lobbies attracted nation-wide attention. Of their activities, the House Rules Committee said on Feb. 27, 1936: ". . . the campaign to influence utility holding company legislation was probably as comprehensive, and as well financed as any in the history of the country." *Hearings before Congress on House Rules on H.R. 2081*, 74th Cong., 2d Sess. 3 (1936).

¹⁶ Passage of the Public Utilities Holding Company Act came after discovery that the bulk of the opposition came from trumped-up Utility propaganda. The holding companies spent about \$134,000 instigating last minute telegrams and phone messages. Names were taken directly from phone directories and signed to telegrams. Discovery of fake messages may have turned the tide and made possible the passage of the bill. It passed the Senate by a single vote. *Hearing before a special Committee to investigate lobbying activities*. 74th Con., 1st Sess. 1007 (1935).

¹⁷ Witness the fight of the oleomargarine lobby at both state and national levels to have repealed discriminatory taxes on this product.

¹⁸ Zeller, *State Regulation of Lobbying* in THE BOOK OF THE STATES 124 (1948-49). "Under our democratic form of government, lobbies have a legiti-

Today, legislative agents or counsel represent every conceivable business, economic, and social group. They usually perform their services openly and frankly, and to some measure rely upon genuine public opinion, oftentimes of course, stimulated through judicious use of publicity and propaganda, whether to influence or merely to expedite legislative action.¹⁹ Legitimate pressure groups depend on the number of votes which they can control and consequently have nothing to gain from concealing their identity. Fake lobbyists, on the other hand, try to work both ends against the middle. They either solicit contributions from gullible sources for a cause they do not or cannot represent, or they attempt to influence legislation on behalf of non-existent organizations created for their own purposes. These lobbyists, therefore, do not welcome publicity about their activities, and are forced to resort to considerable subterfuge.

The problem then is of balancing two opposing interests: preventing lobbying abuses without at the same time hindering the right of citizens to petition their representatives. The evils disclosed by legislative investigations of lobbying fall roughly into two categories: (1) activities which leave the public and legislators with inadequate or unbalanced information on which to make decisions, and (2) activities which coerce or corrupt legislators. Since almost universal bribery statutes cover this latter activity, it need not be considered further in this article.

In considering the activities of the paid legislative agent it is first necessary to understand at least in a cursory manner the process by which our laws become enacted. For illustrative purposes, let us consider a typical bill as it goes through the Ohio House of Representatives. With but a few minor differences, the procedure is the same in the Ohio Senate. In Ohio, laws may be initiated in two ways: (1) by introduction of a bill in either house by a member of that house,²⁰ or (2) by petition of electors under our Ohio constitutional provisions for the *initiative*.²¹ This discussion will be limited to the more usual legislative process of our legislator sponsored measures.

The order of business of the Ohio House of Representatives provides, besides other matters, for introduction of bills,²² introduc-

mate and indispensable role to play . . . (but) Because some pressure groups, as organized minorities, thwart the public will, or act generally in a predatory fashion, some governmental control is necessary.

¹⁹ Logan, *Lobbying*, 144 ANNALS 73 (1929 July Supp).

²⁰ Rule 39. RULES OF THE HOUSE OF REPRESENTATIVES AND JOINT RULES OF THE 98th GENERAL ASSEMBLY OF THE STATE OF OHIO. Hereinafter called OHIO HOUSE RULES.

²¹ OHIO CONST. Art. II, Sec. 1, 1b. OHIO GEN. CODE § 4785-175.

²² OHIO HOUSE RULES Rule 3, Sec. 8.

tion of motions and resolutions,²³ and introduction of petitions and memorials.²⁴ Since, procedurally, motions, resolutions, petitions, and memorials are introduced in much the same manner as bills, only bills will be discussed further. A bill must be either authored or sponsored by a legislator in the house of which he is a member. A constitutional requirement²⁵ provides that the bill must be read three times, each reading to be on a separate day. When a bill is introduced it is read the first time by title only. If opposition to the bill at this time is expressed by any member, the question is put by the speaker of the House, "Shall the bill be rejected?"²⁶ If the bill is not rejected by a majority vote of the members present, it has survived its first test, but as a practical matter seldom is this question ever put to the members on introduction of bills.

After a bill has been read the first time it is then sent to the Reference Committee which at its discretion may either report the bill back to the House for its return to its author,²⁷ with reasons for its rejection, or report it back to the House with recommendation for reference to the proper standing committee of the House.²⁸ At this time the bill is read the second time by title only. Generally if the Reference Committee does not approve the bill, it takes no action at all and merely holds onto the bill. If the bill is returned to its author, the House may still by a majority vote order it referred to an appropriate committee.²⁹

Let us assume that the bill is reported back to the House favorably by the Reference Committee, and its recommendation is followed as to which standing committee shall further consider the bill.³⁰ The committee now holds hearings on the bill at which time the general public is permitted to appear and testify. If the bill is not reported out of committee it is dead. However the House, by a majority vote of all the members elected, may relieve the committee of the bill.³¹ If the committee reports back to the House any measure referred to it, it may make amendments, or may even submit a complete substitute bill. Whatever is reported back then goes to the Rules Committee which has the duty of placing it on the daily calendar for a third reading. However, due to the press of daily business, the Rules Committee schedules the bills which are to be heard on particular days. These are accord-

²³ OHIO HOUSE RULES Rule 3, Sec. 9.

²⁴ OHIO HOUSE RULES Rule 3, Sec. 10.

²⁵ OHIO CONST. Art. II, § 16.

²⁶ OHIO HOUSE RULES 39.

²⁷ OHIO HOUSE RULES 40.

²⁸ OHIO HOUSE RULES 41.

²⁹ OHIO HOUSE RULES 40.

³⁰ OHIO HOUSE RULES 66.

³¹ *Ibid.*

ingly placed "above the black line" printed on the calendar. All bills listed below this black line may not be considered by the House until placed above the line by the committee. Thus, if a bill is never placed above the black line on this daily calendar by the Rules Committee, it dies a natural death, unless the Committee is relieved of the bill by the House by a majority vote of all the members elected.³² If the bill is placed above the black line it is read for the third time by title only and is now up for House consideration. The House itself may now amend it in part,³³ substitute a new bill, or have the original bill recommitted to the same committee or another committee³⁴ where it once again must face and overcome all the obstacles originally encountered, plus the objections of the House. If not recommitted, the question presented by the Speaker of the House is, "Shall the bill pass?"³⁵ If the bill, after its third reading, passes the House, it is then sent to the Senate where it must be subjected to practically the same procedure as above described.

Following passage by both houses, the bill then becomes an "act"³⁶ and is sent to the governor for his signature. If the governor signs the act, it then becomes a law but does not go into effect until ninety days after it is filed by the governor in the office of the secretary of state.³⁷ However, within this ninety day period, unless the bill is an emergency measure or an appropriation measure, a petition signed by six per cent of the electors of the state, filed with the secretary of state, can order that this law be submitted to the electors of the state for their approval or rejection.³⁸

If the governor disapproves the bill and returns it to the House unsigned, with his objections to the measure, the Speaker of the House then presents the question: "Shall the bill pass, notwithstanding the objections of the governor?"³⁹ If both houses pass this bill without the governor's signature by the required margin it becomes a law but is still subject within ninety days to the Referendum under the conditions referred to above. Without investigating the many parliamentary procedures, dodges, and stalling techniques available to opponents of a bill, the above account, then, describes briefly the gauntlet which a bill must run in order to become a law of the State of Ohio.

With the above discussion in mind, let us now consider just

³² OHIO HOUSE RULE 20 provides for 22 standing committees.

³³ OHIO HOUSE RULE 51.

³⁴ OHIO HOUSE RULES 52.

³⁵ OHIO HOUSE RULE 53.

³⁶ OHIO HOUSE RULE 57.

³⁷ OHIO CONST. Art. II, Sec. 1c.

³⁸ See note 35, *supra*. Emergency laws are not subject to Referendum. OHIO CONST. Art. II, Sec. 1d.

³⁹ OHIO HOUSE RULES 50.

where the professional lobbyist fits into the picture. If he doesn't have permanent offices at the state capital, he probably will set up temporary headquarters in a convenient downtown hotel and then swing into action. Armed with a bill either written by himself in his own office, or drafted with his assistance and advice, the lobbyist's first move is to contact a friendly legislator, show him his bill and ask him to sponsor it. If the bill is not objectionable to the legislator or is not against the interest of his constituents, he may agree to sponsor the bill. Once this has been taken care of, the lobbyist must then contact members of the Reference Committee if he can and attempt to prevail on this committee to refer his bill to the standing committee most favorably disposed toward the measure. If the House wishes, however, it can send the bill to a committee unfriendly to the measure and that will be the end of the bill. If the lobbyist is successful, however, in steering his bill to a friendly committee, his next task is to get before this committee when it has a hearing on the bill in order that he may impress them with its meritorious content, and persuade them to report the bill out favorably.⁴⁰ Once it is reported out favorably, getting the Rules Committee to place the bill above the black line on the daily calendar is his next job. When the bill is finally read for the third time, the lobbyist must be alert to avoid crippling amendments from the floor, or opposition inspired motions to recommit to another committee, to table, or to postpone to a day certain, or indefinitely.⁴¹

While the lobbyist is thus keeping his eye on the progress of his bill at the state capital, the lobbying organization is getting its heavy artillery into action. Their job is to focus the attention of the legislators on carefully molded and articulate public opinion, in an attempt to persuade them that what they want is what the public wants.⁴² The techniques and devices available for this job are only limited by the imagination and integrity of the lobbying organization involved. Utilization may be made of mass channels of propaganda provided by the newspapers, the radio, the school, the theatre and the church.⁴³ Constituents are prompted to bring pressure to bear by writing letters or sending telegrams.⁴⁴ At election dates, candidates, regardless of part affiliation, considered favorably disposed toward group interests can be supported

⁴⁰ *The Lobby's Part in Democracy*, Nations Business Mar. 1946, p. 78.

⁴¹ OHIO HOUSE RULES 62.

⁴² Comment, *The Federal Lobbying Act of 1946*, 47 COL. L. REV. 98 (1947).

⁴³ 1 PUBLIC OPINION QUARTERLY 64; SMITH, LASSWELL AND CASEY, PROPAGANDA, COMMUNICATION, AND PUBLIC OPINION (1946).

⁴⁴ Zeller, *Modern Pressure Groups*, 29 AM. LAB. LEG. REV. 152; Bellows, *In Defense of Lobbying*, 172 Harpers 96 (1935); 26 WORLDS WORK 540 (1913).

by the organization.⁴⁵ When the measure is up for consideration and the issue is in balance, refreshments and services may be provided in a nearby hotel for those legislators amenable to such conveniences.

It can be readily seen that such tactics at the disposal of unscrupulous groups can be used against the best interest of the public. Worthy organizations, in order to get results, must of necessity fight for their measures with the same weapons used by their opposition. What then is the answer to this lobbying problem? Every state and at least one territory has struggled with it.⁴⁶ In 1946, for the first time in its history, the federal government enacted a law which it hoped would cope with lobbying abuses. Unfortunately, the measure was hastily drawn and did not draw upon the experience of states who have been legislating against lobbying for over one hundred years!⁴⁷ State lobbying provisions⁴⁸ have at least established the principle that the public has a right to know who are the paid lobbyists and what is the source of their funds. The majority of lobbying statutes require registration of paid professional lobbyists, and sometimes their employers; a filing of expenses incurred in lobbying; and provides for fines, and imprisonment, or both for failure to comply.⁴⁹ These provisions are all right as far as they go, but unfortunately they do not go far enough.

Publicity has proved to be the most effective means of combating sinister lobbying practices, but only a few states make any effort to keep even their own legislators posted as to lobbying activities.⁵⁰ Ambiguous wording of lobbying statutes also makes en-

⁴⁵ Odegard, *Political Parties and Group Pressures*, 179 ANNALS 68 (1935).

⁴⁶ See the tabulation of state measures for enforcement of lobbying following this comment.

See Zeller, *State Regulation of Lobbying*, THE BOOK OF THE STATES (1948-49), THE BOOK OF THE STATES (1949-50).

⁴⁷ For excellent analysis of the Federal Lobbying Act of 1946 see Futor, *An Analysis of the Federal Lobbying Act*, 10 FED. B. J. 366 (1949); Zeller, *The Federal Regulation of Lobbying Act*, 48 AM. POL. SCI. REV. 239 (1948).

⁴⁸ See FEDERAL AND STATE LAWS ON LOBBYING PREPARED FOR THE ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY OF THE LEGISLATURE OF CALIFORNIA (Dec. 1949).

⁴⁹ See note 45, *supra*.

⁵⁰ Wisconsin in 1945 amended its statute to provide for detailed weekly statements of disbursements of lobbyists during the season.

OHIO GEN. CODE § 6256-4 provides for an itemized statement to be filed within thirty days after the final adjournment of any session of the general assembly. It does not provide for publicizing this information, analyzing it, or even checking the truthfulness of the statements filed. An examination by the writer of 281 financial statements filed following the 98th General Assembly revealed general confusion as to the information required to be disclosed. Apparently, filing a statement regardless of its disclosure is accepted as being

forcement difficult,⁵¹ but failure to appropriate funds for enforcement, coupled with failure to designate a specific enforcement agency, makes the job just about impossible.⁵²

Experience has shown that regular enforcement agencies are not suited for enforcement of lobbying laws, and without special staffs to analyze registrations and expenditures, prosecutors are reluctant to prosecute and courts are not prone to convict violators.⁵³ In states such as Ohio where supervision of registration of lobbyists is delegated to a single clerk, in addition to her other regular duties, and where her only duty in this regard is limited to placing these registrations and financial reports in a filing cabinet, it is safe to conclude that lobbying laws can be and probably are violated with impunity.⁵⁴ Furthermore, most state lobbying laws are directed at the paid professional lobbyist, whereas there is practically no attempt to control what is considered by some writers to be the most important phase of lobbying — those lobbyists who initiate propoganda without necessarily being present in the state capital.⁵⁵

Another source of lobbying which is usually overlooked is that done by our own state representatives. A large number of

in compliance with the statute. Such statements as "the usual fee", "full time employee", or the overworked "no receipts, no expenditures" are accepted as disclosures of lobbying expenditures!

⁵¹ This writer could find no true case in Ohio of a prosecution or a conviction for violation of any lobbying statute!

⁵² It is perhaps unrealistic to expect appropriations for the enforcement of lobbying statutes in states which are not even adequately interested in the collection of back taxes.

⁵³ See note 48, *supra*.

⁵⁴ It is clear that the secretary of state, to whom custody of these records are relegated, does not have the administrative organization to analyze relevant information submitted under lobbying statutes, make pertinent extracts from it, and adopt an efficient classification and index system. But efficient administration would be merely a prerequisite to preparing the data revealed into concise and comprehensible statements which would be made available to press and radio services. If the public is to be informed of the facts disclosed by registration, these facts must get the widest possible circulation in a simplified and intelligible form.

⁵⁵ Pressure group propoganda aimed primarily at influencing the public is often characterized by misrepresentation or distortion of fact, made more effective by concealment of source — thereby making an evaluation of possible bias very difficult. Special interests have often employed such questionable practises as controlling newspaper editorials by placement or with draval of advertising. See Williams, Mr. Cleveland, 28 LIFE 130 (Mar. 13, 1950); sending free "canned copy" to country presses which is used as cheap fill, 31 CURRENT HISTORY 690 (1930); hiring radio commentators and columnists to express favorable views; educators to write text books; speakers to address clubs, schools, and churches, without revelation of the contract of employment.

state legislators are practicing lawyers. The controversy over the activities of law-legislators who write laws for clients or represent them in transactions with the state government led the state of Michigan to enact a statute⁵⁶ declaring it a felony for legislators to be employed by persons interested in current legislation for more pay than non-legislators would receive, or to accept payment for services in connection with the passage or defeat of bills.⁵⁷

Any improvement in legislative reference services designed to supply legislators with data *impartially* collected will diminish the likelihood of lobbying abuses. Legislators are incapable of personally investigating every legislative proposal, especially those which require technical knowledge of complicated subjects. In the absence of such a service legislators have no choice but to rely on experts for information in the fields of their special interest. This information is of course many times biased.

CONCLUSION

A few states such as Wisconsin are taking the lead in coping with this lobbying problem, but whether or not other states will follow their lead will depend on results obtained. At the present, however, results are too inconclusive to evaluate. The first requisite is a will to see the law work — sometimes this is all that is necessary. When this is the climate of opinion, appropriations to establish adequate research facilities, investigating staffs, accounting and auditing staffs, and publicity staffs, coupled with laws which are flexible enough to stay abreast of new and improved lobbying techniques, are all steps in the right direction. When, however, there is no interest in the intent and objectives of such regulatory legislation either by the people or by their representatives, no measures in this area can be expected to be undertaken.

To get the ball rolling when this is the case probably requires a "lobby for the regulation of lobbying", but apparent disinterest in correcting the system as it functions today indicates remedial measures to be unlikely in the foreseeable future.

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⁵⁶ MICH. ACTS, § 411b (No. 146) (1945).

⁵⁷ "One is reminded of the statement of ex-Governor Lehman of New York when he called public attention to the fact that several lawyer-legislators were blocking his anti-crime program: 'One perceives in them a still more sinister conspiracy than that of politics — the conspiracy of lawyer-legislators to perpetuate for their profession the obstructions to justice by which it prospers.'" Zeller, *State Regulation of Lobbying*, in *THE BOOK OF THE STATES* 124 (1948-49).

STATE REGULATION OF LOBBYING

State	Laws Limited To Improper Lobbying Practices ^a	Registration Required	Legal Distinction: "Counsel" and "Agent"	Financial Report Required	Penalties for Violations		
					Fines	Imprisonment	Three Years Disbarment After Conviction
Alabama.....	★	Not less than \$500 and	1-2 yrs.	....
Arizona.....	★	Not over 5 yrs.	....
Arkansas.....
California.....	★ ^b	....	....	....	....	....
Colorado.....	★ ^b	....	....	....	....	....
Connecticut.....	★	★	Not over \$1,000 ^c and/or	Not over 1 yr.	....
Delaware.....
Florida.....	★	Not over 20 yrs. ^d	....
Georgia.....	★	★	Not over \$1,000 and/or	Not over 6 mos.	....
Idaho.....	★	Not over \$200 and	Not over 6 mos.	....
Illinois.....
Indiana.....	★	★	★	\$200-\$1,000 or	3 mos.-1 yr.	....
Iowa.....	★ ^b	....	....	....	....	....
Kansas.....	★	★	Not over \$5,000 and/or	Not over 1 yr.	★
Kentucky.....	★	★	Not over \$5,000 and/or Not over \$1,000 ^e	Not over 5 yrs.	....
Louisiana.....	★	\$200-\$2,000 and	6 mos.-2 yrs. ^f	....
Maine.....	★	★	\$100-\$500	....	....
Maryland.....	★	★	★	\$100-\$1,000	....	★
Massachusetts.....	★	★	★	\$100-\$1,000	....	★^g
Michigan.....	★	★	\$200-\$1,000 or	3 mos.-1 yr.	....
Minnesota.....
Mississippi.....	★	★	Not over 3 yrs. ^h	....
Missouri.....	★	Not over \$1,000 and/or	Not over 6 mos.	....
Montana.....	★	\$100-\$500 and	10 da.-1 yr.	....
Nebraska.....	★	★	Not over 5 yrs.	....
					Not over \$1,000 ^e and/or	Not over 1 yr.	....

STATE REGULATION OF LOBBYING*—Continued

State	Laws Limited to Corrupt Practices ^a	Registration Required	Legal Distinction: "Counsel" and "Agent"	Financial Report Required	Penalties for Violation		
					Fines	Imprisonment	Three Years Disbarment After Conviction
Nevada.....
New Hampshire....	★	★	Not over \$1,000	Not over 5 yrs. ^d	....
New Jersey.....
New Mexico.....
New York.....	★	★	Not over \$1,000 ^e and/or	Not over 1 yr.	....
North Carolina....	★	★	\$50-\$1,000 and/or	Not over 2 yrs.	....
North Dakota.....	★	\$100-\$1,000 ⁱ \$200-\$5,000 ^o	....	★
Ohio.....	★	★	\$200-\$5,000 and/or	1-2 yrs.	....
Oklahoma.....	★ ^{ra}	....	....	\$200-\$1,000 or	10 da.-1 yr.	....
Oregon.....	★	\$50-\$500 or	3 mos.-1 yr.	....
Pennsylvania.....
Rhode Island.....	★	★	★	\$100-\$1,000 \$200-\$5,000 ^o	....	★
South Carolina....	★	★	\$25-\$100 or	Not over 30 da.	....
South Dakota.....	★	★	★	\$100-\$1,000 \$200-\$5,000 ^o	....	★
Tennessee.....	★	2-5 yrs.	....
Texas.....	★ ^b	....	....	\$200-\$2,000 and	6 mos.-2 yrs. ^f	....
Utah.....	★	\$500-\$10,000 ^h	Not over 5 yrs.	....
Vermont.....	★	★	\$100-\$500	....	....
Virginia.....	★	★	\$50-\$1,000 and/or	Not over 1 yr.	....
Washington.....
West Virginia.....	★	\$50-\$200 and	10 da.-6 mos.	....
Wisconsin.....	★	★	\$100-\$1,000 ^l \$200-\$5,000 ^o	★
Wyoming.....
Alaska.....	★	★	★	\$100-\$1,000 ⁿ \$200-\$1,000 or	Not more than 1 yr.	★

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