

Division of Professional Relations
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FROM THE EDITOR . . .

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The bulk of this issue is devoted to the discussion of lobbying which we presented at the national ACS meeting in Washington. The distinguished panel included John Stewart, Counsel to the Senate Subcommittee on Science, Technology and Space; John Guerrera, past president of IEEE and voluntary lobbyist for that organization; Donald Kaniewski, legislative representative for the Laborers' International Union and former legislative assistant to Congressman Frank Thompson; and Robert Jennings, special assistant to Eula Bingham, head of OSHA.

There is a lot of "meat" in these discussions, and I hope you enjoy reading them.

Report from Washington

An interesting item was reported at the meeting of the Council Committee on Professional Relations (CPR) meeting. As you may recall, CPR at its last meeting approved a statement on hazards and toxins, in an attempt to (belatedly) establish publicly ACS concern about such things as Kepone dumping, Love Canal, and the like. This statement appears in its entirety in *Bulletin* No. 21.

You may be amused to learn that *C&EN* later did print the committee's statement, as the committee wished, but *only* after insisting that all references to particular companies (Allied Chemical, Dow, Hooker, Michigan Chemical) be removed. It seems that what's good for ABC, CBS, NBC, the New York Times, the Washington Post, etc., etc., etc., is not good enough for *C&EN*. Could be too many advertising dollars at stake? When will *C&EN* truly speak for American chemists?

The Council meeting was long, and not terribly exciting, as is becoming common. One minor point. The rules governing Councilor representation were changed once again, this time setting the date for the official count at July 1, instead of the current October 1. In other words, the number of Councilors a division is entitled to for the following year is determined by the member-

ship in that division on July 1. While one could argue that this change is needed for "efficiency" at ACS headquarters (which I don't believe—most ACS staffers are very capable and hard working, and don't require such a huge lead time), the net effect is that an active membership recruiting opportunity—the fall meeting—is eliminated.

How does this change affect the DPR? Under the current rules, divisions with less than 500 members get only one Councilor. DPR has over 500 members, and has two Councilors. On July 1 of this year, we had only 483 paid members, and about 50 delinquent members who would be dropped if they didn't pay their 1979 dues before the end of the year. We also picked up another 30 or so new members at the Washington meeting. Hence, we should be able to at least keep our two Councilors for next year. But we can't be caught napping. Near the end of the Council meeting, Rod Hader announced that two divi-

sions would be losing a Councilor, and DPR was one of the two mentioned. I rose to correct him, but I think he was going under the assumption that the count of paid members on July 1 was significantly less than 500.

Unless we *actively* recruit new members between now and July 1 of next year, we may well lose a Councilor for at least the following year. One Councilor, no matter how active he or she might be, could not possibly attend all the meetings and participate in all the discussions of interest to the members of the DPR. Indeed, we could easily use all four Councilors large divisions are entitled to (over 1200 members). And, as I have stated repeatedly, our voice would be more readily listened to if we were larger.

Your officers intend to try hard to recruit a larger membership. They can't do it alone. They need your help. In addition to signing up a few friends, if you have recruiting suggestions, send them in. —Dennis Chamot

DPR Membership Application

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LOBBYING: WHAT IS IT, WHO DOES IT, AND WHY?

The following is an edited transcript of the DPR discussion on lobbying which was presented at the national ACS meeting in Washington, September 1979. The panel was chaired by Dr. Dennis Chamot.

Dennis Chamot: There are many misconceptions surrounding the term lobbying. Yet our system of government couldn't function without it. It's a way for our lawmakers to obtain information, so that they may make the best decisions possible with limited resources and staff.

The system can be misused; it has been misused; but for the most part, it worked very well. No one has yet devised a better method for ensuring that all sides of an issue will be able to get their views into the process.

Our panel represents a broad range of people active in lobbying, either as lobbyist or recipient. Through them, we will explore the nature of lobbying, and the reasons for its existence.

Our first speaker is John Stewart. Among other things, he was executive assistant to Vice President Hubert Humphrey, and staff director of the Energy Subcommittee of the Congressional Joint Economic Committee. For the past two years he has been Counsel to the Senate Subcommittee on Science, Technology and Space.

John Stewart: I've been in Washington a lot longer than I usually care to admit, but it will be twenty years this coming June. It's been two decades where Washington has changed a great deal, though I must say, as one looks back to the early sixties, even in this relatively brief period of time the whole lobbying picture has changed a great deal. I suspect that's because the way lobbying goes forward in this country has always, in a sense, reflected the country itself.

Lobbying has always been a part of what's happened, although early on it was restricted primarily to the business and mercantile classes. It was not until the industrial revolution, as the country really began to expand westward, as economic labor began to assert itself, that a whole new range of interest groups began to emerge. In the late 19th century you began to get something like the diversity of interest groups that you have today.

Of course, this process has continued. The thing that strikes me most, looking back over twenty years, is how many more groups there are; how much more specialized they have

become, reflecting the very complex, interdependent, technologically oriented government we now have. And I think that the narrowness of focus of many of these groups is one of the main questions that I want to come back to right at the end.

Let me just say a word or two about the Congress, because I guess I represent the Congress on this panel, and say a word about it from a lobbying point of view. The thing to understand about Congress, and it's something which is hard to fully appreciate if you're not either working there or prowling the halls, is how decentralized the Congress is, that it's more decentralized today than it's ever been. The party structures in the House and Senate, the Democratic party structure, the Republican party structure, are relatively weaker today than they used to be; the role that committees play in the decisions of Congress is probably stronger today than it was twenty years ago; and this suggests a greater fragmentation of the whole decision process. It also suggests more initiative for individual members of Congress, acting on their committees or acting on the floor.

Congress, above all else, is a very open institution, open in the sense in which people of all persuasions, interests and perspectives can very easily get to talk to staff members and to the members of Congress themselves, much more easily than they can get in to see particular members of the executive branch. A substantial portion of staff members' time is spent talking to people who come in from the outside, and ninety-five percent of them are lobbyists in one form or another. Some might hotly dispute that label, but in fact that's what they're doing.

In recent years Congress has become more independent of the executive. I think this is pretty much directly tied to the experiences of Viet Nam and Watergate, and over time the pendulum will probably swing back more towards the Presidency, but it's interesting to think back ten years. We were all wringing our hands over the thought that Congress had lost its independence, and that the imperial Presidency was overwhelming the Congress. Well, the pendulum has swung now pretty much in the other direction, and Congress now seems to have very little trouble overwhelming the President. This pattern has asserted itself from time to time through history. You find periods of Congressional strength and periods of presidential strength.

Congress is much more assertive now than it used to be in terms of all sorts of legislative and policy initiatives. If you add up some of

the characteristics and attitudes and behaviors of Congress today, you find an environment that is very hospitable to lobbyists, that people who are attempting from one perspective or another to influence what the Congress does, find a hospitable climate. You find a number of independent members, independent in the sense that they got there on their own—no party organization elected them. They raise their own money, they organize their own campaign workers and so they come up there with a sense that they are going to do what's best for them, not what is best for the Democratic or Republican leadership. This means that these people will be interested, and want to know what members in their districts or states feel about a particular issue. And so when lobbyists come representing those people, that member is going to be very interested in what they have to say.

It's also clear that many lobbying groups contribute campaign money directly through a variety of legal channels that now exist. That gets their attention too. But I wouldn't make too much of that. I think people sometimes make much too much of a political contribution somehow or another buying the loyalties and interests of a Congressman. The most it will buy for you, in almost every case I've been aware of, is a good hearing by that person. But it clearly won't buy his decision. Now, I'm sure there are exceptions to that, but as a generalization, I would assert that that's correct.

The point I am making is that from a lobbyist's point of view, the Congress is a fertile and, by and large, a friendly field. It's true Congressional staffs have expanded a great deal in recent years, and they have. But very often lobbying groups, be they the well established, the well staffed, permanent year around operation, say, run by the AFL-CIO or the U.S. Chamber of Commerce, or whether it's a much more limited, focused, smaller group, of which there are thousands in this town, either kind can be vital sources of information, not just information about what their members think, but information on the issue itself that happens to be pending. Committee staffs find this useful.

Now, one hopes that a staff member has enough sense to understand where the information is coming from, and understand that all things being equal, the information is going to support the long term interests of the group that is providing it. I figure most people are smart enough to figure that out. Nonetheless, the information is there and it is

very helpful and useful information.

For example, we deal with a number of scientific and technological issues. I think we played a fairly useful role, a couple of years ago, in avoiding what in our view would be an overreaction to the recombinant DNA commotion that was going on then. We profited from long discussions with a broad range of scientists active in the field. These were not all just those opposing greater regulation; there were many who were promoting greater regulation. I don't think that issue is totally dead legislatively yet. But I do think that several solutions that had been offered, which if passed would have been unfortunate, were avoided largely due to the initiative of a variety of biologists who brought to us the kind of information and perspective which we would, otherwise, have had a great deal of trouble getting.

Let me just make a couple of comments about what works, from my perspective as a congressional staff person, and what good lobbying consists of.

I think the one thing more than anything else that I value in dealing with lobbyists is a sense that you can trust that person. They're going to have a point of view, but they're going to make that clear when they talk to you. They're not going to tell you information they know is demonstrably false, figuring you're not smart enough to figure it out. That only happened once, and as far as I'm concerned, it only will happen once, because a lobbyist who tries that, and gets caught at it, is more or less finished as an effective contact. You get a reputation very quickly in Washington, as in most towns. There have been people in the past who generally were perceived as not terribly reliable, and they're not very good lobbyists.

Part of the process of building this sense of mutual trust is a capacity to keep up routine contacts. You don't always want to come running in at the point at which the temple is about to collapse. It's much better to establish a more routine relationship with an office. It's good to display an attitude of a willingness to help and to contribute to the work of a member or a committee when something isn't directly at stake in your area. It's also very important to understand when it's appropriate to declare a victory on a particular issue. Sometimes you find lobbyists who are absolutely unwilling to accept anything other than the total package that they think ought to be enacted. Well sometimes, there are times I suppose, when that's the proper position. But more often than not, Congress is not a body that goes to extremes. Whatever Congress decides is a compromise by the nature of the body, and the nature of our politics. Compromise is the thing that, ultimately, makes it work. Lobbyists have to understand that there are points you have to compromise.

There are all sorts of decision points in the Congress. These vary from issue to issue. Congress is a highly heterogeneous, decentralized, fragmented body; each committee is an entity unto itself. The Commerce Committee, where I work, doesn't operate at all

like the Judiciary Committee, which in turn operates not at all like the Finance Committee. Each of those committees is a little world that has to be understood; in fact, each of the subcommittees within the committees is a little world that has to be understood. The only way you understand it is to go up there and talk to people, and listen, and use your head, and read, and become knowledgeable.

Each decision that Congress makes has a unique little character to it. It's kind of like people—no two of them are exactly the same. Congress is a sort of three dimensional jigsaw puzzle, because you have constituent interests; you have administrative interests; you have narrow group interests; you have the interests of the individual members; you have the different rules in the House and the Senate; you have the traditions. All of these things, ultimately, have to come together to lead to a decision or non-decision. It is in understanding the three dimensional jigsaw puzzle that gives you the access and opportunity to affect what goes on up there.

I've not really tried to make a case for lobbying; it seems to me that it's an essential part of our representative system. One of the things we should begin to think about is the increasingly narrow perspective and the proliferation of narrowly based interest groups. Congress is being pushed and pulled towards making decisions directed to a very narrow constituency or interest group, rather than the broader cut of constituents. There is a growing concern among some people, and I include myself among them, that this Balkanization of America that is beginning to take place begins to erode some of the national concerns, which, at times, have to predominate over the more parochial, the more narrow, the more specific. That's always been one of the things that this country's been able to do. It's been able to achieve a pretty good balance between local, narrow, specific views and more national concerns. I think things are getting a little out of balance now.

This is not a political science convention that I'd be more comfortable in, I guess, but it is an issue that is beginning to be talked about and thought about and written about. It's one that as citizens, more than as members of the American Chemical Society, deserves our continuing thought and attention.

Mr. Chamot: Our next speaker is John Guerrero. John is a former president of the IEEE, and was later vice-president for professional activities. He's currently employed as director of research at the California State University at North Ridge. He's been active in California State politics, and is going to be the campaign chairman for Congressman Corman. He's also a volunteer lobbyist for IEEE.

John Guerrero: IEEE got involved in lobbying because, in 1970, there was a disruption in the economics of engineering employment. Jim Mulligan, the president-elect of IEEE, traveled around the country to try and find out what the members were

concerned about, and what the IEEE should be doing or could be doing. He believed we should get involved in politics, primarily because in several locations the members were so agitated about the uninvolvedness of IEEE, that they actually threw some tomatoes at him and some other fruits and vegetables. So he was convinced that the members were concerned and that the members really felt that we should do something.

We thought at first we'd form an alliance with the NSPE, and that ought to take care of the members' unrest. That didn't work. We still have an alliance with NSPE and as I'll tell you later, you have to have alliances with a lot of people when you're lobbying in Washington or any place else. We finally decided that we had to do something ourselves, and it was permissible at that time for a C(3) organization (that's the tax classification of many societies such as yours) to do lobbying without violating the C(3) status. Today, incidentally, it is even more permissible to do lobbying, to a much larger extent of your resources. I think it's now up to twenty percent of your total budget which could be in the form of lobbying and political activity, without contaminating your C(3) status. When IEEE first looked into this it was somewhere around five percent.

However, the IEEE decided that there ought to be some kind of a referendum; and the easiest way to make a referendum in IEEE is to make a constitutional amendment. A member attempted to change the constitution of IEEE and, although he got a majority of votes, it was not the necessary two-thirds. That amendment would have made IEEE primarily a political type body, instead of a technical body, which it was and still is. The concern, of course, that the board had was that another attempt at this might be successful, and could really hurt IEEE. And so we (at that time I was on the board) composed our own constitutional amendment, and put it to the members, and it passed. The IEEE, in addition to our normal technical activities, would also do lobbying, and that then became our charter for professional activities.

What could we get involved in? One of the things that was rather of common interest was pensions, and the other thing that we got involved in, at least the example that I'll tell you about, is the Service Contract Act.

In the area of pensions, our initial involvement was with ERISA. This was the original pension reform bill, finally passed in 1974, and IEEE was, of course, in favor of many of the reforms. We wanted to identify and solve what we perceived to be a problem of our members. First, we felt that the government should survey the engineering community, which we felt had an unusually high turn-over, and therefore, a rather low probability of vesting in any job. We did manage to get a paragraph into the law which called for a survey on the part of the Department of Labor. The other thing we thought we ought to have was a carve out capability so that an employer could carve out a group of employees, which group could then have

immediate vesting, and that, we felt, could also help solve the problem of mobility. Well, we succeeded in getting that written into the bill.

So, from a lobbying point of view, we were fairly successful early on in getting a couple of things written into the bill that we thought were important. We could not reduce the vesting at that time, although the ERISA was a tremendous improvement over what had been going on in the past.

I have to tell you that although we got these things written into the bill, it turned out that it was just about useless. The Department of Labor took three years to make their survey, which was almost unrelated to our particular problem. The carve-out part of the bill, which we worked very hard to get in, was also totally unsuccessful, because the carve-out does require the cooperation of the employer, and we could not find any employers who were willing to carve out a group of people. Since then, we also became a little bit smarter. We discovered that to carve your members out of a plan that isn't very good to begin with, and becomes much worse with immediate vesting, is also not necessarily an advantage. So our present thrust in the pension activities is to reduce the vesting period.

The pension activity is a long term problem, and we anticipate lobbying in the pension area almost continuously, to the extent of 10% of our professional activities budget. We feel if we're going to make any impact, we will have to spend a considerable amount of money, time and effort on an ongoing basis before any significant improvements are going to be made.

The other example I was going to give you was the Service Contract Act. Some of our members work on a government facility for a company which is given a contract to manage it. The tenure of the contract is usually two or three years, and at the end of that period of time, the job can be rebid, and a new employer can take over. Frequently, the employees remain the same. So what you have is a built in situation where you end up with a lot of people who are looking for work, because every time you change employers, technically all of the people working on that particular facility are unemployed for a period of time, or about to be unemployed; and the new employer then can hire these people. The impact was most severe early in 1970 and '71 because they had no other place to go. And so they were exploited and were hired back at ridiculously low salaries.

There is an exception to this—the old AEC. Now part of the Department of Energy, the old AEC did not do this, and protected their employees, and still do to the best of my knowledge; so that it was, in our view, possible for the government to contract properly to protect the employees. They were not doing so in the case of NASA and the Air Force.

We lobbied with all of the executive agencies, and eventually decided that the only solution was legislation. We worked with

Congressman Thompson, and we actually got a bill written which we thought would solve the problem. We got the bill through the subcommittee and through the full committee, but it did not pass in Congress.

Let me tell you a little bit about my perception of lobbying. You certainly do have to identify your friends. Congressmen will talk, and their staffs are obligated to talk, to almost any group that comes in to talk to them. But it's a lot easier for a Congressman to take an interest in a subject if there are many different groups interested in the same thing. So you have to identify your friends. You also have to identify your opponents because you want to find out what it is that they are opposed to, because if you could change some little thing or make a modest compromise, and eliminate your toughest opponent, that's something you should seriously consider doing.

Another thing is that you have to get characteristics of the people you're doing business with. If you're calling on a Congressman who likes to get up early in the morning, you'd better meet him early in the morning. I had breakfast this morning with my Congressman, before I came here. Incidentally, Congressmen are very accommodating. If you're a constituent and you insist on meeting him at seven o'clock in the evening, he'll meet you at seven o'clock. But if he's an early riser you're liable to find him kind of sleeping at seven o'clock and all your important, emotional messages will go to waste. So you do want to know their characteristics, not only of the Congressman, but of their staff.

Offer help but don't expect to be asked. That's something that's very hard for many members of IEEE to accept. After all, IEEE is the largest society, with 196,000 members. If you are there telling the Congressman only these sorts of things, he'll hear it, and if you find out what things are important on particular issues and you make a big effort to get your point across, you'll also get your point across. But if you expect to sit back and wave the flag, not too many people are even going to notice the flag waving.

Chamot: Our next speaker is Robert Jennings. Bob has a bachelors degree in physics, and a law degree. He now works as a special assistant to the Assistant Secretary of Labor for Occupational Safety and Health. I love these Washington titles, but basically what that means is he's special assistant to Eula Bingham at OSHA. He has worked on various matters for OSHA in the policy office. He helped to develop OSHA's recently issued lead standard. He is currently working on the issue of worker access to medical and exposure records. Bob is here as a representative of a regulatory agency, because I think the American Chemical Society and its members are just as interested in regulation, as they are with the initial legislation. We'll see if Bob agrees that the process of lobbying the agencies is not much different than the process of lobbying the legislators.

Robert Jennings: As Dennis mentioned, my personal experience is primarily with federal administrative agencies, OSHA in particular. The lessons to be learned in how outside scientists get involved in OSHA, equally apply to other federal agencies.

I'm going to try to stay away from giving tips that would be used by the traditional trade associations or corporations that have fairly large legal departments, or government relations departments that interact with federal administrative agencies on a regular basis. Generally my experience is they know what they're doing.

I've tried to think about scientists out in the country who have a particular expertise, and have an interest in getting involved in the kinds of decisions that federal administrative agencies make. There are a variety of ways in which individual scientists can get involved.

First of all, I think the most important point that I could make is that federal administrative agencies, OSHA, EPA, CPSC, you name them, each agency is critically dependent upon input from scientists outside of the agency. None of the administrative agencies claim to be islands unto themselves in terms of technical staff. We don't have the capability, in house, to deal with all of the technical issues that come up in deciding how to rationally regulate workers' exposure to particular toxic substances. These problems come up time and time again, and we're always drawing on the expertise of scientists outside of the agency. Don't think that agencies are closed—they're open, they need the help of scientists outside the agency.

A major activity for an agency like OSHA is rule making, particularly if it's a fairly new agency and it's just beginning to try and deal with the problems that it was created to handle. Generally when an agency promulgates a rule, if it is controversial or complicated, the agency will publish a proposal in the *Federal Register*, highlighting what the agency perceives to be the major issues. There will then be a lengthy commenting period, and then, very often, informal public hearings where anybody who wants to come in and give a presentation on what they feel is important about this standard or issue can do so. I certainly would encourage anybody who reads about a proposed regulation that they either like, or don't like, or they feel they have something to say that can contribute to the resolution of the issues presented by rule, by all means, write in a formal comment. People read them and they are important.

A question I very often get is, isn't it true that as soon as an agency publishes a proposed rule, they're locked into it, and they're not going to change their mind, and that it's a waste of time and effort to get involved. That's just simply not true. Agencies will propose a regulation on the basis of considerable work. Science will evolve, new issues will arise, and it's not been my experience that the proposed rules of OSHA or any other federal agency are locked in concrete the second they're published.

The main thing is to encourage people to get involved. You can get involved with no

greater expenditure of effort than writing a detailed letter, and maybe attaching some studies or exhibits or photocopies of textbooks, or whatever you think are important. If you visit Washington, find out which office and administrative agency is a technical office, or deals with the kinds of issues you have experience in. And just make yourself known to the director of that office. Make yourself available to the agency. Let the agency know that you're willing to talk to people if they have questions about a particular technical area. This is important because agency priorities, changes in their existing programs, ideas or new approaches to old problems—these don't all come from inside the agency. They come from scientists, lobbyists, the interest groups, businesses, labor unions, that the agency key people regularly interact with. They come from the Congress. There's a place for technical expertise which can contribute to what the agency is doing.

We in OSHA don't feel that we know where all the problems are, or have the sole ability to judge what the best course of our future activities are. The more that labor unions, businesses, small trade associations, small business, the more people get involved and the more they develop technical support to back them up in what their problems are, the better the whole country is going to be, in terms of evolving better approaches to occupational safety and health. So we have tried to finance greater technical support for labor unions and trade associations. There is certainly a role for professionals to get involved with local labor unions or district councils on an informal basis. Just calling somebody up and saying, "You know, I've been reading in the paper, and hearing that you have a lot of concerns about certain chemicals. I'm an analytical chemist, and I may not agree with you, but I'm available if you have questions on basic issues about analytical chemistry," this is important. It improves the quality of debate and the quality of the interaction between groups outside of an administrative agency, and groups in an agency.

Something that's happened recently on several occasions in OSHA rule making I think might be of interest to professionals working within corporations. For example, in the lead standard, a lot of corporations had formal presentations. But there were several scientists who worked within these corporations, who have particular expertise, who participated and very often presented positions that were dramatically different from what the corporation presented. This is unusual, but I think it's something that scientists might want to think about, or professional organizations encourage. If you have a particular expertise, or particular experience in a technical area, you may want to try and arrange so that you can participate openly in government rule making proceedings as consultants, and that be acknowledge as a part of your professional development by your employer.

I certainly want to encourage people who work for corporations, who have personal

knowledge about some of the chemical catastrophes that we've faced in the last decade or so, to think about the possibility of just putting things in the mail and sending them to federal agencies. There are a lot of things going on in this country that agencies find out five, ten, fifteen, twenty years after they occur. I certainly would encourage somebody to just voluntarily let relevant agencies know about it in advance.

Chamot: Our final speaker is Donald Kaniewski. Don has been a legislative assistant to Congressman Frank Thompson, and a legislative and research assistant on the House Subcommittee on Labor-Management Relations. Currently, he is a legislative representative for the Laborers' International Union, and hence, is the only full time lobbyist on the panel.

Donald Kaniewski: There are several advantages that accrue to someone who is last on the panel, none of which I've achieved this morning. My predecessors each touched on a little bit of what I wanted to talk about. But if I can sum up a little bit, and put together some of the things they've already spoken to, you might get some idea of what I do, and how it works in practice.

What I'd like to talk about is what lobbying is supposed to accomplish. You have to have an objective if you want to get something done. You have to have effective tools. And the best tool is information—accurate information, represented truthfully to either the staff, members of Congress, or an executive agency.

When you're in a situation where you're trying to achieve an objective, you have to be aware, in this case in a political context, of the constituency that a member is going to respond to. He is going to respond to your ideas, but if your ideas are politically unpopular, he may be reluctant to make your fight in the halls of Congress.

When John Guerrero came to me when I was on the subcommittee, my chairman had a lot of engineers in his district, but they're not loud; they're not a vocal group. Our response to John was based on the fact that he had a legitimate case. The purpose of the Service Contract Act was being thwarted by the lack of coverage for engineers. My response to that was how do we solve it—what can we do. And you begin to explore the range of possibilities to overcome the problem. The problem here happened to be a Republican Congressman from Ohio, who was not too interested in seeing John's problem solved. The bill not only involved engineers, but it went to a lot of other kinds of employees, so we had to compromise. Compromise is the name of the game.

Grass roots, hearing from back home, is one of the most important things in this era of weather-vane Congressmen, Congressmen who don't come from political parties, who don't have a traditional party base back home. They usually ran against the entrenched party machines. They want to see what they can do to further their interests, not

necessarily those of a Republican or Democratic party or party leadership. Grass roots activity is a very effective means of getting to these kinds of members.

I'd like to mention money, briefly. I think it was very well pointed out that money does not buy you a vote. Congressmen cannot be bought—they can be rented from time to time. Access is the limit of what a campaign contribution will buy you, the ability to get in the door and present your case. And, in many cases, that is the crucial step in lobbying. I don't know whether ACS as a society is able to get involved in political action, but many of your employers do so. You have a question to answer. Do I want to get involved in contributing to a Political Action Committee (PAC) that's run by my employer, and do his views in terms of political candidates represent my own?

The phenomenon of single issue groups is very detrimental to objectives we'd like to achieve as a society and as a country. The single issue groups will defeat a man for one issue, ignoring all the good he may do in many other areas, while his opponent may want to tear apart programs that we have worked very hard to put into this country, to help it grow and make it good. These single issue groups are a threat.

Your interests, as chemists, should be broad, and I think they are. They apply not only to your field of chemistry, but to how society is going to move.

In dealing with the Congress or staff, John Guerrero mentioned a lot of good things that you ought to be aware of about the individual personalities involved. Congressmen are not gods, they are just real people trying to do the best they can under very difficult circumstances. And unfortunately, they don't always agree with you.

Chamot: Thank you very much gentlemen for very fine and thought provoking presentations. We now come to the part of the program which is completely informal. We will take whatever questions the audience may have.

Question: I wonder if you could differentiate between lobbyists and science advisors, and perhaps give us some of your own ideas about the relations of staff people to those two different groups.

Stewart: I suspect the main distinction is that a science advisor makes the scientists feel a little better. Some people have a kind of negative stereotype about lobbyists. In the day to day activities, lobbying covers a very broad spectrum of activity. There is the obvious lobbying, where a vote is coming up on the floor and the Senators are out in the reception room and the AFL-CIO and the U.S. Chamber of Commerce and the NAM and individual companies and unions are all out there, literally buttonholing the members of Congress. Now that's kind of one extreme of lobbying. But if you look at the continuing interaction with, say, people in the AAAS, in their public affairs program office, they're

not lobbyists, and are not registered as such, but they certainly helped us with a perspective on science policy questions which is very valuable.

It seems to me that one can get all tied up in trying to make distinctions that, ultimately, don't help you very much. Science advisors suggest that one is looking more broadly on things, that one is trying to bring a perspective to bear, and that's true to an extent. But, for better or for worse, and I guess I tend to think probably for better, his perspective is not a terribly long range one, and he tends to look at issues that are fairly immediate.

Last year, for example, our subcommittee dealt with two bills that are now law. One was a climate program act, the other an earthquake hazard reduction act. Both of them established major increases, and pulled together organized research programs in these two areas, climate change and behavior, and earthquakes. So, that was a long run perspective, in that those bills contemplated research programs extending off into the decades. But that's somewhat of an exception. There is a growing interest in the carbon dioxide problem, as it relates to synthetic fuels and to our energy programs generally, and there has been area activity there. There's been continuing legislative activity over the impact of fluorocarbons on the upper atmosphere. So it's not all short run. But I think the thing that is of most value, most of the time, is information and perspective on fairly immediate problems.

Now, at this point who's to say, when the American Society of Microbiology comes forward and talks concretely about several specific bills on recombinant DNA. On the one hand, they're giving you a scientific perspective, but it's also clear they've got an interest in what happens to those bills. I guess I come down on the side that everybody's got an interest in something, and that's what they should have. If they didn't have an interest in the outcome of legislation, one wonders why they're there at all. They probably should be home going to a baseball game with their family or something. So, I wouldn't worry too much about the distinction. Some Congressmen, some committees set up advisory groups. It probably wouldn't be seemly to call them the American Physical Society lobbyist council; that would make them feel terribly ill-used, I suspect. So you call them something else. But that's really what they're doing, in a way which is appropriate to their profession.

Question: I'm wondering whether this idea of contributions as money is directly connected with the individual who wants to get a foot in the door to present a particular viewpoint to a staff member, for instance. Are the two directly connected at that point?

Kaniewski: Not necessarily. As was pointed out, you can get in the door at any time for any purpose, whether you're a constituent or not, whether you're registered to vote or not. There is not really a direct connection. But in

a practical sense, if you are presenting a competing view against a major contributor to a particular member, yes, you'll get in the door, and yes, you will talk to staff and present your views, but there is, as was pointed out, a constituency problem here. A member is very sensitive to those who are major financial contributors. Under our system of campaign financing, he has to be. And he's sensitive to constituencies back home as well. You can get in the door without a financial contribution, but on the other hand, you ought to be aware that if you are presenting a competing view, the financial contributor may have a little better access.

I shouldn't have limited myself to financial activity, alone. There are many ways that all of us can participate in a campaign, serving as a campaign chairman, distributing leaflets or making phone calls for your particular Congressman. Often, he's not the one you want to influence, but your direct involvement in campaigns is necessary and valuable to the member you're working for. It's a very effective means of participation.

Question: I'd like to get to this issue of the narrowly based interest groups that John Stewart introduced, and others had also mentioned. John did use as the example, the microbiologist and the recombinant DNA issue, and that's probably a good one to look into. In a sense, that interest group has been on both sides of the fence. They were the ones to initially bring up the issue. You had members of the scientific community, actively involved with this research, who raised the issue of possible hazard, initially. No one else knew about it, and they raised it. Then afterwards, after there was an effort in the Congress, they then took the view that, well, we've learned a lot since we originally raised the issue, and we don't believe that the dangers are as great as they were. Therefore, we don't really think any legislation is necessary.

Now, the question involves process. What you have here, is basically an organized self-interest group, an academically-oriented group of scientific researchers. You have some individuals, perhaps, who would disagree with the collective wisdom of the individual group, and are trying to make their views known. You also have on the side, a large group who are not necessarily that active, but who have a major interest; these would be potential commercial users of this technology. So you have a situation, where you have a narrow self-interest group with technical expertise; talking to people basically without technical expertise; being supported by commercial interests, who have an ultimate long range interest in what is involved. How do the Congressional staff, first, become aware of all these different ripples, and second, satisfy themselves that they are getting all the information they need?

Stewart: Well, you left out another major factor, and that's the executive branch. The

National Institutes of Health, in this particular issue, was very active in the whole recombinant DNA regulatory process, and indeed it promulgated guidelines. The issue was not whether or not there was going to be regulation over certain types of experimenters, but whether or not those regulations were going to be extended to the private sector—people who were not using federal money.

I think at this point, we do rely a lot on what the government scientists tell us. You ultimately have to sort things out, and the fact that it's technical, I don't think should be too much of a stumbling block. Most everything these days is technical in some sense or another. Certainly some of the economic forecasts and economic assumptions and projections, on which a lot of other kinds of decisions are based, are just as difficult for the layman to understand, as the issue of the potential dangers of E. Coli surviving outside the human gut. Those issues are technical, but on the other hand, I don't think they are fundamentally different than are a lot of other questions.

What we try to do is to solicit as broad a range of views as you can find. We try to have hearings where these varying perspectives are presented: where you have panels like this; where varying views are given. You then try and cross question the various people, and you urge them to question each other, and it is in a sense a process of dialogue. Over a period of time, if you don't try to push the process too quickly, very often a general consensus begins to emerge. You can't swear as a professional in your own right that it's correct, but you can as a professional person dealing with government begin to identify it as a consensus, and at that point you generally have to act. In any of these instances no one is going to have access to perfect and absolute truth. Judgement is going to have to be exercised, and you try by hearing a variety of view points. You try to isolate what seems to be the better course of action.

Question: One thing I've learned this morning is that, although I'm a congressional science counselor, I'm a lobbyist also. It's a more polite word, I guess, but something that I've suspected for some time. However, what I would like to know is legally, what is a lobbyist? I'm not familiar with the law. Do you have to register somewhere to be a lobbyist? Who is a recognized lobbyist and who isn't?

Kaniewski: Well, the law is old, and has loopholes you could drive a truck through. Under the law, there are certain definitions that a substantial amount of your activities have to be in lobbying. Lobbying, itself, consists of direct contact with members of Congress. Direct contact doesn't mean staff.

There are a number of ways you can get around registration, and normally most people don't register. The Chamber of Commerce, some of their people aren't registered. Although most of their direct lobbying staff

is, they sometimes bring somebody in from a division for a specific purpose, and that person may not be registered. But it involves substantial amount of activity, and several other definitions that I don't have at the tip of my tongue. I'm registered, simply because we don't even want to have the appearance of doing something illegal. But registration, itself, consists mainly of filing a report with the Clerk of the House and the Secretary of the Senate; stating how much money you earn; are paid to lobby, and your expenses involved in lobbying; and, basically, the issues you lobby on, very specifically what you were lobbying for or against. That's what registration consists of, at present.

Guerrera: As far as IEEE is concerned, there are probably one or two staff people whose principal function is making contacts on the Hill, who are registered as lobbyists. When we hire an attorney, to do something specific in connection with legislation, then he would register as a lobbyist. As Don points out, there has to be some sort of compensation involved. So, our members who lobby, or advise, or whatever you want to call it, do not register and they would have difficulty filling out the registration certificates, since they do not get paid for calling on their Congressmen. In general, when you're a volunteer, the registration is not a requirement. IEEE, technically, by the nature of its relatively small percentage of resources expended in this direction, would not have to register at all. We chose, however, to change our constitution and our tax classification to a C(6), even though our budget expenditures are well within the guidelines for a C(3) organization.

Chamot: Just a minor point in addition to that. As an individual, you have an absolute Constitutional right to speak to your Senators and your own Congressman at any time on any issue. That is not lobbying. That is your Constitutional right.

I'd like to ask the panel another question, on lobbying versus being available. You might say that lobbying is an active effort, on the part of either an individual or a group, to try to influence legislation, or to provide information to the congress. If, on the other hand, the Congress or another regulatory agency is seeking some advice and comes to an organization or an individual, and asks them for advice, that's not lobbying, is it, on the part of that individual?

Kaniewski: No that's not lobbying. But, in effect, if someone comes to you and says, what do you think, here is your chance!

Jennings: There's one comment that I should make about federal administrative agencies. To the best of my knowledge, there are very few, if any, legal requirements or restrictions on organizations and people outside an agency getting involved in agency proceedings. Now, there are restrictions against informal rule-making proceedings, and most agencies have the authority to say to an organization, or a law firm, or an individual,

"due to your misconduct in this proceeding, we're just not going to let you participate in future proceedings." That's a possibility, but other than because of gross impropriety or misconduct, there really are not registration requirements for most agencies. Everything is very informal.

Question: I would like to address my question to Mr. Guerrero. Some of the concerns being expressed here, by ACS members, are that any time we become interested in supporting what might be considered a not very conservative issue, we are informed that the American Chemical Society cannot lobby, or we can't participate in these kinds of activities, because it will jeopardize our tax-free status. I don't think the majority of the members of the American Chemical Society are aware of just exactly what sort of activities will jeopardize that status, as far as political activity. What kind of political activity, outside of outright lobbying, is considered in that twenty percent of the budget, that would jeopardize the tax status?

Guerrera: The twenty percent rule is rather explicit, so if you want to spend that much of your budget for political activity, for lobbying, you'd better read the rule carefully. I don't think you're anywhere near close to that kind of a violation, and the five percent rule is considered a trivial amount of your budget. If your budget, say, is ten million dollars a year, you could spend half a million dollars in direct lobbying for legislation and be totally uncontaminated. You could also spend close to two million dollars in direct lobbying for legislation, and still be within the new guidelines. But the new guidelines require that you express an intent, and tell people that you're spending that big a piece of the action for lobbying, even though you're a C(3). There are certain distinct advantages, in some peoples' view, to being a C(6). IEEE has not experienced any of the disasters that we expected.

C(3) status has very distinct advantages on postage. If you read the postal regulations, you'll find it's the content of the package that determines whether or not you get the preferred postage rate, and so far, we have been fortunate in retaining for all of our technical activities the old rate for postage, so we haven't even been hurt with that situation.

Question: I wonder if I could ask one small question of John Guerrero? You intimated that your definition of professional activities was almost entirely that of lobbying. I just wondered whether that was an actual fact, because in the ACS, here in our own division, I'm sure that the members of the DPR understand that some of our activities in professional relations are that of lobbying, but most of it is towards personal development. (While DPR has expressed interest in particular pieces of legislation, it has never been involved in lobbying—ed.).

Guerrera: Yes, I would say professional activities, as we now use the expression in

IEEE, pertains to the million dollar budget, although all of our technical activities, of course, are professional. But when we say professional activities now, we mean what do we spend that million dollars for. That's not all lobbying. A lot of that is developing position papers, promulgating position papers, standing up to be counted, so to speak, and of course, lobbying as well.

Stewart: One interesting development I suspect most of you are aware of—it certainly isn't lobbying, but it is an important program, in terms of mutual interaction between scientists and engineers and people on the Hill—is the Congressional Science Fellowship Program, in which ACS participates along with other professional scientific societies. This program brings scientists and engineers for a year to Washington, and they work as a staff person, in the committee or personal offices of Senators and House members. I would be surprised if they spent much of their time pushing the narrow interest of chemists, or physicists, or aeronautical engineers. They do learn a great deal about the process, and presumably, when they leave Washington, (and there are a few who actually do leave Washington, although a large number don't) they're more informed about the process, and can contribute in a professional way with a perspective which they otherwise wouldn't have. I came to Washington as a Congressional Fellow of the American Political Science Association twenty years ago.

I do think it's time to begin to look at these problems from a somewhat different perspective. While a Congressional Fellowship is supposed to, in the case of political science, enrich your professional teaching and research interest, in the case of physical and biological scientists and engineers, it's much more to broaden your perspective of a process that affects you professionally. Whichever approach, and whatever the goal, it has also served as a very useful recruitment device for members of the Congressional staff. If you were to look today and count the number of scientists, Ph.D.'s in various engineering fields, on Congressional staffs, you would be quite surprised, and presumably pleased, as to what you would find. A great number of these scientists and engineers came to Washington through the Congressional Fellowship Program. Just on our subcommittee alone, we have four members who have scientific Ph.D.'s. On the energy committee, there are a half a dozen, and that's now quite common. It wasn't common ten to fifteen years ago; it was very uncommon ten or fifteen years ago. And so in part, I guess, this is one of the reasons we're beginning to be able to make judgements on some of these issues. In the case of recombinant DNA we did not have a Ph.D. microbiologist on our staff, nonetheless, there is a growing confidence on the Hill to deal with scientific and technological issues. That certainly isn't lobbying, but it is very important in terms of professional growth of chemists, physicists,

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and other scientists in the context of legislative activity, in the arena in which lobbying is very important.

Chamot: I'd like to ask one last question. Given the fact that the number of issues that the Congress has to face is growing; that the technical content of many issues is growing; and that Senators, Congressmen and their staffs will be bombarded with input from all sides; what would be the best ways for chemists who have an interest in issues to be most helpful in this decision making process?

Kaniewski: The best way for chemists to get involved in increasingly technical activities, where information is very essential for decision making, is just to follow those issues that are of concern to you, and write your Congressman. It's something you've heard since sixth grade civics, but still the best communication tool available is to write a letter to express your point of view, to make your case as strongly as possible. Not everybody can be in Washington; not everybody can get to the Hill to meet with staffs and members, to explain all of these technical things; but, if you've published articles, if you've written at length on subjects that are currently being considered, write letters, send copies, and get the information to the members of Congress.

In the hearing process, much of what is in the record is there not by virtue of the fact that someone came and testified, but because concerned organizations or persons had views that they wanted in the record. That hearing record is read, it is usually widely distributed among the community of interest, and it gets your views out to the public. You ought to be aware that each committee has different rules, but almost every one of them has an open record. When they are conducting hearings on a bill, the record remains open for comments by individuals, and you should specifically state, "please include my statement in the record." This is a good way to publicize your views. You may not ac-

complish your objectives this year, or this Congress, but they'll be permanently on the record, and when that issue is around again, you can come back again, and keep coming back. Persistence is often what is necessary here.

I've never had to deal with it in terms of scientists, other than some engineers, and that was not on a technical issue but on a labor matter, so I'm not really familiar with the scientific community on the Hill. These things that I've spoken about are pretty basic, in terms of the way the Hill works, and the way the hearing records are kept open for these kinds of comments. That is a very effective means of contributing to the debate, and enlightening people as to a different point of view.

Stewart: I might just add, it doesn't take many letters to cause some attention to be brought to that subject within an office. Clearly, a dozen letters on a subject in most offices is more than enough to alert them to the fact that there's something going on in that area, particularly if they're letters that have been written individually, and don't all say the same thing.

You do come to Washington, because you're here now, and you will be back, I'm sure, most of you. This is true for many professional groups inevitably, once every three or five years or so, or sometimes more often, they end up in Washington. One of the things one ought to do when you're here is go up and talk to your Member of Congress, or Senator, or staff people. You're here and you ought to do it, just as a kind of a normal, natural thing.

There's a planetary scientist from California Institute of Technology who never misses an opportunity to come and talk to us, when he's in town. He's a feisty fellow, with a very definite point of view on a variety of issues, and we kind of look forward to seeing him, as a matter of fact. He's informed, and he's lively, and he says what's on his mind, and we usually learn something from it.

Let me just remind you, though, that increasingly members of Congress spend a lot of time in their districts. They have their little mobile vans, or they have district offices, and they are there. I would think that all of you, unless you're from Washington, D.C., have a Congress person, out there who can vote when they get here. You know your districts, you know issues that conceivably might be of interest to your Congressman. I think it ought not to be some esoteric subject which may be of great interest to you academically, but which obviously would be of no interest, whatever, to the member of Congress or the Senator, but you should think of an issue that is of interest to them, but also has a scientific or technological dimension to it. It is quite appropriate to have some communication, try to set up a meeting, maybe an arrangement where several of you would get together with the member, or after dinner, for dinner, over dinner, to talk about this in an informal seminar situation. If it's in the district and if you set it up in time, he'll have time to do it; you won't be interrupted; and you'll transmit some information. But, more fundamentally, you will get to know the member and he'll get to know you, and then the next time you go back you'll be a known person. Some members do this quite regularly, meeting with scientific and technical people, both here in Washington, but also in the district. That's the best way to establish a relationship, because from that point on, you'll be seen as a friend, someone to turn to. When anything comes up in that issue this Congressman is very apt to say, "get so and so on the phone, fine out what he thinks about it." And once you've established that kind of rapport, you're really in business.

Chamot: Thank you all for a very informative and well-presented discussion.