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Holding Power Accountable

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WRITTEN TESTIMONY OF SUSAN LERNER

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NEW YORK CITY COUNCIL COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & FEDERAL LEGISLATION

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Thank you for the opportunity to testimony today. Common Cause is a national nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government, working towards a government that serves all the people. For more than 50 years, our organization has been involved in advocating for government accountability and transparency, as well as fighting the corrosive influence of money in politics. We have helped to craft and pass measures regulating lobbying across the country and in Congress. Our New York chapter is one of the largest and most active in the nation. Here in New York, we have been advocates for lobbying regulation and disclosure. We work closely with the state agencies which track lobbying and often advocate for improved and clearer lobbying disclosures. We have analyzed lobbying expenditures and practices, issued reports, and made recommendations for strengthening, improving, and clarifying lobbying disclosures. Accordingly, we are pleased to testify in strong support of the three measures before you today, Int. 76, 77 and 742.

As Zephyr Teachout has ably traced in her book, **Corruption in America: From Benjamin Franklin's Snuff Box to Citizens United**, Harvard University Press 2014, our country has had a fraught relationship with lobbying. For many decades, paid lobbying was regarded as illegal influence peddling. Most recently, lobbying has been regulated to because, as the U.S. Congress has stated, "responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches…' (Pub. L. 104–65, § 2, Dec. 19, 1995, 109 Stat. 691). Disclosure of lobbying efforts is required to "increase public confidence in the integrity of Government.' *Id.* Even in an era where lobbying is required to be disclosed, the continued public skepticism about the influence of lobbying is perhaps well captured in the title of an article from the university of Texas at Austin's Center for Media Engagement: "Political Speech or Legalized Bribery? The Ethical Concerns Surrounding Lobbying Practices."

In this context, the changes to New York City's Lobbying Law contained in the three measures before you today are most welcome. Int. 76's clarification and expansion of the existing 2 year "revolving door" ban to cover "former elected officials" and prohibit lobbying any agency of city government rather than only the agency in which they served is a sensible measure. This measure correctly recognizes that the influence which an elected official wields goes far beyond the body or office in

which they served and adjusts the law accordingly. The clarification and expansion provided by Int. 77 is similarly based on a realistic understanding of how influence works and adjusts our city law accordingly. Passage of these measures would provide a strong statement to New Yorkers that the city council recognizes their concern that the public interest and integrity be prioritized, not only while employed in City government, whether appointed or elected, but also after leaving public service.

For more than 10 years, I personally have been concerned with, and have spoken and written about, the potential for undue influence which the increasing confluence of political campaign consultants and lobbying activities in the same firm provides. The relationship between a candidate and their political consultants and fundraising consultants is unique and personal. By definition it is one that engenders trust by the candidate in the opinion of the consultant and, if elected, gratitude. This relationship, by definition, provides the campaign or fundraising consultant who then seeks to lobby, or to introduce their firm to lobby, the elected official with unusual influence. Where previously consultants more frequently followed their candidate client into public service, where the requirement that they act in the public interest was express, or moved on to manage another campaign, now we see firms encompassing campaign and fundraising services seeking to cash in on their unique relationship through expanding or merging into lobbying. Where we know there is ongoing public skepticism and cynicism about lobbying in general, lobbying by individuals and their firms with such a close personal connection threatens the public's perception of the integrity of elected officials and their government.

Int. 742 is a carefully considered response to this challenge. We welcome its introduction and enthusiastically support its passage into law.