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Lawmaker-Turned-Lobbyist A Growing Trend on the Hill

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Sunday, June 20, 2004; Page A01

John Breaux and Don Nickles are looking for work -- and they have lots of choices.

Lobbying-law firms all over town are salivating at the idea of hiring one or both of the well-connected senators, who plan on retiring when their terms are up in January. And Breaux (D-La.) and Nickles (R-Okla.) are anything but coy about their intentions to cash in when they join the private sector.

At the premier social event for Washington's lobbyists this spring -- the Bryce Harlow Foundation dinner -- they did everything they could to fuel the speculation. Breaux introduced Nickles, who received an award that night, and even joked that they may set up a lobbying shop of their own. "If any of you need any help on just about anything, please come to talk to us after this event," Breaux said. In response, Nickles teased, "It is a pleasure to be introduced by such a good friend and partner -- I mean colleague."

Two decades ago, legislators would not have been so bold about their interest in making lobbying a second career. Most top lawmakers who retired back then actually went home. The stigma of returning to Congress as a lobbyist dissuaded them from sticking around. But nowadays, sky-high lobbying salaries -- and the tendency of lawmakers to move their families to the D.C. area -- have made consulting for corporations a frequent, even acceptable career path.

As a result, those who track lobbying say that the legislator-to-lobbyist trend has accelerated in recent years. Lured by the expectation of huge incomes for minimal work, 272 former members of Congress have registered to lobby since 1995, according to PoliticalMoneyLine.com. If they follow through on their quips, Breaux and Nickles will be only two of many lawmakers who transform themselves into influence peddlers after Election Day.

Lesser-known legislators can easily double their \$158,100 annual salaries when they become lobbyists-for-hire. Senior lawmakers can earn even more. Rep. Billy Tauzin (R-La.) last year famously turned down more than a million dollars a year to replace the legendary Jack Valenti as president of the Motion Picture Association of America and this year declined, at least for now, a more than \$2 million salary-and-benefits package to head the Pharmaceutical Research and Manufacturers of America.

Critics abhor the trend. "It plays into the public's worst perception -- that there is a revolving door in Washington and that many lawmakers stay in office only until they can cash in on their positions," says

Larry Noble, executive director of the Center for Responsive Politics. "Then they use their special contacts on the Hill to benefit paying clients."

Plenty of professional lobbyists are resentful as well. The reason: Former members of Congress have all sorts of advantages that run-of-the-mill lobbyists don't. In the Capitol, former lawmakers can range more widely and move around with fewer security restrictions than anyone other than active senators or representatives. They also can walk into the members-only gym, the cloakrooms, private hearing rooms, and onto the floor of the chambers -- access that less-favored lobbyists can only dream about.

"For 10 years or more, there's been a steady stream of former members [of the House or Senate] going into lobbying," said David M. Paul, a political scientist at The Ohio State University at Newark. "And there's good reason for the large demand for them."

Former lawmakers have gone to considerable lengths to ensure a well-heeled retirement from government. The law firm founded by former representative Tom Loeffler (R-Tex.), for example, has represented the Footwear Distributors and Retailers of America. The lobbying firm of former representative Vin Weber (R.-Minn.) has pressed legislation for groups as far afield from each other as the Dairy Institute of California and the Rubber Manufacturers Association.

Of this year's crop of would-be lobbyists, Breaux, 60, and Nickles, 55, are clearly the hottest prospects. Both are veteran members of the Senate Finance Committee, which has jurisdiction over three of the most lobbied topics in town: taxes, trade and health care. Breaux and Nickles also have strong, long-standing contacts in their respective parties and together could provide ample, bipartisan access for clients, which is the coin of the realm for most lobbying shops.

As a result, K Street is courting them ardently, both separately and together. "I can't think of a recent combination of former members who are as attractive as they are to the lobbying community," said Nels Olson of executive search firm Korn/Ferry International. Added Ed Rogers, chairman of the lobbying firm Barbour Griffith & Rogers Inc.: "They are a beautiful couple."

In interviews, Breaux and Nickles acknowledged that they're thinking about combining forces in a lobbying company. But they are considering other, separate lobbying-related ventures, and perhaps investment banking, as well. One way or the other, the move would be well worth their while. According to Olson, "They could earn well north of a million dollars each if they were to go into a lobbying firm environment."

Not all former legislators earn high reputations as lobbyists. Some cannot make the transition from being the person who is asked for favors to the person who does the asking. Others are unwilling to put in the hours that lobbyists do to make a go of the job. As a result, the washout rate for lawmakers-turned-lobbyists is higher than most people might expect.

"Becoming a lobbyist after being a member of Congress is not easy, not easy at all," said former

representative Jack W. Buechner (R-Mo.), incoming president of the U.S. Association of Former Members of Congress and an ex-lobbyist. "Most members of Congress live a fairly sheltered life. They have staff to do almost everything imaginable for them. Then they go to work in a big lobby/law office and they probably share a secretary. It's a real learning curve."

Former representative Thomas J. "Jerry" Huckaby (D-La.) barely lasted two months as a lobbyist after he was defeated for reelection in 1992. "I was never comfortable sitting on the other side of the table," he said. "I wasn't comfortable asking members like John Breaux to see such and such a person or [former Louisiana representative] Bob Livingston to go to such and such a reception." So Huckaby quit to become president of his wife's thriving McLean residential real estate business.

Buechner also left lobbying because he couldn't take it anymore. "I hated it," he said. "The pressure to find new clients is almost overwhelming. Nowadays you've got to market, market, market. You better be bringin' a sackful of clients with you or they won't take you."

"Some former members don't really want to work that hard when they retire," agreed Charles R. Black Jr., chairman of the lobbying firm BKSH & Associates.

Although dozens of former lawmakers lobby actively today, only a relative handful have high profiles. Top lobbyists who also served in Congress include Livingston (R-La.), who now heads the Livingston Group LLC; Clark & Weinstock's former representatives Weber and Vic Fazio (D-Calif.); and former representatives Thomas J. Downey (D-N.Y.) and Raymond J. McGrath (R-N.Y.) of the Downey McGrath Group.

Black would put Breaux and Nickles in the likely-to-succeed category. "Either Breaux or Nickles would be very effective as a lobbyist," Black said. "They both not only have great respect and influence in the Senate, but they are also both policy oriented, know a wide range of issues and they're both hard workers. They have the right attributes and you can expect them to be successful at it [lobbying]."

Breaux and Nickles are well aware of lawmakers' poor track record. Breaux even lampooned the tendency of his peers to become lobbyists so they can get rich while goofing off. Of a possible Breaux-Nickles lobbying team, Breaux said, "People think we'd be a natural combination because he plays golf and I play tennis. We cover all the bases."

In fact, Breaux said, "I'm looking for real work. Those days are long gone of paying former members for not working." The role of a lobbyist, he added, is more akin to being a congressional staffer, which he was before being elected to the House of Representatives in 1972. "I started out as a supplicant, and I'll be back there again," he said. "It doesn't bother me."

Nickles also vowed to exert himself in the private sector. "I plan on not retiring," he said. "I plan on being pretty active."

Then again, Breaux has already turned down one lobbying position because it would take too much time. He, like Tauzin, declined to replace Valenti at the Motion Picture Association. "Jack worked there seven days a week, 24 hours a day. It was Jack's life," Breaux said. "That's not something I want to do to the same extent."

The partisan dynamics of lobbying and legislating have lately been running in opposite directions. In the highly polarized Congress these days, fealty to party is considered a strength. In broad-scale lobbying campaigns, it's a weakness. Lobbyists dealing with large issues have to work well with both Republicans and Democrats in order to sell their clients' issues widely enough to pass.

Breaux, a moderate, pro-business Democrat, has spent his three terms in the Senate brokering deals with Republicans. His latest success was enactment last year of the Medicare prescription drug law, which was backed by President Bush but disdained by top congressional Democrats.

The conservative Nickles has been an elected leader among Republicans in the Senate. He also helped clear the way for Sen. Bill Frist (R-Tenn.) to become majority leader in 2002 when he publicly criticized the remarks of Frist's predecessor, Sen. Trent Lott (R-Miss.), about then-Sen. Strom Thurmond (R-S.C.). (Lott lost his leadership post after saying during a tribute that the United States would have avoided "all these problems" if then-segregationist Thurmond had been elected president in 1948.)

Because of their high-profile activities through the years, Breaux and Nickles have received plenty of attention from prospective employers. The biggest lobbying law firms, such as Patton Boggs LLP, Piper Rudnick LLP and Akin Gump Strauss Hauer & Feld LLP, have made tentative approaches to one or both of them. "They're both enjoyable, experienced dealmakers," said John A. Merrigan, a lobbying partner at Piper Rudnick. "What's not to like?"

Breaux estimated that he has chatted with five investment banks, 10 law firms, 10 trade associations and 10 corporations that might want to put him on their boards. "I had no idea the number of opportunities that are out there," he said. "I had no idea how difficult it was going to be to decide."

Nickles said he does not intend to get serious about deciding what he will do until after Congress completes its work on its budget blueprint, which is his responsibility as chairman of the Senate Budget Committee. In the meantime, though, he said that he has consulted with several former lawmakers, including ex-senator Phil Gramm (R-Tex.), now an investment banker; former senator William S. Cohen (R-Maine), president of the Cohen Group, a lobbying/consulting firm; and former House majority leader Richard K. Armey (R-Tex.), now with Piper Rudnick.

Nickles, who has been in the Senate since 1981, said he isn't keen on becoming an access lobbyist. "I don't see myself on Capitol Hill knocking on doors," he said. He pointed out that former Senate majority leader Bob Dole (R-Kan.) worked successfully for many corporations by dispatching other people to lobby on his, and their, behalf.

Breaux wouldn't have the same reticence. "I would have no problems with lobbying, consulting, public relations stuff," he said. "I've done that my whole life."

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