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Issues You Ought to Know at the Texas Ethics  
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“What is Lobbying?”

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# Issues You Ought to Know at the Texas Ethics Commission

## “What is Lobbying?”

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### **Introduction**

The end of the recent 84<sup>th</sup> Regular Session of the Texas Legislature has again drawn attention to the role of lobbyists in the legislative process. This paper takes a look at the regulation of lobby activities under Texas law by the Texas Ethics Commission.

### **Brief History of Lobbying**

Lobbying involves the advocacy of an interest that is affected, actually or potentially, by the decisions of government leaders. Individuals and interest groups alike can lobby governments, and governments can even lobby each other. The practice of lobbying is considered so essential to the proper functioning of the U.S. government that it is specifically protected by the First Amendment to the U.S. Constitution: "Congress shall make no law ... abridging ... the right of the people peaceably ... to petition the Government for a redress of grievances."

The practice of lobbying provides a forum for the resolution of conflicts among often diverse and competing points of view; provides information, analysis, and opinion to legislators and government leaders to allow for informed and balanced decision making; and creates a system of checks and balances that allows for competition among interest groups, keeping any one group from attaining a permanent position of power. Lobbyists can help the legislative process work

more effectively by providing lawmakers with reliable data and accurate assessments of a bill's effect.

The term *lobbyist* has been traced to the mid-seventeenth century, when citizens would gather in a large lobby near the English House of Commons to express their views to members of Parliament. One of the first examples of lobbying in the U.S. comes from **1792**: William Hull, one of the country's first lobbyists, was hired by the Virginia veterans of the Continental Army to lobby for additional compensation. By the early nineteenth century, the term *lobby-agent* had come to the United States, where it was applied to citizens seeking legislative favors in the New York Capitol lobby, in Albany. By 1832 the term had been shortened to *lobbyist* and was widely used at the U.S. Capitol. Another colorful example of lobbying in early America comes from the gun maker Samuel Colt. In the 1850's, seeking to extend a gun patent, he had lobbyists pass out pistols as gifts to Congressmen and even to one member's 12-year-old son.

Samuel Ward, a well-respected lobbyist, was so successful at influencing legislators that in the mid-1800s Congress decided to investigate him. When questioned about the elegant dinners he orchestrated for politicians, the self-described King of the Lobby said, "At good dinners people do not talk shop, but they give people a right, perhaps, to ask a gentleman a civil question and get a civil answer." He also testified to Congress after admitting bribery: "I do not say I am proud—but I am not ashamed—of the occupation."

Despite the non-corrupt success of lobbyists such as Ward, lobbyists during the mid-nineteenth century were often regarded as ethically questionable individuals. This reputation was enhanced whenever lobbyists abused their position with improper practices such as bribing members of Congress.

This reputation led to regulation by the federal, state and local government. However, that regulation didn't really start in earnest until 1946, with the passage of federal restrictions on lobbying. At that time, Congress adopted the Federal Regulation of Lobbying Act, which became Title III of the Legislative Reorganization Act of 1946. States and local governments have followed suit.

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