An analysis of "The Third House" in the General Assembly of Virginia

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AN ANALYSIS OF "THE THIRD HOUSE" IN
THE GENERAL ASSEMBLY OF VIRGINIA

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CHAPTER I

THE PROBLEM AND DEFINITIONS OF TERMS USED

Lack of information concerning lobbyists and their activities in the legislature has been termed by the political scientist Gabriel Almond as one of the "areas of ignorance" that deserves further research.1 The noted scholar V.O. Key has stated that "despite the extensive literature on pressure groups, our knowledge of their role and mode of operation in the political system remains inadequate."2

During the last couple of decades "lobbying" has increased not only in numerical terms but has expanded its activities and professionalized its techniques.3 Furthermore, "lobbying" seems to assume different patterns within the separate state legislatures. Thus, for example, the Tennessee legislature has been found to be decidedly more informal and less "professional" than the legislatures of California, New Jersey, and Ohio.4

I. THE PROBLEM

Statement of the problem. The problem as presented in this research will be to (1) to present a profile study of the lobbyists in the State of Virginia; (2) to point out the techniques used by lobbyists as well as the cost of lobbying in Virginia; and (3) to point out existing as well as previous legislation dealing with lobbying and to show its effectiveness.

Purpose of the research. The purpose of this thesis is not to synthesize all the available literature concerning pressure groups but, instead, the objective will be to present an accurate and objective study of lobbying in the State of Virginia using those sources that are pertinent to the analysis. Serious attention has been directed at avoiding what V.O. Key has called a "muckraking tendency" in which the student portrays lobbyists as shadowy-selfish individuals or groups, all at the expense of fairness and accurateness.5

Importance of the study. "One of the most crucial relationships in the American political system is that between the lobbyist and the legislator."6 So states the social scientist Samuel C. Patterson in writing of the importance of the lobbyist in the


legislative process. With the significant increasing role of state legislatures and the concurrent growth and complexity of pressure groups have come new patterns of influence which deserve evaluation.7

II. DEFINITIONS OF TERMS USED

Interest groups and pressure groups. The terms "interest groups" and "pressure groups" are sometimes used synonymously. According to Hugh Bone, author of Politics and Voters, when interest groups formed to realize some goal decide to take their cause to the government, it becomes a "pressure group," or what some authorities have termed "political interest groups."8

Lobbying. The early meaning of the term "lobbying" referred to those paid agents who cornered legislators in face-to-face confrontations in an effort to influence legislators on behalf of their employers, usually by some questionable or corrupt method.9

If one adopts the meaning of "lobbying" as referred to under the Federal Regulation of Lobbying Act, then the discussion would have to be limited only to those who are registered lobbyists. If the meaning is limited to those who receive compensation, then a large number of lobbyists will be excluded from the discussion who receive nothing monetarily while contributing greatly in terms of influence.

Thus, in order to include all concerned, the term "lobbyists" as used in this thesis will be used in its broadest sense to include pressure groups and to mean "... any organization or person that carries on activities which have as their ultimate aim to influence the decisions of Congress, of the state and local legislatures, or of government administrative agencies." 10

**Organization of remainder of thesis.** The second chapter of the thesis will consider the typical lobbyist in Virginia based on interviews and questionnaires. Related studies on other state legislatures will also be considered in an effort to correlate the findings in Virginia with those in other states. The third chapter deals with the principal techniques employed by lobbyists in the State of Virginia as well as the costs involved based on interviews, newspapers, and personal compilations. The fourth chapter will take up both federal and state laws in an effort to show how Virginia's laws have evolved and been affected. Some of the laws have been evaluated to some extent. The fifth chapter will summarise some of the significant findings of the research as well as presenting pertinent conclusions.

**Present status of the problem.** Lobbying as a source of study has received surprisingly little attention by the scholars. Dayton McKean in his work on the New Jersey legislature and Belle Zeller who investigated the situation in the New York legislature seem to have

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been early milestones in this field of study.\(^{11}\) Mr. A.N. Holcomb's work *State Government in the United States* is excellent but dated. In general, the only other states to receive even slight attention (aside from those just mentioned) would include California, Tennessee, Oklahoma, South Carolina, Michigan, and Pennsylvania. In addition there are several articles in various scholarly periodicals that are worthy of mention. Lester W. Milbrath's study of Washington lobbyists is deserving of attention and hopefully the forerunner for future studies.\(^{12}\)

It is indeed a paradox that the state with the oldest law-making body in the United States has received the least attention by the scholars with regard to lobbying. The only study that even concerns itself with lobbying in Virginia is the unpublished dissertation of Mr. Charles David Houmshell prepared for the University of Virginia back in 1950. The Houmshell dissertation deals mainly with the structure and legislative process of the General Assembly.\(^{13}\)

Sources of data and procedure. The largest part of the information used in this thesis has been obtained through interviews, newspapers, codes, compilations, and questionnaires involving over seventy-five legislators, thirty lobbyists, and numerous state

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officials. The method of procedure involved was first to identify problem areas ("areas of ignorance") and then formulating a method of research that would satisfy the requirements. It was discovered that interviews and questionnaires best fulfilled these requirements.

Problems of research. Certain problems incurred in researching this thesis should be noted for possible future value. Some individuals who are in key legislative posts have adopted a "closed-mouth" policy, thus new methods of access should be tried. The requirement for success in this area would necessitate having the student be not only a citizen of the State of Virginia but a member of the constituency of which the key legislative figure represents. Secondly, if the procedure of sending out questionnaires is to be followed to the best advantage, ample funds should be available for second and even third mailings. Mr. Samuel C. Patterson in his study of the Oklahoma legislature sent out two separate mailings three weeks apart to the same individuals and came up with a 69.4 per cent return which was considered unusually good.\(^\text{14}\)

Finally, as Mr. Henry W. Ehrmann has pointed out in his book Interest Groups on Four Continents, "data collection is a singularly trying operation when it comes to interest groups."\(^\text{15}\) Although, this thesis concerns only those interest groups that have decided to take


\(^{15}\)Ehrmann, op. cit., p. 188.
their cause to the legislature, some of the same difficulties which
Ehrmann points out have been found to be very true. For example,
securing access to the group and gaining their confidence so that they
will talk freely and sincerely with the student is a major difficulty
which has to be overcome if the research is to ever have any credence.
CHAPTER II

A PROFILE OF LOBBYISTS

In order to facilitate an understanding of lobbying in Virginia one must comprehend the structure in which the activity is carried out because more often than not, the structure will determine the technique used by lobbyists, and to a large extent, govern their behavior patterns.

I. THE STRUCTURE

By all comparisons, the most powerful officer in the state legislature of Virginia is the Speaker of the House of Delegates. In contrast to the House of Representatives of the United States Congress who felt that the Speaker had become too powerful and so removed him from the rules committee and stripped him of several other powers, Virginia continues to place its Speaker not only on the rules committee but makes him the Chairman.1 The Speaker also appoints all committees and directs the assignment of bills to the proper committee.2 Furthermore "... in making variations from the usual order of procedure, the house or senate usually looks for leadership to its committee on


rules. Thus, one can see how all-pervasive the power and influence of the Speaker permeates the legislative structure.

The second outstanding characteristic of the governmental structure of Virginia is the central role of the Governor in controlling a dominant and continuous faction of the party. 4

A final characteristic which should be noted is concerned with the role of committees in the General Assembly of Virginia. Arthur N. Holcombe, the noted authority on state government, pointed out in his classic work State Government in the United States, that the work of most states is carried out in the "executive sessions" of committees where there is no provision for a roll call on contested measures and no recorded record of the committee proceedings. 5 A similar pattern as that just described exists in the Virginia General Assembly.

The patient reader who has managed to wade his way through the above facts might well inquire, "well - so what?" The answer to such a question is not easily apparent. The importance of the structure, as modified by rules and actual operation, determines the points of what has been called "access" by David Truman in his monumental work The Governmental Process. 6 In other words the fundamental objective of all

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lobbyists is to obtain entry into the legislative process. The lobbyist will thus have to be cognizant of the public and private philosophy of the Speaker of the House and take pains to cultivate a favorable attitude for his lobbying activities. The importance of the dominant role of the Governor has had a proportionate effect upon the techniques of the lobbyist. Househull found that "lobbyists even in the more restrictive sense seem to be very influential in regard to matters on which the administration and hence the dominant political "organization" does not take a stand." State governments have adopted the procedure of making recommendations concerning legislation as well as drafting those recommendations as bills and sending them to the legislative committees with requests for approval. The governor enjoys continuous "access" to the General Assembly through deliverance of his message concerning the "condition of the state." The exercise of the veto is of real importance to the lobbyists who "... sometimes find it the better part of wisdom to remain silent in the General Assembly and to make their fight in the Governor's mansion." Thus, one can quickly

7Ibid.


9Scott, loc. cit.


conclude that lobbyists will not only concentrate on the legislative branch, but frequently direct their efforts to the executive branch (and even on the Judiciary). But, since this thesis confines itself to the legislature, let us then examine the lobbyist and his activities in his natural habitat while keeping in mind that the lobbyist will have to concentrate at the committee level.

The role of committees in the legislative process seems to vary from state to state depending on the privileges granted by the governing body of law and upon the leadership involved. For example, in some state legislatures the leadership becomes so pervasive that it reduces committees to relatively no importance. In other legislatures well over 80 per cent of the reported committee bills are accepted. In the General Assembly of Virginia the committee is all important. In a survey involving the state Senators of Virginia, the Senators were asked to identify that part of the legislative process that they felt was given the greatest attention by lobbyists. Eighty per cent stated that the committee hearings received the greatest attention from lobbyists. One Senator in the General Assembly stated emphatically that not more


13 Ibid.

14 Results from questionnaires sent to the 40 State Senators of Virginia. The conclusions are based on a 59 per cent return. See Figure 1.
than one bill reported out of a Senate committee failed to pass the Senate. The Senator further stated that "... the easiest way to advance or stop legislation is at the committee level."  

There are 27 standing committees in the House of Delegates plus several smaller committees, bringing the total to 34. The Senate has 21 standing committees.  

In an effort to discern what effect lobbyists are having on committees in the General Assembly, questionnaires were sent to all committee chairmen in the House of Delegates. The criteria involved in choosing what questions to ask centered around the need for integrating the findings of this thesis into those of earlier studies while at the same time asking certain pertinent questions which will provide the foundation for further research in Virginia. Based on a 56 per cent return, the following conclusions discussed below can be offered for consideration.

When the committee chairman were asked if they thought lobbyists were helpful in committee hearings, 46 per cent gave an emphatic "yes." Nineteen per cent of the committee chairman felt that the lobbyists were helpful only some of the time while another nineteen per cent stated that the lobbyists were helpful most of the time. The remaining

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15 Ibid. Absolute anonymity was promised.
16 Manual of the Senate and House of Delegates, pp. 54-58; 148-156.
17 See Figure II.
percentage of chairmen regarded lobbyists as disruptive at times while some preferred to use the term "overpowering" to describe the situation. Less than one per cent stated emphatically that the lobbyists were disruptive per se. The committee chairmen felt that only a very small percentage of the bills reported out of their committees were attributable to the handiwork of lobbyists. The submitted percentages ranged anywhere from zero to a high of 75 per cent. It is interesting to note here that a similar Ohio study found that almost 75 per cent of all bills introduced in that law-making body were attributable to administrative officials and lobbies. Sixty-three per cent of the chairmen felt that lobbying activities increased as the adjournment date for the legislative session approached. Thirty-seven per cent of the committee chairman stated that they were aware of no increased activity.

Finally, in an attempt to measure an awareness of lobbying activities on the part of the committee chairmen, the following procedure as set out by the author of the Legislative System was followed. Respondents were sent a list of names of lobbyists and the respondent was "... credited with a 'correct' answer to each name if he identified the organization tie, the general type of interest represented, or some particular legislative measure of concern. Names on the list had been

18 Results from questionnaires sent to the State Senators of Virginia.

19 Snider, loc. cit.

20 Results from questionnaires sent to the State Senators of Virginia.
selected to include varying degrees of presumed familiarity." The results indicated that the better known lobbyists were very familiar to the legislators in terms of the interests they represented.

Sumpter T. Friddy, registered lobbyist for the Virginia Retail Merchants Association, received the highest recognition percentage (67 per cent), followed by David J. Mays with a 31 per cent recognition (Mr. Mays has represented the trucking and meat packing interests for a number of years). Former Delegate J. Randolph Tucker (now registered lobbyist for the Travelers Insurance Company, the Virginia Psychological Association, and the American Express Company) received a 68 per cent recognition from the committee chairmen. Ralph H. Ferrell, Jr., who represented the Virginia Passenger Bus Association, received a 50 per cent recognition rate. The Virginia State Dental Association's lobbyist, David Meade White, received a 25 per cent recognition evaluation. J.W. Dowell, a public relations consultant could manage only an 18 per cent recognition for his lobbying representation of Nationwide Insurance and the Virginia Ready-Mixed Concrete Association. Former Delegate William L. Winston received a 12 per cent recognition rate for his lobbying efforts. This last percentage of 12 per cent would seem to bare out the validity of the study because Mr. Winston lobbied for the first

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22 Ibid.
time in the 1966 legislative session. Thus, those lobbyists with high recognition ratios have been lobbyists for a number of years and the ratios point out that the committee chairman are well aware of certain lobbyists and the interest they represent.

What in fact goes on in a committee constitutes a real problem for the student. One committee chairman stated that one of the main reasons for secret "executive" sessions was because of the likelihood that lobbyists would work against certain proposals before the committee would have a chance to give fair evaluation to the proposal.23 The situation is made worse by the fact that no committee records are kept so as to give an indication of the amount of lobbying being conducted before open committee hearings.24 To complicate matters further, the law does not require the registration of those lobbyists who (for no compensation) confine their activities to appearing before committee meetings.

Finally, it should be noted that the committees in the General Assembly often take on the role of judge and jury. For example, Shearer C. Bowman, President of the Virginia Highway Users Association stated that his organization spent $40,000 in researching their report. Two of the most influential and articulate attorneys in the state of Virginia were employed to present the material to the committee. Mr. Bowman and several others were present to testify as expert witnesses while David Mays and Judge E.H. Williams conducted the cross-examination.25

23 Interview with Delegate R. Maclin Smith, June 12, 1966.
24 Interview with Mr. Ben D. Lacy, Clerk of the Senate, June 16, 1966.
25 Interview with Mr. Shearer C. Bowman, President of Virginia Highway Users Association, June 23, 1966.
II. THE LOBBYIST AND THE RECIPIENT

Perhaps the first lobbyist in Virginia was one of the many freeholders in Virginia who elected 399 different people to serve in the House of Burgesses in the period 1750 to 1774. Characteristically, there seems to have been a larger turnover in the representatives from the frontier and commercial counties, presumably because of changing interests and new demands. During this period the most powerful man in the whole colony of Virginia was Speaker John Robinson of the House of Burgesses. Speaker Robinson was "... the most influential member in the House of Burgesses. He had the final word in questions relating to the rules of the House; he appointed the committees and named their chairmen." More than one third of the representatives of the House of Burgesses were involved in land speculation and a few Burgesses had interests in iron mining and manufacturing. The most dominant occupational group were the lawyers of which many were executors and administrators of estates.

In 1966 the profile of lobbyists and the recipient of their activities appear not to have changed too greatly. The man whom the

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lobbyist must take pains to win over is still the Speaker of the House. The lobbyist still must present his argument to legislators that are predominantly lawyers. A compilation of the biographical material of members of the 1966 General Assembly of Virginia shows that 57 per cent of their colleagues in the Senate are attorneys. The 1966 General Assembly turnover rate was fairly low with a 26 per cent change in the Senate and a 34 per cent change in the House of Delegates. Of the newcomers, most change still comes from the larger towns and highly commercial cities. On a comparative basis, the one party dominated state of Vermont has a 50 per cent average for "first termers" who come to the legislature unaccustomed to the legislative routine and "... are traditionally proven to vote 'no' on everything when confronted by the confusion of amendments, substitutions, and other such sophisticated parliamentary practices." In the Oklahoma legislature, 47 per cent were "newcomers."

The lobbyist, then, must take into account all of the important

30 Manual of the Senate and House of Delegates, pp. 227 et seq. The compilation also shows that most members of the General Assembly are either Episcopalian or Methodist Anglo-Saxon males.

31 Ibid.

32 Ibid.


facts just enumerated. He must know where the power is lodged in the legislature, also the lobbyist must have a similar socio-economic status in order to gain and maintain the attention of highly educated legislators. Finally, the lobbyist will concentrate on the "oldtimers" and will not waste his time on the "newcomers."

Who then is the typical lobbyist that must meet all the specifications that have been discussed? Questionnaires based on the format set out by Samuel Patterson's study of Oklahoma lobbyists were sent to twenty registered lobbyists in the Virginia General Assembly picked at random from the Legislative Docket (in the Secretary of the Commonwealth's office) which contains pertinent information concerning all the registered lobbyists over a period of years.\(^5\) On the basis of an 85 per cent return, the following conclusions can be offered concerning the type of lobbyist in the General Assembly of Virginia.

The average age of the typical lobbyist attempting to influence legislators in the Virginia General Assembly is fifty-five. The single most represented occupational group for the lobbyist is the profession of law (followed closely by business executives). Eighty-six per cent had at least some college education with only 14 per cent having only a secondary education. Forty-seven per cent of the lobbyists were making more than $20,000 a year with 20 per cent having an income of between 10 and 20 thousand dollars a year. Seventy-three per cent

\(^5\)Patterson, op. cit., pp. 72 et seqq. See Figure III.
of the lobbyists stated that they had not served in the legislature while 27 per cent stated that they had been a member of the legislature at one time or another. Seventy-three per cent of the lobbyists replied that they had not held any public office. Eighty per cent of Virginia's lobbyists stated that they were Democratic while only 13 per cent maintained a Republican preference. The average lobbyist has been trying to influence the outcome of legislation for more than 12 years. Most lobbyists spent less than one-fourth of their time lobbying while the General Assembly was in session. Thirty-three per cent stated that they spent at least one-half of their time lobbying while the legislature was in session.

Concerning the allocation of the actual time spent lobbying the highest percentage of time was used in appearing before legislative committees and keeping the employer informed. Most lobbyists considered their main activities to be centered on informing legislators and committees, and acting as a watch dog by reporting developments to their employers.36

Patterson, in his study of the Oklahoma lobbyists, found that the role of lobbying tends to be played by professionals (i.e., lawyers) and that most lobbyists had not served in the legislature.37 It should be noted that on the national level, former Congressmen constituted the most important and active lobbyists in the period 1945 to 1964.38

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36 Results from questionnaires sent to twenty registered lobbyists.

37 Patterson, loc. cit.

According to Patterson's survey, lobbyists are usually engaged in other activities besides those of just lobbying. His study showed that lobbyists tend to be past middle age, well educated, and well paid. The lobbyist in Oklahoma tends to assume the role of contacting and making friends more than acting as an informant and watchdog.\textsuperscript{39} Possibly the shift in emphasis to the informing role in Virginia is due to a lower "newcomer" rate. Thus the lobbyist will not have to be as concerned in the Virginia General Assembly with making new friends and contacts.

Lester W. Milbrath found in his study of Washington lobbyists that three-fourths were lawyers.\textsuperscript{40} In Oklahoma, attorneys do not constitute the bulk of lobbyists. Most lobbyists were found to be mainly executive secretaries or directors.\textsuperscript{41}

The business of lobbying is booming in the Virginia General Assembly. There were 197 registered employers of organizations that were represented by about 154 lobbyists. These figures just mentioned and the following compilations are based on the Legislative Docket which is maintained in the office of the Secretary of the Commonwealth of Virginia. If one could present a schematic progression of the

\textsuperscript{39}Patterson, loc. cit.


\textsuperscript{41}Patterson, op. cit., p. 96.
growth of the number of employers represented by lobbyists, the
presentation would look something like that shown below:

<table>
<thead>
<tr>
<th>No. of employers</th>
<th>89</th>
<th>100</th>
<th>176</th>
<th>198</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>1944</td>
<td>1950</td>
<td>1956</td>
<td>1966</td>
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Of the 154 registered lobbyists, 67 are attorneys and probably the
figure is in actuality much higher because there is no way of telling
how many attorneys may be lobbying under one law firm name. To be sure
a vast amount of lobbying is carried on by law firms. Eppa Hunton of
the law firm Hunton, Williams, Gay, Powell and Gibson estimated that
from 75 to 80 per cent of all lobbying in Virginia is carried out by
law firms. The previously mentioned law firm is one of the largest
firms in Virginia and has 23 partners and 23 associate partners. 42 Five
law firms in Richmond represented over 50 different employers in the
last session of the General Assembly. 43

The Legislative Docket shows that the majority of lobbyists live
in Richmond while only 47 lobbyists live somewhere else in Virginia.
Of the nine registered lobbyists from outside the State of Virginia,
one lives in Maryland, two in North Carolina, one in the District of
Columbia, one in Pennsylvania, one in Florida, one in Georgia, and one
in New York. Occupational wise, of the total number of registered

42 Interview with Mr. Eppa Hunton, senior partner in the law firm

43 Legislative Docket (Richmond: Richmond Paper Ruling Company,
n.d.), no page.
employers for the 1966 session, 163 are of a business nature, 15 are professional associations, 2 are political in nature, 6 labor, 8 agricultural, and 14 are altruistic in nature.44

There does not seem to be anything comparable in the Virginia General Assembly to the "king lobbyist" Artie Samish of the California legislature.45 In the earlier days of the General Assembly of Virginia, Virginia had its own "Artie Samish" in the person of the prohibition leader Bishop James Cannon. Virginius Dabney in his book concerning the life of Bishop Cannon states that "throughout much of the session of 1916, Cannon occupied a seat on the Senate floor in a chair placed adjacent to the desk of Senator G. Walter Mapp of Accomac."46 The Methodist Bishop, in his battle against whiskey traffic, managed to take over complete control of Virginia politics to the point where the Richmond News Leader referred to Cannon as the "Supreme ruler of Capitol hill."47 Cannon himself was investigated because of his lobbying activities by the U.S. Senate Lobby Committee in 1930.48

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44 Ibid.
47 News item in the Richmond News Leader, February 18, 1916.
48 Dabney, op. cit., p. 193.
Virginia does not have a Bishop Cannon, but it does have about a half
dozens lobbyists who are considered by their fellow lobbyists and State
Senators as the most effective lobbyists in the General Assembly. In
the questionnaires involving the State Senators of Virginia, the
following listed lobbyists were identified by the Senators as those
most influential:

1. Sumpter T. Priddy (he lobbied for the
   Virginia Retail Merchants Association)

2. David J. Mays (he lobbied for Home
   Beneficial Life Insurance Company, The
   Virginia Highway Users Association, and
   the Virginia Meat Packers Association)

3. Judge E. W. Williams (he lobbied for The
   Virginia Highway Users Association)49

It should be noted that in connection with the above results which
show Priddy and Mays at the top of the list of the most influential
lobbyists, the earlier "awareness test" conducted on the committee chair-
men of the House of Delegates showed these same two individuals receiving
the highest recognition percentages.50

Besides the above outstanding gentleman-lobbyists, there are other
singularities concerning lobbying that should be mentioned. The vicinity
of East Main Street in Richmond could be called "the lobbying Capitol of
Virginia," for in those few blocks are located the law firms of Battle,
Neal, Harris, Minor, and Williams; the law firm of Christian, Barton,
Parker, Epps and Brent; the law firm of Hunton, Williams, Gay, Powell

49 Results from questionnaires involving the State Senators of
Virginia.

50 See earlier discussion in regard to the committee chairman of
The House of Delegates.
and Gibson; the firm of Wicker, Baker and Goddin; and the law firm of Tucker, Mays, Moore and Reed. Collectively, these five firms represent over 50 different employers. 51

Another characteristic of lobbyists in Virginia which should be noticed is the number of former legislators, now serving as lobbyists. Former legislators frequently make the best lobbyists because of their ready-made contacts and that invaluable propensity for knowing the right person to see. The Richmond News Leader, listed in their April 27, 1958 edition the names of at least a dozen previous members of the General Assembly who were registered lobbyists at that time. 52 The 1966 General Assembly reflects about the same number of former legislators (about 7.7 per cent). 53 This is a relatively small percentage and is less than those available percentages concerning the legislatures of New York and Oklahoma which show about a 12 per cent incidence of former legislators. 54

An interesting phenomenon is the changing patterns of interests within the field of registered business employers. For example, Charles Howshnell found in his study of the General Assembly that of the total of 75 business organizations that had registered lobbyists, motor vehicles led the list with 17 followed by the merchants with 13. 55 Lobbying in

51 Legislative Docket, no page.
52 News item in the Richmond News Leader, April 27, 1958.
53 Legislative Docket, no page.
54 Patterson, op. cit., p. 74.
55 Howshnell, op. cit., pp. 328 et seqq.
the 1966 General Assembly was still dominated by the registered business interests, but with the insurance companies outnumbering all others with a total of 19. The curious student may well ponder over the reason for such a large insurance representation. Harold MoVey, attorney and professional lobbyist, suggests that one reason for such heavy insurance representation may well be the fact that since most of Virginia's legislators are attorneys, and since most of these are plaintiffs' attorneys, then it seems to follow that the insurance interests will have to be present in full force in order to counterbalance the situation.56

On the other hand, William R. Shands, lobbyist for another large law firm in Richmond, suggested that the reason for such heavy insurance representation can be traced to the fact that insurance companies are closely regulated at the present time and thus are on the lookout for any possible new regulations that would be detrimental.57

It is interesting to speculate on another singularity of lobbying in the General Assembly of Virginia—the disappearance of certain lobbying interests over the years. As pointed out earlier, the motor vehicle organizations seemed to have dominated the business interests for a period of time previous to 1950.58 The 1966 General Assembly showed only four or five motor vehicle organizations.59 In 1964 the

56Interview with Mr. Harold MoVey, lobbyist and member of the law firm of Battle, Neal, Harris, Minor and Williams, June 16, 1966.

57Interview with Mr. William R. Shands, lobbyist and member of the law firm of Christian, Barton, Parker, Eyps and Brent, June 16, 1966.

58Housshell, loc. cit.

59Legislative Docket, no page.
food stores were well represented and a single day's registration showed that 5 food companies registered. In 1966 not one food store had a registered lobbyist. The question arises as to why there is a marked fluctuation in the type of registered interests from session to session. One authority has suggested that sometimes organizations have only one single objective and when a decision has been rendered, then the reason for their existence is terminated. Another critical observer of the phenomenon has stated that "they arise out of a public demand that something be done or not be done which has become a critical momentary issue." Perhaps the explanation lies in the general dislike for those organizations that are seeking "temporary disadvantages." Probably the best explanation centers around the concept of alliances. Thus, if the food stores can find a group that is trying to accomplish similar goals, then the food store will operate through its newly-found alliance.

The largest number of registered lobbyists for any employer seems to have been four (The Virginia Electric and Power Company and the Virginia State AFL-CIO had four each). There was one registered

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60 Ibid.


63 Interview with Mr. Shearer Bowman, June 23, 1966.

64 Ibid.

65 Legislative Docket, no page.
woman lobbyist in the 1966 session of the General Assembly. 66

The number of unregistered lobbyists can not even be guessed at, but their influence is felt. Irby N. Hollans, who lobbied for the Virginia State Chamber of Commerce, stated emphatically that he felt the most influential lobbyist in the General Assembly was the unregistered lobbyist Reverend Wayne Women who heads up the teetotaller organization in Virginia. 67 Reverend Women's organization proved itself to be too formidable when the Chamber of Commerce tried to get a bill on local option passed by the General Assembly.

When one considers the unregistered lobbyists as a whole, it becomes evident that "the fairer sex" plays a central role. The Richmond News Leader correctly sums up the situation in the below paragraph.

There isn't a registered lobbyist (paid professional) among them (women) this time (1960), but their approach in trying to influence request time to present their own or their club's point of view at public hearings and at committee hearings, they sit and listen at sessions of both houses, and before sessions they buttonhole legislators who are introducing bills in which they are interested. 68

The News Leader set up three categories in which these women lobbyists usually fall into:

(1) the chronic lobbyist;
(2) the legislative chairman or committee representative of a club, and;

66 Ibid.

67 Interview with Mr. Irby Hollans, registered lobbyist for the Virginia State Chamber of Commerce, June 16, 1966.

(3) the "occasional"—for example, the Junior Leaguer who happens to get interested in obscenity laws and who pops in and out of a hearing without necessarily making a speech. 69

Perhaps, according to Irby Hollans, the most frequent or "chronic lobbyist" would be the Associated Clubs for Roadside Development and the Virginia Federation of Women's Clubs. 70 Others would include the League of Women Voters, The Garden Clubs of Virginia, The P.T.A., the United Daughters of the Confederacy, and the Ladies Auxiliary of the Brotherhood of Locomotive Firemen. 71

69 Ibid.
70 Interview with Irby Hollans, June 16, 1966.
"Access," which results from structural peculiarities in the governmental process, is a fundamental objective which is strenuously sought after by lobbyists. David Truman states that although access is fundamental, it becomes a minimum objective once it is achieved.¹ The strategy which the lobbyist will use to gain the ear of the legislator will vary because not all lobbyists are equally financed or even of equal size (i.e. in terms of total lobbyists).² Frequently personal friendships will provide the key to legislative "aloofness."³ Or, as Lester Milbraith discovered in his study of Washington lobbyists, an intermediary may be called upon to gain the ear of the legislator for the lobbyist (i.e. an influential person in the legislator's constituency).⁴

Once the lobbyist has gained the ear of the legislator, how does he maintain the legislator's attention and confidence? In the previously mentioned survey involving all the State Senators of Virginia, the following most mentioned qualities were discovered:

1. Knowledgeable- the lobbyist should be well informed. This particular character trait was mentioned in 71

⁴Keefe and Ogul, op. cit., p. 356.
per cent of the letters
2. Integrity
3. Honesty
4. Sincerity
5. Courtesy.
6. Candor (openminded and impartial)"5

Thus, if the lobbyist can manage to incorporate these traits into his lobbying activities, the chances of being more effective seem to be far greater.

I. TECHNIQUES

Probably if one had to identify the one technique used predominately by lobbyists in the Virginia General Assembly, the presentation of facts before committee hearings would have to be first on the list. Lobbyists themselves regard the personal presentation of their case as their most effective tactic.6 Of great concern to the lobbyist are those individuals who will make up the committee because the composition of the committee will often determine whether or not it will be friendly or unfriendly toward their measure.7 Ideally, the lobbyist would like to have like-minded spokesmen on his committee before whom the lobbyist will present his argument.8

William R. Shands, attorney at law and a professional lobbyist, has pointed out that the lobbyist has to start preparing long before the

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5Results from questionnaires involving the State Senators of Virginia.
6Keefe and Morris, op. cit., p. 556.
7Bone and Ranney, op. cit., p. 75.
General Assembly ever meets in order to lay the foundations. The lobbyist must see the key people that will be involved and try to line up support. What Shands has referred to has been termed "the engineering of consent." In other words the lobbyist must shape public policy to his own desirable policy, and when the two coincide, then success can be obtained. He must earn recognition for his idea and then implement the idea through concrete efforts aimed both at the public and at its own membership. "Once the public is educated to the soundness of group policies, then government itself may be more malleable in the hands of the group lobbyists." This aspect of lobbying seems to be very crucial to the lobbyist because closely related to the stage of trying to gain support is the delicate task of preserving and enhancing the lobbyist's public image. The spokesman for the Virginia Highway Users Association, which employs David J. Mays and Judge E.H. Williams as lobbyists, stated that the Virginia Highway Users Association had gone to a great deal of effort to discern just what sort of image the trucking business was conveying to Virginia's legislators. Thus, if there are areas which

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9Interview with Mr. William R. Shands, lobbyist and member of the law firm of Christian, Barton, Parker, Epps and Brent, June 16, 1966.
13Ibid.
14Interview with Shearer C. Bowman, President of the Virginia Highway Users Association.
need to be improved then the association will spend a great deal of
time and money in order to correct the situation.\textsuperscript{15} It should be
pointed out that in some instances the public image of an organization
is not always justified and sometimes the image is entirely out of focus
with what the organization or association really stands for and what it
is trying to accomplish. Thus, when the lobbyist presents an argument
before a legislative committee, one can bet that the presentation is but
the grand finale of a lot of work carried out over a period of months and
even years. One should note that these presentations which take place
before committees are usually of enormous value to the legislator. The
lobbyist is usually an attorney who knows his business and often he sees
a differing interpretation which should be recognized. In general the
legislators are thankful for the enlightenment. The simple fact of the
amount of bills which are introduced each session (1349 bills were intro-
duced in the 1966 legislative session) proves to be prohibitive as far as
having each legislator knowledgeable concerning each bill.\textsuperscript{16} Eighty-five
per cent of the Senators in Virginia felt lobbyists were helpful and 80
per cent classified their attitude toward lobbyists as "friendly."\textsuperscript{17}

\textsuperscript{15} Ibid.
\textsuperscript{16} Final Cumulative Index of Bills and Joint Resolutions through
March 12, 1966 (Richmond: Compiled in the office of the Clerk of the
\textsuperscript{17} Results from questionnaires involving the State Senators of
Virginia.
The veteran of more than twenty-eight years service in the Virginia legislature (second only to Speaker Moore in length of service) stated that he cherishes the idea of having lobbyists present information.18

What has been called the "social lobby" is another major technique employed by lobbyists in Virginia. "Even the 'outsider,' however, hears of dinner engagements, private parties, hotel conferences, and the like."19 It has been estimated that approximately half of the legislative nights are taken up by cocktail parties, banquets, and other parties given by lobbyists or their employers.20 There is a popular misconception that such parties create "... a feeling of obligation on the part of the legislator toward individuals who have established sociable relations with him through entertaining him and his family."21 Probably the reverse is true because legislators are frequently submerged in work and such social events cut deeply into needed time.22 The consequences of not attending the social functions seem to be significant as pointed out in the following passage below.

The legislator who remains aloof will find himself, if not quite ostracized, at least not 'one of the gang' and will constantly be surprised at an unexpected solidarity on the part

18 Interview with Delegate Charles K. Hutcheson, July 16, 1966.
22 Milbrath, op. cit., p. 98.
of a majority of his colleagues for or against a pending measure. His surprise will be dissipated when he learns that the night before 'the gang' was at an entertainment at a downtown hotel where probably the subject of legislation was not even mentioned, but in some subtle way an understanding was reached as to what was expected of those present as all-around 'good fellows.'

To be sure the "social lobby" does serve a very useful purpose in that it keeps the lines of communication open between the lobbyist and legislator.

Another technique which is in a sense involved in all the techniques thus far discussed is the conference method. Person to person contact seems to be by far the most effective technique used by the lobbyist. When the forty State Senators of Virginia were asked to identify what they regarded as the most effective means the lobbyist uses to influence the outcome of legislation, 86 per cent replied that person to person contact was the most effective. The old practice of "buttonholing" legislators has been superseded by the conference in a hotel or at the office of a law firm. Usually the lobbyist and the legislator do not have far to go in order to get together to talk over matters. A large percentage of the lobbyists maintain rooms at the Richmond Hotel (during the 1966 legislative session 103 of the 140 legislators (or 79 per cent) stayed at the Richmond Hotel).

\[23\] Wahlke and Eulau, loc. cit.

\[24\] Results from questionnaires involving the State Senators of Virginia.

\[25\] Total figure was obtained from the Manager's office of the Hotel Richmond.
There are numerous other techniques involved but none are used as much in Virginia as are the three techniques previously outlined. To be sure lobbying at the "grass roots" is an important tactic used in Virginia. For example, letter writing is used often, especially by the Virginia Council of Churches in an effort to influence legislation which is morally related to the citizens of Virginia. Telephone calls and telegrams are used frequently and legislators are sometimes called off the floor during the session by lobbyists.

Propaganda of all descriptions is being disseminated through such communication media as television, radio, and various periodicals and circulated letters. Dayton McKean, in his study of the New York legislature found the use of propaganda to be the outstanding feature of modern pressure groups. For example, one of the Virginia General Assembly's most effective and influential lobbyists, Sumpter T. Priddy, stated that most of the advertising circulated by his organization (the Virginia Retail Merchants Association) is sent out long before the General Assembly even convenes. The procedure followed by the Virginia Retail Merchants Association consists of first thoroughly researching the proposal and then coming up with a sound economic and legal basis for their recommendations. The prepared proposal is then sent out before


the legislative session begins to all the members of the General Assembly. The proposal usually carries with it requests for comments and recommendations in an effort to anticipate any possible bad features. The proposal is then sent to all the retail merchants who are asked to get in touch with their local state legislator in order to express their feelings on the proposal. Finally, during the General Assembly weekly statements on how the proposal is proceeding within the legislative process are sent to the retail merchants. Mr. Priddy stated that their recent argument presented to the General Assembly regarding the sales tax cost in the neighborhood of nine thousand dollars to research and place in the hands of the merchants and legislators.29

Up until a 1957 ruling by the Virginia State Bar Association, a few attorneys were lobbying for law firms which had partners in the General Assembly as legislators. The State Bar ruling did not forbid such practices, but intimated that such techniques of lobbying had overtones of unprofessional conduct.30

Finally, there are the persuasive techniques of doing favors, offering retainers, and contributing to campaign expenses. United States Senator Paul Douglas recently proposed "a code of ethics for Congressmen..." which would entail passing disclosure statutes calling for "...revelment of all gifts over a specified value, campaign

29 Interview with Mr. Sumpter T. Priddy, registered lobbyist for the Virginia Retail Merchants Association, July 12, 1966.

contributions, and all other outside income. The question thus arises as to whether or not the legislators of Virginia are any less immune to such lobbying techniques. Perhaps the legislators of Virginia should consider similar measures as those proposed by Senator Douglas in order to avoid any possible undue influence resulting from certain lobbying techniques.

II. COSTS OF LOBBYING

What is the cost of influencing the passage or defeat of legislation in the General Assembly of Virginia? According to the Code of Virginia each employer and lobbyist must file a separate sworn statement showing all expenses, retainers and annual salaries paid or incurred in connection with lobbying. The actual forms which both employer and lobbyist must fill out require the following: the name of the employer; the name of the lobbyist; a section dealing with expenses which provides for itemized totals concerning hotel bills, traveling expenses, the expenses of correspondence, and miscellaneous expenses. The last part of the form deals with the required sworn oath.

In the 1966 session of the General Assembly lobbyists spent $17,375.29 for hotel expenses and other expenses of like nature. The

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33 See Figure IV.
amount of traveling expenses amounted to $3,042.79. Expenses for correspondence which included messages by telephone and telegraph amounted to $8,742.78. Under the miscellaneous section of the financial statement lobbyists spent a total of $4,778.68. 34 Carl Shires of the Richmond News Leader did a compilation of the lobbyists' income and came up with a total of $192,000 paid out for lobbying fees. 35 The article by Shires went on to point out "... that the total of $192,000 compares with the total of $252,000 that went to pay the salary and expenses of the 140 state legislators during the 60 day session which ended in March." 36 The individual lobbyist who earned the most was former Delegate Joseph J. Williams with $7,700. 37 The law firm headed by former State Senator John J. Wicker received $18,000 plus $3,490 in expenses. 38 Former Delegate William L. Winston reported that he received $5,000. Another law firm, Christian, Barton, Parker, Epps and Brent stated that they had received $11,680 for their services. 39 The law firm of Battle, Neal, Harris, Minor and Williams were the recipients of the largest single lobbying fee paid--that of $7,500 for the Beer

34 Personal compilations based on the financial forms required by the law on file in the office of the Secretary of the Commonwealth of Virginia.
35 News item in the Richmond News Leader, June 17, 1966.
36 Ibid.
37 Ibid.
38 Ibid.
39 Ibid.
How do the above figures compare with those of previous years? In 1950, of the 96 employers that sent in financial reports, 29 were paid a total of $64,794. The average seems to have been $1,850, thus the lobbyists were better paid than the Assembly members who "... presumably represented the public interest." In 1960, the total costs of lobbying had climbed to $75,000.

Of the financial statements filed in the 1966 session of the General Assembly, 20 employers stated that they had no previous expenses to report and thus simply inserted the word "none" in the blank which called for "expenses of legislative counsel or agent, paid or assumed by employer showing compensation received by legislative counsel or agent." This figure, in comparison with 1958 which showed 70 employers out of a total of 96 that reported no expenses, is an improvement in the reporting section of the statute. Concerning the situation just outlined the Richmond Times Dispatch stated the following:

Some hardened and cynical observers of the legislative scene use the iceberg formula in estimating the true costs of lobbying. This

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40 Ibid.
41 Ibid., April 28, 1958.
42 Ibid., April 27, 1958.
43 Ibid., April 29, 1960.
44 Personal compilations based on the financial forms required by the law on file in the Office of the Secretary of the Commonwealth.
45 News item in the Richmond News Leader, April 28, 1958.
assumes that, like an iceberg, only about one-tenth of the costs are visible, and the other nine-tenths, though invisible, are somewhere beneath the surface.⁴⁶

The Code of Virginia seems to limit "lobbying" to within the Capitol building, thus it appears that the financial figures reported are probably accurate as far as what is actually spent concerning lobbying in the building itself.⁴⁷ Thus, such figures would not include the lavish cocktail parties, banquets, and other parties which wine and dine the Assembly members during about 30 of the 60 legislative nights. Only two overly-conscientious employers bothered to report what they spent away from the Capitol building. The Agricultural Conference Board of Virginia reported that they spent $375.75 for a breakfast, and the Automotive Trade Association of Virginia reported that they spent $324.70 for parking the cars of the legislators.⁴⁸

It is claimed by some that the precise compensation paid to lobbyists will never be discovered in spite of more exacting disclosure laws because "... many lawyers report simply that their services as a legislative agent are covered by annual retainers."⁴⁹ One State Senator has commented that "a number of people who are in effect

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⁴⁸Figures are taken from the financial forms required by law on file in the Office of the Secretary of the Commonwealth.

⁴⁹News item in the Richmond News Leader, April 28, 1958.
lobbyists, are on a full-time paid basis under some other title and it is significant that many of these do not file reports indicating any income from their activities." 50

Finally, there are what has been called "good will expenditures" such as free movie passes, free pen and pencil sets, luggage, and various other items given by certain industries and enterprises who seek to remind the legislators of their interest. 51

50 Information was obtained from questionnaires sent to all State Senators of Virginia. Absolute anonymity was promised.

CHAPTER IV

THE REGULATION OF LOBBYING

Stuart Chase in his book Democracy Under Pressure poses the question, what can be done to curb pressure groups whose politics manage to keep the legislative system unbalanced and inequitable? He suggests that the only partial remedy available is legislation. ¹ Not all authors are as critical of pressure groups as Mr. Chase, and in general the question is not whether or not pressure groups are desirable or undesirable "... but rather of determining how they best can be controlled and utilized in the public interest."²

Before turning to examine the relevant Virginia laws, let us examine briefly the federal laws regulating lobbying and at some of the laws of a few states other than Virginia in order to get a broader perspective of the laws involved and a needed background for obtaining a keener insight into the legislation out of which Virginia's own lobbying regulations evolved.

"Lobbying is declared to be a crime."³ Such a clause as that just recited was incorporated into the constitution of the State of Georgia in 1877. The connotative meaning was suggestive of the practice which involved "buttonholing" legislators in lobbies or halls in an effort to enlist their support and influence, usually by means of certain unethical


and, sometimes, unlawful techniques.  

While recognizing the vast importance of the service provided by lobbyists and at the same time noting that prevention of certain "bad" lobbying techniques cannot be prevented by non-intercourse or by "cure all" legislation, one should agree that "... so long as lobbying plays its indispensable role in our constitutional system, a good regulative law should be provided." The problem specifically is thus "... to safeguard the values and legitimate functions of pressure groups and promote the public interest as well."

I. FEDERAL LAW

Federal law concerning the regulation of lobbying was enacted in 1946 as Title III of the Legislative Reorganization Act (Public Law 601). Earlier predecessors of the lobbying act are considered to be, The Public Utility Holding Company Act of 1935, The 1936 Act affecting the shipping interests, and The Foreign Agents Registration Act of 1938. Registration with the Secretary of the Senate or Clerk of the House was a prime feature of the new law. This same section also provided for the names


5 Zeller, "Pressure Groups and our State Legislators," p. 147.


of any papers, periodicals, and other publications which the lobbyist had published in support of or in opposition to any pending legislation.\(^9\) Exempted from the registration procedure are public officials, newspaper personnel acting in official capacity, and those only appearing before committees.\(^10\) Because of vagueness a fourth exemption has arisen. The law stated that the reporting requirement would pertain to lobbyists whose principal purpose was to affect legislation. Thus a substantial group of lobbyists maintain that their lobbying is only incidental to their other affairs.\(^11\)

The filing of certain statements and the preservation of certain bills of expenditure formed the second main feature of the act. For example, receipts for contributions (included gifts, subscriptions, loans, advances, or deposits of money or anything of value and included a contract, promise, or agreement, whether or not legally enforceable) received had to be filed not later than five days after receiving such.\(^12\) Detailed accounts are required as well as certain other reports which have to be under oath.\(^13\)

The third major idea dealt with the penalties involved. If found guilty, the law declared the violation to be a misdemeanor carrying a


\(^10\) Ibid., section 267.


\(^12\) United States Code, section 263.

\(^13\) Ibid., section 268.
fines of up to $5,000 with twelve months in jail (or both). The offender is prohibited from the privilege of influencing legislators for a period of three years with a second violation constituting a felony. The new law is applicable to the following:

To any person, who by himself, or through any agent or employer or other person in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) the passage or defeat of any legislation by Congress;
(b) to influence directly or indirectly, the passage or defeat of any legislation.

Several sections of the federal law concerning lobbying have been held unconstitutional. In the 1953 case of United States v. Harris, a United States District Justice held section 308 (Section 269 in the United States Code) of the lobbying law unconstitutional because the penalty "... in addition to a fine or imprisonment, or both, proscribes any person connected with the statute from attempting to influence the passage or defeat of legislation for a period of three years—a violation of the constitutional right of every citizen to petition Congress." Since that time the law has been held to be constitutional by the Supreme Court of the United States. "... the

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14 Ibid., section 269.
15 Ibid.
16 Ibid., section 266.
Supreme Court construed the statute so as to avoid the charge of vagueness and indefiniteness and held that the restraints imposed by the Act did not violate First Amendment freedom.\(^{18}\)

Criticism and discontent of the federal law is by no means restricted to the plaintiff's case enumerated above. The federal law has been called a misnomer because "... there is hardly any regulation of lobbyists. Parts of the law are unclear and the data regarding legislative objectives and expenditures is fragmentary."\(^{19}\) Several point to nebulous phrases and state emphatically that there are lobbyists who should register that are not registered and conversely so.\(^{20}\) Other concerned critics point to the poor draftsmanship and object in principle to the exemption of tax paid lobbyists (public officials).\(^{21}\) The author of *The American Legislative Process* lays out six main objections which he feels informed students should be cognizant of.

1. Critics say, the act is undermined by ambiguities and loopholes;
2. Publicity is proving ineffective;
3. Individuals who engage in lobbying government agencies are not required to register;
4. No agency was given the task of "policing" the act and no specific appropriations have been authorized for its enforcement;
5. Information which might prove most useful is not collected such as the numbers of members who belong to the organization and the manner in which its decisions on legislation are taken;


\(^{19}\) Bone and Ramsey, op. cit., p. 81.

\(^{20}\) Pierce, op. cit., p. 474.

\(^{21}\) Zeller, "Pressure Groups and Our State Legislators," p. 249.
Finally, students of the law are generally agreed that certain lobbying practices, such as contingent fee contracts not mentioned in the 1946 act, should be specifically prohibited.22

II. SOME MODEL STATE LAWS

Most state statutes came into being in the 1906 to 1909 period following the publicity of the exposed corruption of insurance companies in manipulating legislation.23 By 1938, 36 states had enacted laws regulating lobbying in one form or another.24 Several states have stood out above all others in their attempts to control lobbying and have served as models for other states. As early as 1896 there was a provision in the constitution of Massachusetts which provided for "... the publication of names of the lobbyists and the sums of money paid to them."25

A few of the most interesting innovations in the state regulation of lobbying which are absent from the statute books of Virginia would include the requirement in Illinois which provides for publishing "... the list of the names and addresses of legislative agents, the organization they represent, and the legislation in which they have interest--

22Keefe and Morris, loc. cit.
in addition it provides for a new innovation - a photograph of each registered lobbyist."26 Florida and New Hampshire specifically provide for prison terms for those that swear falsely.27 North Dakota provides for a prison term for those who fail to make known their interest in legislation. The state of Michigan recognizes the vast importance of the lobbyist weapon of publicity and requires that the "... Secretary of State immediately record and index the information supplied by the legislative agents and to furnish copies to all members of the legislature.29 Such information in Wisconsin is required by law to be included in the Journals of each house.30 Wisconsin also provides that the lobbyist must record "... any expenditures of any state official or employee if pending or proposed legislative matters are under consideration.31 This same state also makes any person opposing a regulation of a department or an advisory committee a "lobbyist" and requires the Secretary of State to prepare a separate docket for registration.32

The State of Louisiana requires copies of even non-circular letters to members of the legislature to be placed in the hands of the

26 Keefe and Ogul, op. cit, p. 364.
27 Zeller, American State Legislatures, p. 221.
28 Ibid.
29 Ibid., p. 235.
30 Ibid.
31 Ibid. p. 232.
32 Ibid.
Clerks of either house.\textsuperscript{35} The situation concerning propaganda is correctly summed up by the author of \textit{Government Under Pressure}\textsuperscript{34} when the lobbyists employ all the devices of modern propaganda without telling the origin, citizens will rightly question the desirability of this conduct.\textsuperscript{34}

Michigan became so concerned over the activities of her lawyer-legislators and their transactions with private clients concerning business with the state that Michigan made it a felony for \textquoteright\ldots\textquoteright legislators to be employed by persons interested in pending bills at higher compensation than non-legislators would receive.\textsuperscript{35} Michigan also provides that "any legislative agent lobbyist, who, in his capacity as such, has any financial transactions, with any members of the legislature, shall within five days from the date thereof, file a sworn statement with the Secretary of the State giving in detail the nature of the transaction together with the name of the member of the legislature."\textsuperscript{36}

\textbf{III. VIRGINIA LAW}

With House Joint Resolution No. 103 in the 1962 session of the General Assembly, Virginia legislators elected to proceed further into

\textsuperscript{35}\textit{Ibid.}, p. 223.

\textsuperscript{34}Donald C. Blaisdell, \textit{Government Under Pressure} (New York: Public Affairs Committee Inc., 1942), p. 22.

\textsuperscript{35}Zeller, \textit{American State Legislatures}, p. 232.

\textsuperscript{36}\textit{Ibid.}
an investigation of the lobbying laws of Virginia. The Journal of The
House of Delegates for that session states that the resolution would be
followed by an investigation by the Virginia Legislative Council
for evaluation and recommendations.

Whereas, this is a criminal statute that is very broad in its
terms, conditions have changed greatly since 1938, and frequent
difficulties arise as to the extent of its application, which
possibly should be clarified and made more certain; now, therefore,
be it resolved by the House of Delegates, the Senate concurring,
that the Virginia Advisory Council is hereby directed to make a
study upon Chapter 2 of Title 30 of the Code of Virginia.37

The curious student might justly inquire as to where this enlightenment
to needed reform came from. The June 30, 1964 edition of the Richmond
Times Dispatch sheds some light on this question. The Times Dispatch
states that complaints had been registered saying that certain persons
who should have come under the law did not register and file the
required statements and that the swarms of lobbyists which descend upon
the Capitol were impeding the orderly conduct of the legislature.38

The chief patron of the bill, former Delegate Edward H. Hudgins, stated
that some lobbyists had lobbied "... on the floor of the house and
have called members out of sessions," presumably to confer with them.39

In addition, the most powerful man in the General Assembly, Speaker of

37Journal of the House of Delegates of the Commonwealth of
Virginia - Regular Session 1962 Wednesday, January 10, 1962 ending
Friday, March 30, 1962 (Richmond: compiled by the Clerk of the House

38News item in the Richmond Times Dispatch, June 30, 1964.

39News item in the Richmond News Leader, March 5, 1964.
the House E. Blackburn Moore, seems to have warned the lobbyists repeatedly to stay off the floor of the House of Delegates. Indeed, Mr. Moore became one of the most ardent supporters for new lobbying regulation and was the chief patron of the study resolution discussed earlier. 

From the lobbyist's point of view, one stated that the new regulation was the direct result of the activities of one former legislator who was at the time lobbying. It seems, according to this one lobbyist, that this former legislator insisted on being granted the floor in order that he might advance his cause. The Sergeant at Arms of the House of Delegates, Mr. Joseph E. Healy, stated that he remembers admitting former delegates to the floor of the House of Delegates. 

The Vice Chairman of the Virginia Advisory Legislative Council commented that probably the problem concerning lobbying activities was worse in the House than in the Senate. 

The Virginia Advisory Legislative Council came up with some reasons of its own as to why new lobby legislation was forthcoming. The Council reasoned that the General Assembly is entitled to know the background of

40 News item in the Richmond Times Dispatch, January 26, 1962. 
41 See Journal of the House of Delegates, p. 1024. 
42 Interview with Mr. Claiborne D. Gregory, lobbyist for the Virginia Petroleum Industries, June 27, 1966. 
43 Interview with Mr. Joseph E. Healy, Sergeant at Arms of the House of Delegates, June 30, 1966. 
44 Interview with State Senator Edward E. Willey, June 22, 1966.
the lobbyist and who he represents. Public hearings were held in an effort to bring out and give opportunity to those with meaningful suggestions. Former Senator John J. Wicker, Jr. felt that the lobbyist registration part of the proposal should be broadened to include representatives of the state agencies. On the other hand William R. Shands, a long-time lobbyist for the Life Insurance Company of Virginia and now with the law firm of Christian, Barton, Parker, Epps and Brent, stated that he saw no need for more restrictive laws. The Virginia Advisory Council decided otherwise and recommended "... a continuation and strengthening of legislation regulating the activities of paid lobbyists is essential; changes in the law to provide more information concerning such lobbyists and their principals and to facilitate enforcement of the statute are in order;" secondly, "... the necessity for the orderly and efficient functioning of the houses of the General Assembly during the legislative day involves a consideration by each house of the need for better defined standards governing access to the floors of the two houses." 

It should be noted that the suggested addition to the rules of the Senate and House of Delegates governing access to the floors of the two houses was not adopted. The suggested additions would have prohibited former members of the General Assembly from entering the floor of either house while it is in session, and would have furnished certain

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47 Ibid.

48 *Identification and Regulation of Lobbyists in Virginia*, p. 6.
personnel (i.e., door keeper) with a list of persons who would be permitted access to the floors of either house. According to Mr. Frank R. Dunham of the Division of Statutory Research and Drafting of Virginia (analogous to the legislative reference service in other states) the VALC report was not adopted in its entirety. Thus Rule 83 of the rules of the House of Delegates which allows former members of the General Assembly upon its floor is still in effect.

Prior to the passage of the new lobbying regulation in the 1964 session, sections 30-20 through 30-28 of title 30 of the Code of Virginia spelled out the lobbying regulations for the State of Virginia. These statutes referred to lobbyists as "legislative counsel" and "legislative agent" as meaning "any person employed to promote or oppose in any manner the passage by the General Assembly of any legislation." Section 30-21 of the Code provided for the registration of lobbyists with the Secretary of the Commonwealth, but the requirement seems to not have been enforced. Each lobbyist was (and still is) required to fill in the following information in the Legislative Docket located

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49 Ibid., 8.

50 Interview with Mr. Frank R. Dunham of the Division of Statutory Research and Drafting of Virginia, June 28, 1966.


53 Ibid.

in the office of the Secretary of the Commonwealth: the name of the employer; occupation of business of employer; business address of employer; name of legislative counsel or agent; residence of legislative counsel or agent; term of employment; occupation of legislative counsel or agent; date of employment or agreement thereof; length of time that the employment is to continue if determinable; subject or subjects of legislation to which the employment relates; date of filing of written authorization by employer; date of filing expense account. 55

The old law did succeed in having the names of those who did register (along with the employer) printed up for distribution in the General Assembly and periodically published in the Richmond newspapers. Contingent compensation was also prohibited under the old law concerning compensation which was based on the defeat or passage of a certain piece of legislation. 56 Written authority for the privilege of lobbying was required in writing from the employer of the lobbyist. 57 Section 30-25 provided for the filing of a detailed statement of expenses paid or incurred in connection with lobbying, but it too seems to have been vaguely drafted and rarely enforced. 58 Section 30-26 prohibited lobbyists from going upon the floor of either house of the General Assembly while in session, except upon the invitation of that house. 59

56 Code of Virginia, section 30-33, p. 630.
57 Ibid., section 30-24.
58 Ibid., section 30-25.
59 Ibid., section 30-26, p. 631.
The law exempted officials and employees of the United States or State government of Virginia. Also exempted were officials or employees of any county, city, and town in Virginia as well as any individual who was engaged in reporting the news. Finally, section 30-28 provided a penalty of from fifty to one thousand dollars or a twelve month jail sentence (or both). The statute specifically charged the Secretary of the Commonwealth with the enforcement of the law. The section which specifically charges the Secretary of the Commonwealth with the responsibility of enforcing the law seems to have been added in 1945 after the Richmond newspapers criticized the law for having no teeth in it.

IV. THE NEW LAW

In 1964, a mild version of the original law proposed by the Virginia Advisory Legislative Council was passed by the General Assembly designed to clear up certain failures of its predecessor. In general, the bill, according to former Delegate Edwin M. Hudgins of Chesterfield was "... to tighten the already existing legislation."

The new law which repealed sections 30-20 through 30-28 now included several definitions pertinent to the interpretation of the law. Instead of referring to "legislative agents" the law now blatantly calls

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60 Ibid., section 30-27.
61 Ibid., section 30-28, p. 632.
such individuals "lobbyists." \textsuperscript{64} Detailed definitions of "person," "employer," "lobbying," "promoting," "advocating," "opposing," "expenses," are included for the first time. \textsuperscript{65} Section 30-28.2 provides for registration plus the added innovation of having the lobbyist secure an identification card and pay five dollars as a registration fee. \textsuperscript{66} The employer of the lobbyist no longer just sends in an authorization but must file an affidavit if he intends to deny the agency. \textsuperscript{67} A much more detailed filing statute is required under the new law designed to give publicity to all expenses, retainer, and annual salaries. \textsuperscript{68} Probably the most unique (but by no means original) addition to the lobbying law is section 30-28.8 which specifically lists certain things which a lobbyist shall not do. Neither lobbyist nor employer shall violate any of the provisions of the lobbying law nor shall either misrepresent any information required to be reported. The lobbyist is forbidden to make any consideration with regard to lobbying unless he makes known such fact to the Secretary of the Commonwealth. \textsuperscript{69}

The penalty for violations of any provisions was changed from the old one thousand dollar maximum to a new maximum fine of five hundred

\textsuperscript{64}\textit{Code of Virginia}, section 30-28.1, p. 166.
\textsuperscript{65}\textit{Ibid.}
\textsuperscript{67}\textit{Ibid.}, section 30-28.4, p. 167.
\textsuperscript{68}\textit{Ibid.}, section 30-28.5.
\textsuperscript{69}\textit{Ibid.}, section 30-28.8, p. 168.
dollars. The new law is applicable to lobbyists who work for compensation only and excludes those who confine their influence to appearing before committees as well as those officers, employees, of boards, departments, institutions, and agencies of political subdivisions of the State of Virginia.

V. THE NEW LAW IN OPERATION

Since there is no cure-all in any legislation and because the law is subject to varying interpretations, the new lobbying legislation of Virginia should be viewed with these ideas in mind. As always with any law legal "loopholes" have developed as well as open violations.

To begin with the law states that if the lobbyist is on an annual retainer or salary, he must state that amount. The law does not require a breakdown showing what amount of the annual salary or retainer is credited to lobbying. Furthermore, no one is empowered to investigate whether or not the financial statement is accurate and truthful. The problem is correctly pointed out in the April 28, 1958 edition of the Richmond News Leader.

Exact compensation can not be determined, in spite of laws requiring full disclosure of lobbying payments made and received, because many lawyers report simply that their services as a legislative agent are covered by annual retainers. Some of those retainers presumably include compensation for other services as well.

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70 Ibid.
71 Ibid., section 30-23.1, pp. 166.
72 Ibid., section 30-23.5, pp. 167-168.
73 News item in the Richmond News Leader, April 28, 1958. The Attorney General's office has ruled unofficially that lawyers don't have to comply with the law on disclosing lobbyist fees as long as they get paid for other services at the same time.
Another problem arises with regard to those exempted under the lobbying law. The old law which was repealed in 1964 exempted state officials, but the new law conspicuously leaves absent any mention of state officials.\textsuperscript{74} The question thus arises as to whether by such omission these officials now become subject to the lobbying regulations. Attorney General Robert Button, when requested to issue an opinion on this matter by Delegate Frederick T. Gray of Chesterfield, upheld the validity of this section which excludes officers of political subdivisions localities but includes persons holding jobs with the state government of Virginia.\textsuperscript{75} It should be noted that no state officials registered as lobbyists during the 1966 legislative session.\textsuperscript{76} Delegate Gray also wanted to know if letters and phone calls would constitute lobbying under the new law. Attorney General Robert Button indicated that such methods of communication would not be considered lobbying.\textsuperscript{77}

Another problem area of the law has been pointed out by the long time lobbyist Mr. William R. Shands who feels the section which limits "promoting," "advocating," or "opposing" matters which are pending before

\begin{itemize}
\item[{\textsuperscript{74}}] Code of \textit{Virginia}, section 30-28.1, p. 166.
\item[{\textsuperscript{75}}] News item in the \textit{Richmond Times Dispatch}, January 22, 1966.
\item[{\textsuperscript{76}}] The \textit{Legislative Docket}, no page.
\item[{\textsuperscript{77}}] \textit{Ibid.}
\end{itemize}
the General Assembly to within the Capitol building while in session is too vague and thus open to circumvention. This language (i.e. within the Capitol) would seem to ignore the real lobbying being conducted across the street at the Richmond Hotel and at the various private clubs throughout the City of Richmond.

Another registered lobbyist, Mr. Charles A. Tulloch in an interview on June 23, 1966 raised the issue over whether or not the identification cards issued by the Secretary of the Commonwealth had to be worn conspicuously in the open. A January 11, 1966 news item in the Richmond News Leader stated that "the badge and card are to be worn on the coat lapel or otherwise displayed upon request of any assembly member." The identification card when issued to the lobbyist came contained in a four by two and one-half plastic enclosure with a pin on the back. An inquiry into the matter revealed that it was to be a matter of preference as to whether or not the individual lobbyist would desire to display the card in the manner enumerated by the Richmond newspapers. Certainly, the law does not require any such display of the identification card. Only upon request is the card to be shown.

78 Interview with Mr. William R. Shands, registered lobbyist for the law firm of Christian, Barton, Parker, Epps and Brent, June 16, 1966.
79 Interview with Mr. Charles A. Tulloch, registered lobbyist for The Virginia Hotel and Hotel Association, June 23, 1966.
81 An unnamed spokesman in the Office of the Secretary of the Commonwealth, June 28, 1966.
The most noticeable violation of the lobbying laws involves the required procedure of filing with the Secretary of the Commonwealth a detailed statement showing all expenses within thirty days after the adjournment sine die of the session of the General Assembly. The habitual failure of a few lobbyists (17 per cent in the 1966 session) to file on time has received the greater part of criticism by the Richmond newspapers. For example, an article in the May 2, 1958 edition of the Richmond News Leader is entitled "lobbyists, employers fail to obey Virginia laws." The paper reported at that time that eleven had failed to obey the law. In rebuttal the lobbyists contend that in most instances they are not paid within the thirty day required period.

The new law seems to be heading down the same non-enforceable path of its predecessor. Miss Martha Bell Conway, Secretary of the Commonwealth of Virginia, when asked why more than 25 lobbyists or employers had failed to comply with the law as late as six weeks after the required deadline, stated that no action was taken against late filers because the 1966 session was the first year of operation for the new legislation. But, as pointed out earlier, violations have been habitual even under the old law. It should be noted that the Secretary

83 Ibid., section 30-28.5, p. 167.
84 News item in the Richmond News Leader, May 2, 1958.
85 Opinions expressed in questionnaires sent to twenty registered lobbyists. Absolute anonymity was promised.
86 Interview with Miss Martha Bell Conway, Secretary of the Commonwealth of Virginia, June 15, 1966.
of the Commonwealth has neither the necessary personnel nor the authority to mount serious investigation. 87

In a letter dated June 22, 1966 from Attorney General Robert F. Button, when asked whether he would favor a fine for each day of late filing (as several other states have) replied that because of the law he could not issue an opinion to private individuals. He indicated that it was a proper matter for the consideration of the General Assembly.

Thus, Virginia, it seems will continue to follow its same policy of sending out follow up letters and making phone calls in order to obtain compliance. Furthermore, one should take note of the fact that there has never been a single conviction under the lobbying laws of the State of Virginia. 88

The problem seems to be not so much a defect in the law as it is the reluctance on the part of certain officials to enforce the law. Perhaps Virginia should repeal the filing requirement in order to obtain equity for that majority of lobbyists that feel they should file even though they know it might be possible to escape the requirement. It would seem to be an axiom that when violations are permitted, then in fact, they are encouraged. 89

Some scholars of the problem have expressed the situation in the following manner.

87 Lobbying and the Law, p. 89.
88 An informal opinion contained in the Attorney General's letter of June 22, 1966. See Figure VI.
...lobbying is always what the times make it. If it means no more than it did eighty years ago, then Congress and the legislature of thirty states have been straining at gnats and swallowing camels.90

In general one can conclude that the states as a whole have weak laws regulating the activities of lobbyists. A large percentage of states have not had a single prosecution under the law.91 Violations are common, particularly with regard to the reporting requirements. The latest survey shows that fourteen states require financial reports.92 With regard to the penalties, the minimum average fine is one hundred dollars with the highest fine being $5,000 in nine states.93 The state laws are very weak in the area dealing with "indirect lobbying." Improvement is not likely to appear concerning the indirect method of lobbying because the Supreme Court has construed the federal lobbying laws narrowly. This construction would thus seem to pre-empt anything less than the statute enumerates.94

As of a 1964 survey, forty states had laws that dealt with either the registration of lobbyists or that forbid certain lobbying activities.95

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90Ibid., p. 5.
91Zeller, American State Legislatures, p. 235. There have been two reported violations and convictions in Wisconsin, twenty-three in Kentucky, and one in Missouri.
92Lobbying and the Law, p. 57.
93Ibid.
94Deenan, op. cit., p. 112.
One authority suggests that the filing of information as it is now handled is of little value because it is required after the legislative session is over "... when its main usefulness has passed." In general most of the state lobbying laws apply only to those who receive compensation.

Perhaps the great progressive Robert N. La Follette came closest to the ideal lobbying situation as set forth below.

Every legitimate argument which any lobbyist has to offer, and which any legislator ought to hear, can be presented before committees, before the legislators as a body, through the press, from the public platform, and through printed briefs and arguments placed in the hands of all members and accessible to the public. To permit more than that, he urged, gives undue advantage to the interests that can afford to maintain a permanent lobby throughout the session, to say nothing of the temptation to corruption inseparable from any session which permits personal solicitation of legislators by lobbyists. (Furthermore states La Follette) ... hired lobbyists should be forbidden to attempt personally and directly to influence any member of the legislature to vote for or against any measure affecting the interests represented by such lobbyists. 97


CHAPTER V

SUMMARY AND CONCLUSIONS

Today's General Assembly is (in some ways) in a state of change. This reference to change is not only true of the political institutions of Virginia, but of all aspects of human endeavor. Change in the form of "progress" is a highly involved and complex problem. The relation of change to other areas should be studied in terms of its effects. Thus, it would seem to be a necessity for the social scientist to constantly check on the political institution in order to keep society informed of any changes in the institution. If a certain change threatens to destroy the concept for which the institution was founded, or if it seriously hinders its effectiveness or its functions, then the social scientist should prescribe a new treatment for the ailing institution.

I. SUMMARY

The structure of the General Assembly of Virginia was analyzed in an effort to show the circumstances under which the lobbyist must carry on his activities. The character of the typical individual lobbyist in Virginia was presented on the basis of questionnaires and interviews. The legislator was portrayed as the beneficiary whose characteristics, in turn, determine those of the lobbyist. The major techniques were discussed and found to consist of committee presentations, conferences, and entertainment. The cost of lobbying in
Virginia was analyzed on the basis of financial statements submitted by lobbyists as well as upon personal compilations and newspaper accounts. Finally, the law regulating lobbying was discussed in order to show those restraints which determine (or should determine) the extent and character of lobbying activities.

II. CONCLUSIONS

"The lobby has yet to live down its past."¹ The previous statement is indeed true, but at the same time, is unfortunate. Lobbying in the General Assembly of Virginia has proven itself to be very helpful. Perhaps a new term for the word "lobbying" should be instituted in order to wipe the slate clean before the eyes of the public. The lobbyist in the Virginia General Assembly is a highly educated, late middle-age, well-paid individual who closely resembles the legislators in terms of education, economics, and character qualities. Lobbying in the General Assembly revolves mainly around committee presentations, conferences, and entertainment. In general, the presentation of reports before committees is highly researched, and as a result, is of considerable value to the legislator. Conferences are held (in most instances) away from the Capitol because of the lack of available office space for legislators. As a result, most conferences are held at a hotel, a party, or a law office. Entertainment is used to a considerable degree, but probably with minimum results. The average legislator in the General Assembly is an attorney who knows when a lobbyist is being sincere and

objective. It is the legislator, in the final analysis, who must pick and choose from the presentations of special interest, a consensus of the general interest. The discussion of the costs of lobbying has pointed out the fact that financial expenditures for lobbying are increasing. There is a greater need for more information that would entail a further breakdown of expenditures incurred both on and off the grounds of the Capitol. The discussion on law points to only one conclusion, if the law is to have any validity and fairness, then it should be enforced. The majority of State Senators in Virginia stated that the present law was adequate if properly enforced.²

In general, there are "bad lobbyists" and "good lobbyists" in the General Assembly of Virginia. The Clerk of the Senate of the General Assembly has stated that all the lobbyists in Virginia were fine men and did a wonderful job.³ The Clerk of the House of Delegates feels that all paid lobbying should be done away with because it reflects only special interests and not the general interest.⁴ There is no doubt that somewhere between these two extremes is the truth.

²Results from questionnaires sent to the State Senators of Virginia.
³Interview with Mr. Ben D. Lacy, Clerk of the Senate of the General Assembly of Virginia, June 16, 1966.
BIBLIOGRAPHY
BIBLIOGRAPHY

A. PRIMARY SOURCES

I. Interviews:


Interview with Mr. Charles A. Tulloch, Registered Lobbyist for the Virginia Hotel and Motel Association, June 23, 1966.

Interview with Mr. Frank R. Dunham of the Division of Statutory Research and Drafting of Virginia, June 28, 1966.

Interview with Mr. Joseph E. Healy, Sergeant at Arms of the House of Delegates, June 30, 1966.

Interview with Miss Martha Bell Conway, Secretary of the Commonwealth of Virginia, June 15, 1966.

Interview with State Senator Edward E. Willey, June 22, 1966.

Interview with Mr. William R. Shands, Registered Lobbyist for the Law Firm of Christian, Barton, Parker, Epps and Brent, June 16, 1966.

Interview with Delegate Charles K. Hutchens, July 16, 1966.

Interview with Delegate R. Maclin Smith, June 12, 1966.

Interview with Mr. Ben D. Lacy, Clerk of the Senate of the General Assembly of Virginia, June 16, 1966.

Interview with Mr. George R. Rich, Clerk of the House of Delegates, June 17, 1966.

Interview with Mr. Shearer G. Bowman, President of the Virginia Highway Users Association, June 23, 1966.

Interview with Mr. Eppa Hunton, Senior Partner in the law firm of Hunton, Williams, Gay, Powell and Gibson, July 7, 1966.

Interview with Mr. Harold McVey, Lobbyist for the law firm of Battle, Neal, Harris, Minor and Williams, June 16, 1966.

Interview with Mr. Irby H. Hollans, Registered Lobbyist for Virginia State Chamber of Commerce, June 16, 1966.

Interview with Mr. Sumpter T. Priddy, Registered Lobbyist for the Virginia Retail Merchants Association, July 12, 1966.
2. **Letters**


3. **Books**


4. **Publications of the Government, Learned Societies, and Other Organizations**


Financial Forms required by the **Code of Virginia** on file in the Secretary of the Commonwealth's Office.


5. **Newspapers**


6. Questionnaires

Questionnaires sent to all state Senators of Virginia.

Questionnaires sent to all the Committee Chairman in the House of Delegates of the General Assembly of Virginia.

Questionnaires sent to twenty Lobbyists Registered with the Secretary of the Commonwealth.
B. SECONDARY SOURCES

I. Books:


2. *Encyclopedias*


3. *Unpublished Materials*


4. *Periodicals*


APPENDIX
Dear Sir:

I am a graduate student as well as a resident of the State of Virginia. This inquiry relates to academic research being conducted at the University of Richmond with regard to lobbyists which are governed by title 30 of the Code of Virginia, and centers primarily on those lobbyists who are registered with the Secretary of the Commonwealth.

Listed below are pertinent questions which I would appreciate your answering briefly and returning by means of the self-addressed envelope. Your answers (along with other State Senators) will be evaluated as a whole. For example, a typical result might be "the majority of State Senators in Virginia favor stricter laws with regard to lobbying."

Let me assure you that your answers will be held in strict confidence and that absolute anonymity will be maintained. Please feel free to comment on the questions or to offer any suggestions.

What quality (or qualities) do you think a lobbyist should have?

Do you think lobbyists are helpful or harmful?

Would you favor stricter laws concerning lobbyists?

Who of the registered lobbyists in Virginia would you regard as the most influential?

What do you feel is the most effective means that the lobbyist can use? (Letters? Person to person contacts?)

Would you consider your attitude toward lobbyists as friendly, hostile, or neutral?

What percentage of bills that are finally passed would you attribute to the handiwork of lobbyists?

What part of the legislative process do you feel is given the greatest attention by Virginia lobbyists? (At the committee hearings? During the session? Before the session begins?)

I would deeply appreciate your cooperation concerning this academic research.

Sincerely yours,

John Rowland Davis
Dear Sir:

I am a graduate student as well as a resident of the State of Virginia. This inquiry relates to academic research being conducted at the University of Richmond with regard to lobbyists which are governed by title 30 of the Code of Virginia, and centers primarily on those lobbyists who are registered with the Secretary of the Commonwealth.

In earlier research involving the State Senators of Virginia it was generally agreed that lobbyists concentrate their greatest attention at committee hearings. Being a committee chairman yourself, would you please answer briefly the pertinent questions listed below and return your answers by means of the self addressed envelope. Your answers (along with other committee chairmen) will be evaluated as a whole. For example, a typical result might be "the majority of committee chairmen in the House of Delegates favor stricter laws concerning lobbyists."

Let me assure you that your answers will be held in strict confidence and that absolute anonymity will be maintained. Please feel free to comment on the questions or to offer any suggestions.

Do you feel that lobbyists are helpful in committee hearings? (or are they a disruptive influence?)

What percentage of bills reported out of committees would you attribute to the handiwork of lobbyists?

Do you feel that lobbyist activities increase as the adjournment date approaches?

Would you favor stricter laws concerning lobbyists?

Please list next to the appropriate lobbyist the type of legislation or bill in which the lobbyist has (or has had) an interest in which you can recall from memory.

Mr. David J. Mays
Mr. J. Randolph Tucker Jr.
Mr. David Meade White
Mr. Ralph H. Ferrell Jr.
Mr. William L. Winston
Mr. J.W. Doswell
Mr. Sumpter T. Priddy

I would deeply appreciate your cooperation with regard to the above questions.

Sincerely,

John Rowland Davis
Dear Sir:

I am a graduate student of government as well as a resident of the State of Virginia. This inquiry relates to academic research being conducted at the University of Richmond with regard to lobbyists which are governed by title 30 of the Code of Virginia, and centers primarily on those lobbyists who are registered with the Secretary of the Commonwealth. Listed below are pertinent questions which I would appreciate your answering briefly and returning by means of the self-addressed envelope.

Your answers will be evaluated as a whole and will be held in strict confidence. Absolute anonymity will be maintained.

Age ____________________
Place of residence _____________________
Occupation _________________________
Income (5 to 10 thousand, 10 to 20, or more?) ___________________
Have you ever served in the legislature in any manner? __________
Political preference? __________
Have you ever served in any public office? __________
How many years have you been a lobbyist? __________
Time spent lobbying during the session (full, ½, or less?) __________
Time spent between sessions (full, ½, or less?) __________

Would you say that as a lobbyist you spent most of your time:
(1) Talking to legislators?
(2) Appearing before legislative committees?
(3) Keeping your organization informed?

Do you consider your activities as a lobbyist to be centered on:
(1) Keeping on friendly terms with legislators and making contacts?
(2) Informing legislators and committees?
(3) Acting as a watchdog and reporting the developments to your employer?

I would deeply appreciate it if you would help me out on this research because it will form a vital part of my thesis.


Sincerely,

John Rowland Davis
FORM OF EXPENSE ACCOUNT PRESCRIBED BY THE SECRETARY OF THE COMMONWEALTH AS PROVIDED BY SECTION 30-28.5 of the CODE OF VIRGINIA

Name of Employer

Name of Legislative Counsel or Agent

Compensation paid Legislative Counsel or Agent

If on Retainer amount allocated to lobbying

If on Annual salary amount allocated to lobbying

EXPENSES OF LEGISLATIVE COUNSEL OR AGENT, PAID OR ASSUMED BY EMPLOYER, SHOWING:

Total amount of hotel bills and expenses of like nature...........

Total amount of traveling expenses

Total expenses of correspondence including messages by telegraph and telephone

Miscellaneous

I do solemnly swear that the foregoing statement is true.

(Signed)

If corporation, the above must be signed by the president or treasurer

Sworn to and subscribed before me by

this the day of 19

My commission expires 19

Note: The law requires that this form be executed by the Employer.
Section 30-28.2 of the Code of Virginia, requires that the information requested below be furnished the Secretary of the Commonwealth for the LEGISLATIVE DOCKET

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<th>Name of Legislative Counsel or Agent</th>
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Date ___________________________ Signature of Legislative Counsel

The law requires a filing fee of $5.00. Please make check payable to the Treasurer of Virginia.
Mr. John Rowland Davis  
Colonial Court Apartments  
11-C Vintage Drive  
Richmond, Virginia  

Dear Mr. Davis:

I have your letter of June 20, 1966, relative to your study in regard to lobbyists. You will see from the enclosed card that I am unable to give opinions except to certain specified State officials. Therefore, anything in this letter is completely informal.

So far as I am advised, there has not been a conviction under the lobbying statutes of Virginia. I find no record of a reported case, but, of course, the penalties might have been so small that there was not an appeal or any record kept of such a case. However, I have no knowledge of one.

The question of whether or not there should be a fine for each day of late filing is a matter for consideration by the General Assembly, and I do not care to express any personal opinion on it.

Under Section 30-28.1 of the Code of Virginia a "person" is defined. There has been no interpretation or ruling so far as I am advised as to whether or not the head or employee of any State department, agency or division would be considered to be covered by the act as adopted in 1964. You might contact Miss Conway, with whom the lobbyists register, as to whether or not she required them to do so at the 1966 session of the General Assembly.

Very truly yours,

Robert Y. Button  
Attorney General