

## **Joan Claybrook Looks Back, and Ahead**

Public Citizen President Joan Claybrook announced on December 9 that she was stepping down after 27 years heading the storied consumer and government ethics advocacy group founded by Ralph Nader in 1971. Claybrook rose to national prominence during her tenure as head of the National Highway Traffic Safety Administration during the Carter administration, in large part thanks to her tenacious efforts to make air bags standard equipment on all cars. But her Washington career actually began much earlier. She started as a congressional aide in 1965, and spent four years at the Department of Transportation before joining Public Citizen at its inception and launching its lobbying arm, Congress Watch.

*National Journal* Staff Correspondent Julie Kosterlitz asked Claybrook to reflect on her career. Below are edited excerpts of their December 10 conversation.

### **NJ: You've been pushing consumer and government ethics reforms for more than three decades. How has Washington changed during the time?**

Claybrook: When I came to Washington in 1965 there were no consumer lobbyists, except Ralph Nader on autos, no environmental lobbyists, not a huge number of industry lobbyists, [mostly] just the big guys. They were relatively modest in number. There were no campaign finance reform laws. Not infrequently I heard about lobbyists giving cash in envelopes to members, so that was their campaign finance law.

When I joined Public Citizen in 1971, Ralph Nader wouldn't pay for any Xerox machines, which were relatively new then. So we used carbon paper or that purple ink stuff [mimeograph machines.] The secretary who handled all the typing for seven lobbyists would only type it once, so you had to get it perfect before you handed it to her. The good thing about that training was that it got us to put everything on one piece of paper when we were writing to members of Congress. I teach people to this day: If you give a member one or two pieces of paper, they fold it and put in their pocket or their handbag. If you give them a big fat thing, they hand it to their staff. So I had these dreams about how members would go home and pull it out and put it on the bureau and say, "Oh my God, I'm going to have to read this."

Nader paid his lobbyists \$5,000 a year – the same price that law firms would pay new graduating law students – so all these wonderful, smart people came to work for Ralph [because it was] much more fun. The law firms upped [starting pay] to \$8,000, then \$13,000, then up to \$18,000. Now it's \$170,000. [compared to Public Citizen's starting pay of] \$36,000.

### **NJ: Is this now a cleaner, more democratic town than when you came?**

Claybrook: Citizens had much less impact than they do today, in large measure because they can now easily get letters sent in to their members of Congress. They've also become more activism-oriented. The '60s did that: The March on Washington, picketing members' district offices and all that. [Back when I came] the only ones who had organized power were the businesses. There was no public funding of presidential election—that really did make a big difference while it worked. It has got to be fixed now.

I remember the memo written in 1971 by former Supreme Court Justice Lewis Powell – who had been head of the Chamber of Commerce legal office – before he went on the Court. It's a very famous memorandum, because in it he [charges] that the consumer movement is taking over; that we have inroads to journalists and students, and that we're a powerful force, meaning mostly Ralph Nader. He said that business had to get organized and put money into influencing the media, into educational institutions to influence students, and he said that businesses had to have vice presidents for lobbying and communications --which they all do, of course, now, and they really didn't before. He said that they had to fight back against the passage of laws that limit and regulate business otherwise we were going to rule the world.

We didn't realize how powerful we were until we read the memo. [But] starting in the early '70s, business really did react.

**NJ: How much did that business backlash affect the consumer movement?**

Claybrook: It has been much harder to pass legislation since the middle '70s, there's no question about that, and particularly tough to pass regulatory statutes. Since 1976 the presidency has been held by a Democrat for only 12 out of 32 years. It's been a very tough go.

**NJ: Has business lobbying gotten more sophisticated?**

Claybrook: It's really about money. The business guys will hire one lobbyist at \$20,000 a month just to influence the chairman of the Ways and Means Committee. Huge amounts are spent on lobbying [not even counting] grassroots lobbying, which is still not regulated, even in terms of reporting [expenditures.]

**NJ: What are the top five items of unfinished business for the consumer movement?**

Claybrook: Getting rid of arbitration clauses in contracts, which say consumers can't go to court, they can only go to arbitration. Most arbitrators find for businesses so the consumer rarely ever wins. That's a huge issue.

The Consumer Product Safety Commission, which got big uplift [from legislation passed] last year, still can't issue regulations in an effective way. They have to go through all sorts of processes, and allow voluntary standards.

Transparency is still very weak. The Freedom of Information Act is a wonderful statute but it's not generally abided by at the agencies in a timely manner. You really have to sue in many cases, and there's not enough capacity for all the suits that need to be brought. The Attorney General's memorandum which will come forward from the Obama Administration could be very potent and important in changing the way agencies handle Freedom of Information requests.

The other thing –and I think Obama is [changing] this—is that lots of agencies are still not putting all material information on the web. Recalls and all the defect backup information is not on the web at the National Highway Traffic Safety Administration. We had to sue them to make available early warning information from manufacturers. [That took] three or four years. We finally won in July, and the information was posted in September.

**NJ: What's the unfinished business in campaign finance reform?**

Claybrook: We have to upgrade the public financing system and [extend it to] Congress. We have legislation and lots of good lawyers who worked on it. [The fixes include] a larger match of [a candidate's funds]: four-to-one instead of two-to-one, and giving the money earlier, so it kicks in when the campaign gets started, rather than on January 1 of the election year.

**NJ: You don't think President-elect Obama's record campaign fundraising was the death knell for public financing?**

Claybrook: He really did an unbelievable job, but I still think [public financing] is very relevant. It is important to have the system upgraded so that it is a model for public funding of congressional elections.

**NJ: Does campaign finance reform really limit the influence of money, or just force those with money to get more creative? Unlimited "soft money" contributions to the political parties has been banned, but large donors can still give to influence elections through outside groups—such as the so-called 527s and 501(c)(4)s.**

Claybrook: The soft money reform is huge. It has been great in [curbing] misuse of the political system, and corruption. There are always other ways people dream up of doing these things. But with public financing, those are less important.

**NJ: Obama has promised to change business-as-usual by keeping special interests at arm's length. Do you think he can, and will?**

Claybrook: Yes, I think so. We're working with him on executive branch ethics rules. We would like to see those adopted in such a way that they don't just disappear after the president leaves office, or – as in the case of Clinton – before he leaves office.

We're looking at something similar to the Clinton Administration rules [banning high-level officials from lobbying the administration for a certain period after leaving]. Not five years, but a significant period, as well as limitations on negotiating for a job. We'd like to see that enacted into law.

**NJ: Do Obama's people support that?**

Claybrook: I don't know yet.

**NJ: But they've been open to discussing these matters?**

Claybrook: Definitely.

**NJ: Do you think being a lobbyist should disqualify someone from working in the administration?**

Claybrook: I don't think they should not hire people because of it ...but they should look more closely at their activities. I think that passing the smell test is the way they will handle it in the end. Keeping the lobbyists out of the transition is a really good idea. Too often all these corporate lobbyists who are Democrats arrive and get their fingernails into the transition, get buddies appointed, and then have a large measure of influence over regulatory bodies.

**NJ: What about a group like the Center for American Progress, whose top officials have a key role in the transition? Should it have to disclose where it gets its money?**

Claybrook: My own view is that any institutional donor should be required to be disclosed, but I don't think that should apply to individuals, because the push-back could be very significant. We don't disclose our members, because I've been in situations where some have been disclosed and the individual is barraged by some interest group mad at us—the trucking industry or whatever—and they try to defund the organization.

**NJ: Who will take the helm at Public Citizen?**

Claybrook: There is a search on, and we're anxious to get any and all applications.

**NJ: What are your plans after Public Citizen?**

Claybrook: I don't know what I'm going to do. I haven't had time to figure out and I didn't want to take the time until I announced my departure, because I felt that wouldn't be fair to Public Citizen.

**NJ: Do you plan to stay in the public-policy mix?**

Claybrook: Definitely. I'm a committed wonk.

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