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Nonprofit Groups Seeking Exceptions to Lobby Rule

By **PETER BAKER**
Published: April 20, 2009

WASHINGTON — When it came time for [President Obama](#) to pick a human rights chief, many around him thought Tom Malinowski was the obvious choice.



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Kim Jun-Ho/Yonhap
Tom Malinowski, the Washington advocacy director for Human Rights Watch.

As the Washington advocacy director for [Human Rights Watch](#), Mr. Malinowski has fought slaughter in Darfur, repression in Myanmar and torture in the United States. He served in the State Department and on the [National Security Council](#) under the last Democratic president. But he had one liability: he was a registered lobbyist.

The fact that Mr. Malinowski lobbied on behalf of genocide victims rather than military contractors, investment firms or pharmaceutical companies made no difference. Mr. Obama's anti-lobbyist rules do not distinguish between those who advocate for moneyed interests and those who advocate for public interests, and so Mr. Malinowski was ruled out. But in the process, he has become the symbol of a deep discontent among many Democrats over Mr. Obama's policy.

"It's an outrage," said Stephen Rickard, executive director of the Open Society Policy Center, an advocacy organization. "Tom is one of the most effective and dedicated human rights activists in Washington, and you could get 20 people to say that. It's extremely unfortunate that Tom and people like Tom can't be brought in to use their talents."

The dispute over the policy underscores the tension between the grand gestures of the campaign trail and the undesired consequences once in office. As a candidate, Mr.

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Obama presented himself as a reformer who would purge Washington of the insidious influence of special interests. As president, he has found some of his own supporters among those purged.

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Although Mr. Obama has issued a few waivers to allow activists to work in his administration, the broad sweep of his rules points to the lasting damage of the scandal surrounding the powerful lobbyist [Jack Abramoff](#), who pleaded guilty in 2006 to fraud, tax evasion and conspiracy to bribe public officials. The assumption underlying the Obama policy, critics say, is that all lobbying is suspect, even legitimate advocacy at the heart of a democratic process.

"It wasn't a problem of too much democracy," said Larry Ottinger, president of the Center for Lobbying in the Public Interest. "It was a problem of money corrupting politics."

David J. Kramer, who was President [George W. Bush](#)'s assistant secretary of state for democracy, human rights and labor, the job Mr. Malinowski did not get, said, "It does not make sense to me to bar someone who lobbied not for personal or corporate gain but for the greater good, particularly when loopholes have been made for people in industry."

A coalition of nonprofit groups has started a campaign to exempt lobbyists for charitable and social welfare organizations that have tax-free status, meeting with presidential aides and sending them a package of ideas for rewriting the policy. Some senior officials privately agree with the effort, concluding that they are hurting the administration by effectively barring people who lobbied on behalf of human rights, environmental and consumer causes espoused by Mr. Obama.

But White House officials said there had been no internal debate on the matter and flatly dismissed the proposals, adding that they would not consider any changes because it would start the administration down a slippery slope of declaring some lobbyists acceptable and others unacceptable.

"You can't have a value judgment," said [Rahm Emanuel](#), the White House chief of staff.

[David Axelrod](#), the president's senior adviser, said Mr. Obama understood the tradeoff. Public trust in government is so fragile, he said, that it was important to stick to the campaign promise.

"It's painful," Mr. Axelrod said. "There are a lot of good people out there who are philosophically simpatico with us and are very skilled and would be very valuable to us."

But, he said, "you can't have carve-outs for lobbyists you like and exclude those that you don't. It would be very hard for people to understand that distinction. This is one of those cases where we've had to sacrifice the help of a lot of very valuable people."

Mr. Obama signed his lobbying order on his first full day in office, banning anyone who was a registered lobbyist from working for any executive agency they had lobbied in the past two years or in any other agency on an issue they had lobbied on in that time. As a practical matter, the order meant that most registered lobbyists could not take jobs in their areas of expertise. The policy was praised as "groundbreaking" in a letter from groups like [Common Cause](#) and the [League of Women Voters](#).

The White House has granted three waivers, the first to William J. Lynn, a Raytheon lobbyist who became deputy defense secretary. The other two went to Cecilia Muñoz of the National Council of La Raza, who is now White House director of intergovernmental affairs, and Jocelyn Frye of the National Partnership for Women and Families, who is now [Michelle Obama](#)'s policy director.

The Lynn waiver provoked criticism because a lobbyist for a military contractor seemed exactly what the policy was aimed at, but Mr. Obama argued that Mr. Lynn was uniquely



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qualified. Since then, the administration has eschewed waivers. Among those left out of jobs are people like Mr. Malinowski. He declined to comment.

The coalition of groups protesting the policy said Mr. Obama's stance was actually hurting transparency by discouraging people from registering as lobbyists. Some nonprofits registered many staff members even if they did little lobbying, but now, the groups said in an April 9 letter to Mr. Obama, the attitude has changed from "when in doubt, report" to "don't report unless clearly required."

The issue has pitted longtime friends against each other. Norm Eisen, the White House special counsel for ethics, is in charge of enforcing the policy. On a White House blog, he called the restrictions "some of the toughest ethics rules ever imposed" to stop those who go through "the revolving door between government service and the private sector in order to achieve personal gain at the expense of the public interest."

Before joining the White House, Mr. Eisen co-founded Citizens for Responsibility and Ethics in Washington — a group that is now part of the coalition protesting his policy.

"Their denigration of lobbyists sounded great on the campaign trail, but it's a lot harder to govern with it," said Melanie Sloan, the executive director recruited by Mr. Eisen. "They've let the political call of being anti-lobbyist get in the way of how things really work."

A version of this article appeared in print on April 21, 2009, on page A1 of the New York edition.

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