

The New York Times

Courting Favor

BY ERIC LIPTON

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If you thought corporate lobbying couldn't get any worse, think again. All-out lobbying has spread from legislative chambers into the state attorney general's office all across the land. Too many of those who call themselves "the people's lawyers" turn out to be another tribe of elected politicians to be catered to.

Eric Lipton, a reporter for The New York Times, captured the lobbyists at work and play in a nine-month investigation that accomplished what no journalist had ever succeeded in doing: to show in irrefutable detail how corporations sway and co-opt the very state officials elected to protect consumers and individual citizens.

Through Lipton's eyewitness reports, we saw Republican state attorneys general sitting around the pool at the posh Hotel del Coronado in California schmoozing with corporate lobbyists, who had paid \$125,000 to join in. They ate and drank together on the beach. They sailed, they played cards. And all of it was behind resort gates that required special key card access.

The coziness is apparently bipartisan. At a 2013 Democratic fund-raiser in Santa Monica beside the Pacific, a Dickstein Shapiro lawyer informed the Missouri attorney general of his staff's investigation into deceptive advertising by 5-Hour Energy, represented by Dickstein. The attorney general reached for his phone and stopped the inquiry in its tracks.

Lipton found:

- Lobbyists and lawyers are using campaign contributions, personal appeals at corporate-sponsored conferences and other forms of favor to persuade attorneys general to drop investigations, change policies, negotiate sweetheart settlements or pressure federal regulators.
- In at least a dozen states, attorneys general are working, often in secret, with energy companies and other corporate interests that they are charged with regulating. Those companies and their executives have, in turn, provided them with millions in campaign donations. One stunning instance of stealthy collaboration: the imploring letters that Oklahoma's attorney general dispatched to the head of the Environmental Protection Agency, the Interior secretary and President Obama himself were actually written by lawyers for one of Oklahoma's biggest oil and gas companies.
- Biased drafting services are common. A coal company lobbyist handed West Virginia's attorney general proposed legislation, written by company representatives, to block new Clean Air rules. The measure passed.
- Former attorneys general frequently become lobbyists, and several have become brokers in a new business. They introduce state attorneys general to plaintiffs' law firms that are eager to join the state in pursuing cases, hoping to share in big-dollar settlements. In exchange, the plaintiffs' lawyers pump millions of dollars into the campaigns of those attorneys general.

Because of Lipton's series, "Courting Favor," investigations were begun in Missouri, Rhode Island, Florida and Washington State. The attorney general of Missouri vowed he would no longer accept gifts from lobbyists or contributions from companies with cases before his office. In Washington, legislation was introduced to bar former attorneys general from lobbying state officials, and the New York attorney general urged the Democratic Attorneys General Association to bar contributions from companies under investigation.

In addition, during a closed-door meeting of the National Association of Attorneys General in December, officials voted to stop accepting corporate sponsorships. A White House ethics lawyer under George W. Bush has asked the American Bar Association to prohibit attorneys general from discussing continuing investigations or other official matters while participating in fund-raising events at resort destinations. (The impact of this work is detailed in the Supplementary portion of this entry.)

The series on attorneys general was only part of Lipton's searching body of work on new and alarming lobbying tactics. In other articles, he disclosed:

- Laws that bar corporate lobbyists from giving legislators gifts are being circumvented: Political organizations now pay to feed and lodge the lawmakers at posh resorts where they meet lobbyists — and then are indirectly reimbursed by the companies.
- Foreign governments are trying to influence United States policy by pouring tens of millions of dollars into nonprofit think tanks (like the Brookings Institution), seeking to skew policy reports in their favor.

This project was nose-to-the-grindstone reporting. Through open-records laws, Lipton obtained 8,000 pages of emails between corporate representatives and attorneys general. He reviewed documents by the thousands and conducted interviews by the hundreds to complete the picture. When attorneys general refused to disclose emails, Lipton filed appeals and prevailed.

Lipton made an airtight case by relying on the players' own words to show how the lobbying worked and how effectively. These records are rarely public, and lobbyists in many states are not required to register, so no journalist has ever examined this practice in such detail before.

Beyond combing records, Lipton traveled to conferences, where he got to know attorneys general (present and past) and lobbyists and persuaded them to fill in stories, transforming chains of emails into a compelling narrative.

To complete the picture, Lipton used disclosure records to show how the Republican Attorneys General Association had quadrupled its contributions in just four years — a period that coincided with the officials' unprecedented alliance with industry.

Lipton's reports were rendered rock-solid by an extensive online presentation — hundreds of pages of original documents, in the best "show me, don't tell me" tradition of journalism. They included emails, letters, photographs and copies of invitations to attorneys general for resort-destination conferences. The Times annotated these materials, put them in chronological order, and showed how secret lobbying campaigns unfolded in real time. The documents became a source for reporters around the country, who wrote dozens of articles of their own.

What is clear, as some current and former state attorneys general now concede, is that Eric Lipton's revelations have changed the world in which they operate. Attorneys general are already debating whether they need a new code of ethics intended to avoid even the perception of a conflict — including banning contributions from companies targeted in investigations.

Thanks to Eric Lipton, the days when no outsider was aware or watching are over. We proudly nominate this work for the Pulitzer Prize for Investigative Reporting.