



LOBBYING LESSONS

Sophie E. Smyth

IT'S POSSIBLE TO CHANGE THE LAW. But it takes tenacity, and a little luck helps too.

In fall 1983, I accepted a job offer that I was thrilled to get: a judicial clerkship with Judge Hugh Bownes on the First Circuit Court of Appeals. I was thrilled at the thought of having this bird's eye view of the judicial process. At 24, it seemed as close as I could get to landing on the bench myself, something I was unlikely to do for a very long time, if ever.

The offer was especially sweet because I was an unlikely candidate to receive it. Born and raised in Ireland, I studied law in Ireland and England, where judges don't have clerks. The idea of applying for a clerkship first hit me while I was studying American constitutional law at Oxford. When I heard that American judges hired freshly minted law graduates as clerks to help them write decisions, I decided that was what I was going to do. Upon graduation, I came to the U.S., talked my way into an American law firm and applied to judges from there. Eighteen months later, I had the judicial clerkship offer in hand.

About five days after making the offer, Judge Bownes called to check my citizenship. He'd been informed by the Administrative Office of the Courts that Irish citizens were not eligible to serve as federal judicial clerks. Perhaps, he suggested, I had dual citizenship? I hadn't, and I was stunned. It had never occurred to me that an ob-

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stale unrelated to my abilities might block my way. The judge gave me two weeks to try to sort things out.

My first step was to find the offending rules. They were buried in the U.S. Treasury and Postal Service Workers Act. It mandates that only U.S. citizens may be paid using federal funds.

But there was a saving grace. The Act contains a list of exceptions. Citizens of other NATO countries, and citizens of Israel, for example, are exempted. After all the Irish had done for the U.S., I thought, there is no reason why citizens of Ireland shouldn't be exempted too.

Confident he would agree, I wrote to then-Speaker of the House Tip O'Neill, pointing out what I said was an inadvertent discrimination against the Irish. I suggested he secure an amendment adding "citizens of Ireland" to the list of those exempted. Off I went to Capitol Hill, letter in hand, expecting to meet Tip O'Neill and to put my case to him in person. My heart sank when I got to his office and met, not O'Neill, but a sturdily built, blond administrative assistant with a square, Anglo-Saxon chin.

The assistant was polite, but he fingered my letter delicately as though it were vaguely unclean. When he finally deigned to open it, he said it looked "more like a book than a letter." I knew that as soon my back was turned, he would toss it. So I called the judge to withdraw. As a last-ditch thought I asked if he'd give me the job the following year if something changed. He said he would.

Back at my law firm job, dejected, I told my boss what had happened. He urged me to talk to one of the firm's senior partners, Bill Geoghan, who was well-known for his connections. I was intimidated. Tip had a Santa-like persona; senior partners generally did not.

But Mr. Geoghan chuckled on hearing of my visit to the Hill. "Give me a copy of your letter," he said, "and I'll bring it to the golf club tomorrow. I'll be seeing [O'Neill] and Ed Boland there." I couldn't quite picture some unknown Ed perusing my letter over a gin and tonic at some golf club. But I gave Mr. Geoghan my letter. I later learned that "Ed" was Congressman Ed Boland, and the golf club was the Burning Tree Golf Club, a popular haunt of Washington's movers and shakers.

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Mr. Geoghan called me the following Monday. “[Boland] is going to see what he can do,” he said, “Sit tight.” I did.

Five months later, I was summoned to Mr. Geoghan’s office. “Good news,” he said, “Boland’s office has been on the phone. They’re going to amend the statute. ‘Citizens of the Republic of Ireland’ will be added to the list of exceptions.”

I was amazed. So was the judge when I called to tell him the news.

I’ll never forget going home from work that day. I was springing along, not walking. The sidewalk felt like air beneath my feet. I couldn’t have stopped smiling if I’d tried, a huge broad grin stretched from ear to ear. Everyone I passed smiled back. “This is an amazing country,” I said to myself. “Americans are wonderful people.” The sheer improbability made the amendment seem like a good omen. From that point on, any doubts I’d had about what country I should be in vanished; the Gods had spoken, I was where I was supposed to be.

The news warranted a call home to tell my parents what had happened. They were fuzzy about what exactly a judicial clerkship was but they did get the fact that some extraordinary measures had been undergone for me to have one. Indeed, by the time my mother had recounted the news to her friends, word had it in my home town in Ireland that “Sophie had obtained an amendment to the American Constitution!”

Now, many years later, the memory still prompts that smile. And I make a point to tell students about it. Why? Because the story has important pointers for their future lives, and mine. First, to persevere and be brave enough to ask for help. (It can come from unexpected places.) Second, to read statutes VERY carefully (they are law students after all). Third, to use whatever privileges and opportunities they end up with to help others out when they can. What goes around comes around. The world’s a warmer place that way.

