

American Small Business Families Can Affect the Legislative Process®

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I met Vice President Joe Biden on the Amtrak train, just two working stiffs going to work. He was Senator Biden then. In this era of extreme political rancor, abject distrust of Congress and favorability ratings of legislators at all time lows, it is almost unheard of to find a lawmaker who is engaged with the working class. This is the story of an American small businessman and a responsible, sincere legislator who kept an industry on the tracks. All aboard.

Small businesses – especially the self-employed Mom & Pops – don't have a separate staff member to perform each function in their companies. Everyday, business owners provide their service, create their product, meet with clients, balance their checkbooks, learn new software and solve personnel issues. Open the bathroom door and you'll find them fixing the toilet. We are American small business people, working hard for a living.

Due to distance, lack of political know-how, intimidation or trepidation, most small business people are not traveling to Washington to ameliorate legislation that negatively affects their particular small business or industry. Nevertheless, once in a while, you will find us on Capitol Hill trying to save our industries from the relentless onslaught of federal regulation.

Back in the 1990's, it was The Violent Crime Control and Law Enforcement Act, also known as the Biden Crime Bill, which was causing problems for the process service and investigative professions. California Senator Barbara Boxer added an amendment after actress Rebecca Shaeffler was shot and killed in her home by a stalker named Bardo. It was a tragic circumstance but so was the legislative response.

A Nevada private investigator accessed California driver's license records and provided Schaeffer's home address to Bardo. This prompted Senator Boxer to try to ban P.I.'s and process servers from access to driver's records. It is access to public records that enables these professions to help people and keep the court system running smoothly. The investigator who gave Bardo the information was a rogue who did not follow industry best practices. My community of investigators and process servers maintains ethics and professional standards. I just needed to get someone on Capitol Hill to understand the ramifications and adjust the bill – a long shot. So, on the train I went from Trenton, New Jersey to Washington, D.C.

Each time I take these legislative trips to D.C., I always admire the beautiful architecture of Union Station and take the awe-inspiring walk over to Capitol Hill. Though I've made these legislative forays numerous times, it is still a daunting task. My plan was simply to go see legislative aides and try to make something happen.

The Amtrak train pulled into Wilmington, Delaware. I was having my coffee and reading the Wall Street Journal as the passengers were boarding. The train lurched forward and I looked over my right shoulder, then back to my paper. My head shot back over my shoulder. Senator Biden – the chairman of the Judiciary Committee – just got on the train. What do I do? Go talk to him? Leave him alone? I wasn't sure what to do as he sat down and opened up his copy of the Wall Street Journal. The small businessman part of my brain awakened from the relaxation of the clickety-clack. I put my paper down, took a gulp of my coffee and walked down the aisle. *“Excuse me, Senator Biden. My name is Alan Rosenthal. May I speak with you for a moment?”*

Senator Biden folded his paper and greeted me with a big smile and a firm handshake. We were on the same train that took him to work and back home at night, the one he would later talk about on the Obama-Biden campaign trail. In the fifteen minutes that we spoke, he never picked up his paper, looked at his watch nor fidgeted. He listened to me as I explained the issue and asked a few questions. He was educating himself by listening to someone who actually worked with the issue. Senator Biden took out a business card. On the back, he wrote the name of someone to speak with in his office. We shook hands as he handed me the card and I went back to my seat to prepare for my first stop on Capitol Hill – Senator Biden’s office.

I was grateful for the Senator’s time and his willingness to engage in a conversation with some unknown businessman on his commute. Still, I figured the name he wrote down on his card would be that of yet another legislative aide who would kindly listen to me for five minutes, thank me for coming by, shake my hand and forget me and everything I just told him.

Lobbying on Capitol Hill is hectic and energizing. The labyrinth of cold, marble hallways is offset by the warmth of congressional staff. It is exciting to chit-chat with congressmen and women on the Capitol subway. It makes a common man with a decent argument and a legitimate view feel like he can actually change the world. At the same time, it is humbling. Whether or not I succeeded in changing the world, I participated in the process and that was much more exciting and life-affirming than simply writing a letter or pulling a lever.

‘Joe Biden Delaware’ read the plaque on the door in the Russell Building. I asked for the legislative aide whose name was on the back of the card. He turned out to be Senator Biden’s Chief of Staff. Senator Biden’s office staffers were exemplary of professionalism and grace, another indicator of the character of the man I met on the train.

“Hello, my name is Alan Rosenthal”

“Yes, Mr. Rosenthal. We’ve been waiting for you.”

Somewhat surprised, I responded, “Pardon me?”

“Senator Biden called and said you would be coming by.”

Mr. Biden listened to the small guy who had neither money nor power. Occasionally, a legislator will actually consider facts and ramifications when making rules. These impromptu meetings usually last no more than five or ten minutes. Well over an hour later, having met with the Chief of Staff and two other staffers, I left the senator’s office. I was successful in having the wording in the amendment changed which then exempted private investigators and process servers from the deleterious provisions of the Boxer amendment. Others in my industry contacted the members on the other side of the aisle to build support for the change. All it cost me was a train ride to the nation’s capitol to participate in the legislative process.

Some rule makers take their cues only from K Street or their wealthy constituents. While we view lobbying and the gridlock in Congress with disdain due to the big-money of large corporations, one should not forget Mom & Pops. These honorable American Small Business Families are also threads in the American legislative fabric. Small Business Families bring value in their skills, experience and history to their industries, clients and to the nation. These true small businesses – micro-businesses – represent the hopes, dreams, struggles, failures, successes and Phoenix-like rebirths of the American way of life. Mom & Pops are the raw cotton woven into the ever-growing American patchwork quilt. America would be an even better country if our legislators remembered the Mom & Pop roots of the nation.

Most small business families don't need a bailout or backstop. We don't need the government to provide a program or a living for us. We require neither bureaucracy nor an act of Congress. We require not one dollar of stimulus funds. We'll make our own money. We are American Small Business Families. We just want to be able to work for a living. We only ask that our industries and our jobs be respected with honor given to the American Small Business Families who are the backbone of the American economy. We want a level playing field. We want federal and state legislators and agencies to get out of the way and stop muzzling the oxen in the field. Joe Biden hails from a working family and still understands these concepts. I can only hope that all lawmakers will embrace this foundation and live up to Mr. Biden's legacy.

Alan J. Rosenthal has been a small business owner since 1981. A third generation, small businessman, he grew up in a small family retail clothing business. Both of his parents grew up in small retail businesses began by their parents who immigrated from Russia and Poland in the early 1900's. Alan served on the Legislative Affairs Committee of the Princeton Area Chamber of Commerce. He was a Regional Director of the National Council of Investigative & Security Services, serving as the Chair of the Ethics Committee and member of the Legislative Affairs Committee. Alan was a board member of the National Association of Professional Process Servers, serving on the Legislative Affairs and Arbitration & Grievance committees. As a private businessperson, Alan provided research and consulting for the North Carolina Joint Regulatory Reform Committee.