

Issues of Democracy

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Advocacy
in America

From the Editors

Advocacy in America

This journal focuses on the role of issue advocacy groups—sometimes called public interest groups—in a democracy. These groups are formed by citizens who band together to argue the case for a particular cause before their fellow citizens and their elected representatives.

Issue advocacy is a narrower term than lobbying, which is more broadly used to include all private as well as public interests that seek to influence government. In other words, the term lobbying usually describes the activities of corporations and labor unions in defense of their economic interests, in addition to the championing by citizen groups of particular causes in which they may not have a vested economic interest.

Perhaps the most important feature of lobbying in the United States—whether public or private interests are involved—is that it is constitutionally protected under the First Amendment, although strict laws and rules govern the activity. From the ear-

liest days of the Republic, lobbying has been safeguarded and even encouraged, and court decisions have consistently upheld its legitimacy.

The political and philosophical justification for lobbying even precedes the ratification of the Constitution. James Madison, one of the Founding Fathers, discusses the issue in *The Federalist Papers*, the series of essays that he wrote with Alexander Hamilton and John Jay to encourage the states to ratify the Constitution as the governing principle for the country.

Madison concluded that, on balance, lobbying groups are essential to any real democracy and that constraints, if needed, should be achieved by encouraging full competition among groups and by implementing checks and balances through law and other means.

So long as that competition exists, lobbyists can provide important benefits to the political system, particularly in terms

of expertise and knowledge. This point has been stressed through the years by politicians of all political stripes, but perhaps most emphatically by John F. Kennedy.

Writing in 1956, before he was elected president, Kennedy made the case for the role of lobbyists. “Lobbyists are, in many cases, expert technicians and capable of explaining complex and difficult subjects in a clear, understandable fashion,” he said. “They engage in personal discussions with members of Congress in which they can explain in detail the reason for positions they advocate.... Because our congressional representation is based on geographical boundaries, the lobbyists who speak for the various economic, commercial and other functional interests of this country serve a very useful purpose and have assumed an important role in the legislative process.”

At the time Kennedy expressed that viewpoint, most lobbying groups represented economic interests, mainly corporations and labor unions. Since the 1960s, however, there has been an explosion in the issue advocacy or public interest group universe.

Organizations representing civil rights, the environment, consumer safety and protection, healthcare and other issues have catapulted into the spotlight, partly because of the federal government’s own involvement in these issues which expanded greatly during and after President Lyndon Johnson’s “Great Society.”

Two of the newer groups are umbrella organizations that deserve special mention for their size and influence—Common Cause, which has fought for a wide range of causes including improved government ethics and reforming Congress, and Public Citizen, a conglomeration of interest groups headed by Ralph Nader, which attempts

to influence public policy on everything from the environment to regulatory reform.

The U.S. experience with lobbying in general has received a mixed verdict from the American people and students of the U.S. political system. Some remain skeptical of the activities of lobbyists and feel that these powerful groups unduly influence elected representatives, particularly through campaign contributions. Others feel that lobbies are an essential component of any efficient democracy when adequately regulated.

Whatever their viewpoint, few Americans would deny the right of lobbyists “to petition the government for a redress of grievances,” in the words of the First Amendment to the Constitution. To meet the concern about undue influence, successive administrations and Congresses have sought to exercise greater control over lobbying activities.

A number of legislative initiatives have been passed during the Clinton administration, most significantly the Lobbying Disclosure Act (1995), the subject of an article in this journal by Senator Carl Levin (D-MI), a principal proponent of the act. Representative Lee Hamilton (D-IN), who also supported the bill, adds his own thoughts on the relationship between lobbyist and legislator.

James Thurber, professor of government and director of the Center for Congressional and Presidential Studies at American University in Washington, D.C., looks at the surge of issue advocacy groups over the last 20 to 30 years and the tools they employ to become effective players in the political process.

A frank and freewheeling roundtable discussion of lobbying and issue advocacy groups features Richard Sachs, a political

scientist and historian at the Congressional Research Service of the Library of Congress who has written and lectured widely on the topic of issue advocacy groups; Eusebio Mujal-Leon, chair, Department of Government at Georgetown University in Washington, D.C., and an expert on issue advocacy as part of the overall process of democratization; and Bruce Adams, project director of Greater Washington, an alliance of business and community leaders.

Rounding out the journal, Contributing Editor Stuart Gorin profiles the Chesapeake Bay Foundation, one of the many issue advocacy groups that have formed in the last three decades.

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The 1995 Lobbying Disclosure Act

The Background

The Lobbying Disclosure Act (LDA) of 1995 was passed after decades of effort to make the regulation of lobbying more effective. An earlier law, the Federal Regulation of Lobbying Act of 1946, became virtually obsolete soon after passage. *Issues of Democracy* presents below a history of the earlier legislation and its consequences.

Before the passage of the 1995 Lobbying Disclosure Act, lawmakers had become increasingly aware that lobbying was an activity viewed by many voters with suspicion and cynicism. Public disenchantment was not new, however. It dated back to the earliest years of the Republic when voters questioned the access of special interests to those in power, especially when the results of that access were viewed as inimical to the public welfare.

For more than 150 years, Congress considered various ways to regulate lobbying, a right protected under the First Amendment to the United States Constitution. Not until 1946, however, did it pass comprehensive legislation—the Federal Regulation of Lobbying Act.

The main objective of the 1946 act was to disclose lobbying activities so that the public would be aware of which persons and organizations were trying to influence their elected representatives. Lobbyists were required to register and to report quarterly on the amount of money

expended on lobbying.

The law soon proved largely ineffective, however. Just two years after he signed the law, President Harry Truman called for major revisions to put teeth into it. The major problem was that it did not cover executive branch lobbying, grassroots lobbying or the lobbying of congressional staff. Moreover, most lobbyists were able to escape the registration requirement because of loopholes in the law.

In 1991, the General Accounting Office (GAO) reported that almost 10,000 of the 13,500 individuals and organizations listed in the *Washington Representatives Directory* were not registered as lobbyists. The climate seemed right for an attempt to plug the holes in the original legislation passed almost 50 years earlier.

Despite some opposition initially, the 1995 Lobbying Disclosure Act passed Congress with overwhelming support, was signed by President Clinton, and became law in January 1996. It significantly broadened the definition of people and organizations that must register as lobbyists.

Significantly, in this era of a global economy, the law also amended the Foreign Agents Registration Act of 1938. That law required people or organizations that lobby on behalf of foreign governments and political parties to register with the Justice Department. The 1995 act requires such lobbyists to register with the clerk of the House of Representatives and the secretary of the Senate as well.

The Views of Two Legislators

Senator Carl Levin (D-MI), a principal sponsor of the 1995 act, explains its provisions and points out initial evidence of its effectiveness. In a statement entered in *The Congressional Record* on May 13, 1998, Representative Lee Hamilton (D-IN), emphasizes the “legitimate and important” role that lobbyists and interest groups play in the American system of government.

Senator Carl Levin (D-MI)

Lobbying is every bit as much a part of the U.S. government process today as on-the-record rulemakings or public hearings. It is a vital part of the flow of information in the political process that keeps our democracy alive.

Totalitarian regimes don't need lobbyists, because there's no opportunity for persons on the outside of government to affect the decisions made on the inside of the government. It's just the opposite with a democracy. Information from the citizenry is crucial to enacting laws that reflect the will of the people and thereby maintain a vital democratic process.

At the same time, the public has a right to know, and the public should know, who is being paid how much by whom to lobby on what issues. That information keeps government officials accountable and provides the public with a realistic picture of the nature and scope of the influences being brought to bear on the



Senator Carl Levin

government. Disclosure diminishes the power of the backroom and brings the forces of policymaking into the open. We cannot expect the public to have confidence in our actions unless we conduct our business more in the open.

Elements of LDA

The Lobbying Disclosure Act of 1995 is an important element in achieving that objective. Just three years ago, Congress enacted the Lobbying Disclosure Act, the first substantive reform in the laws governing lobbying disclosure in 50 years. The LDA was designed to overhaul U.S. lobbying disclosure statutes and plug the glaring loopholes in those laws.

Part of the law reads as follows:

- Lobbying of congressional staff is no longer exempt;
- Lobbying of executive branch officials is no longer exempt; and
- Lobbying on non-legislative issues is no longer exempt.

For the first time ever, all paid, professional lobbyists are required to disclose

who is paying them how much to lobby Congress and the executive branch on issues.

At the same time, the Lobbying Disclosure Act makes lobbying disclosure laws more understandable and easier to comply with by:

- Providing clear, sensible disclosure rules;
- Establishing sensible *de minimis* requirements;
- Eliminating duplicative and overlapping disclosure requirements;
- Replacing quarterly reports with semi-annual reports;
- Authorizing the development of computer-filing systems;
- Requiring a single registration by each organization whose employees lobby instead of separate registrations by each employee-lobbyist;
- Requiring good-faith estimates of total, bottom-line lobbying expenditures; and
- Allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code, to use data collected for the Internal Revenue Service (IRS) for disclosure purposes as well.

Detailed guidance provided by the secretary of the Senate and the clerk of the House of Representatives also has helped provide clear lines as to who is required to register and what must be disclosed.

The Act Is Working

There is substantial evidence that the passage of the Lobbying Disclosure Act is working. A Government Accounting

Office report on the LDA shows that in 1996, there were 6,078 registered or identified lobbyists under the last year (1995) of the old law and 14,912 under the first year (1996) of the new law. There also were 10,612 organizations and individuals registered under the Lobbying Disclosure Act that had not been previously registered under the old law.

As a result of the passage of the Lobbying Disclosure Act, reporting of lobbying expenditures appears to have increased to an even greater degree and may now be as much as a billion dollars a year. The new lobbying disclosure forms not only contain more accurate information than the old forms, they also convey it in a manner that is far more readable and easier to understand. Thus, the public is getting a far more true picture than ever before of what issues are being lobbied, who is lobbying them and how much money is being spent.

With every good intention, however, there are always a few discrepancies. For example, the Lobbying Disclosure Act does not cover the paid efforts by professional lobbyists to stimulate grassroots lobbying. Even faster progress in the development of computer filing systems and automated databases to make filing easier and lobbying information more accessible also would be a great asset.

In retrospect, however, there has been huge progress in shining the light of public disclosure on the lobbying industry in the United States.



Representative Lee Hamilton

Representative Lee Hamilton (D-IN)

One of the public's biggest criticisms of Congress is the power that lobbyists and special interests have over the legislative process. People see them as extremely powerful wheeler-dealers, able to manipulate the system for their own advantage, "buying" the votes of members of Congress through extensive campaign contributions and other favors, and basically corrupting the political system.

Certainly there are legitimate reasons for concern. Lobbying is constitutionally protected under the right to petition government, yet the powers of pressure groups are formidable. Their numbers are large and their resources vast. There are special interest groups for almost every cause, and lobbying is the third largest business in the nation's capital, behind only government and tourism.

Special interests gain access to Congress through campaign contributions and determined lobbying, and often put pressure on congressmen to vote with them on their key votes. Lobbyists also have a broader impact on the legislative process. They regularly meet with congressional leaders to help play a role in drafting legislation, often behind closed doors. Congress will sometimes debate bills that have little or no chance of passage, but which will appease key supporters.

Interest groups also have been criticized for sending out misleading information on the issues and running expensive “issue advocacy” attack ads against those who don’t support their positions. They typically try to push through measures that benefit narrow rather than broader interests, and can make more difficult the compromise that is so essential to our system of government. There is no doubt that members of Congress hear disproportionately from the well-off and the politically active groups—such as senior citizens, veterans and small business owners.

History Repeating Itself

The power of special interests has long been recognized. More than 200 years ago, James Madison and the other Founding Fathers were particularly concerned about the power of “factions” in a democracy. And over the years, many congressional scandals have been related to powerful special interests and influence buying—from the Union Pacific and Credit Mobilier stock scandals in the 1800s to more recently the Keating Five, Koreagate and Abscam affairs.

Yet despite these concerns, there is still a legitimate and important role for lobbyists and special interests to play in

our system of government, despite the public’s perception of their influence.

As the Founding Fathers recognized, special interests have their drawbacks but they also play an important role in informing legislators of the concerns of major segments of the population. Advocacy groups can inform Congress of the ways legislation impacts their members, provide extensive information on upcoming issues and help focus the public’s attention on important issues. This flow of information between government and the governed enhances what Jefferson called the “dialogue of democracy.” In essence, the most effective lobbyists are those providing reliable information to congressmen and their staff. Lobbyists understand that trust is their most precious asset.

Representing All Americans

Special interests don’t somehow just represent “the bad guys.” Almost every American is represented by them in some way and has benefitted from their work. Lobbyists work, for example, for expanded medical research, for protecting our lakes and rivers, for improving interstate highways, for maintaining the student loan program and for protecting religious freedom. Advocacy groups have helped pass legislation ranging from key civil rights protections to the deficit-reduction package that has finally balanced the federal budget.

It is true that lobbyists sometimes get through Congress measures that help only a few at the expense of the broader public. But the ease by which special interests can manipulate the system and push things through is exaggerated by the public.

For example, while members of Congress do pay attention to what advo-

cacy groups say, they also pay very close attention to the broad interests of their constituents. The bottom line is that if they ignore the wishes of their constituents, congressmen simply won't get re-elected.

Special interest groups have proliferated so much in recent years that they often cancel each other out. For example, in the area of health policy one or two groups used to dominate, but now there are 750 health groups alone.

Addressing Legitimate Concerns

The Founding Fathers specifically set up our government with numerous obstacles for special interests trying to push through legislation. With its complex rules and maze of procedural hurdles, Congress was designed to slow things down and allow all sides a chance to be heard. Special interest groups have a mixed impact on our political system. We shouldn't simply condemn them, but we do need to rein in some of the excesses and address legitimate concerns.

First on that front is the need to pass campaign finance reform to curb the increasing reliance of lawmakers on money from special interests.

Second, the House in recent years has basically banned gifts from lobbyists. Although some people are unhappy with the change, we need to keep tough gift restrictions in place.

Third, Congress passed improved lobbying disclosure in 1995 to get a better handle on who is lobbying and what they are doing. That was important, but we need to closely monitor the law to make sure it is not easily avoided, as past reforms have been.

Fourth, we need to prohibit travel for congressmen and their staffs which is funded by groups with direct interest in legislation before Congress.

Fifth, we need better disclosure of when lobbyists have played a major role in drafting legislation Congress is considering. Clearly the public has a right to know.

Sixth, because members of Congress are much more likely to be contacted by special interest groups representing the better-off, we need to recognize that bias, and make a special effort to ensure that all people in our society, including the less well-off, still have a voice in the decisions being made.

Finally, all of us need to focus more on what's good for the country as a whole and less on what's good for each of us as individuals. At the end of the day, we are all Americans.

The proliferation of special interest groups may in some ways be worrisome, but it is an integral part of our system of government. As Madison noted, a free society nurtures politically active groups. They may not always act in the way that some of us might like and they may be prone to excesses, but they are still an important force in our system of representative democracy.

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Issue Advocacy and Issue Ads on the Rise in the United States

by

James A. Thurber

Lobbyists always have played a role in the U.S. system of democracy. Historically, most represented business interests and other organizations with vested economic interests. But in recent years, there has been a huge increase in issue advocacy groups formed by citizens with shared concerns. In this look at a relatively recent phenomenon in American politics, Professor James A. Thurber, director of the Center for Congressional and Presidential Studies and the Lobbying Institute at American University, explains how they form, organize and seek to become effective.

In contrast to the 18th century when the Republic was founded, the American government is now a huge, complex infrastructure with hundreds of bureaucracies in the executive branch alone. The days when an ordinary citizen could wander unannounced up to the White House and seek and sometimes obtain, an audience with the president are long since gone. Even the 535 lawmakers who sit in the House of Representatives and the Senate now have huge staffs and represent districts many times the size of those in existence during the nation's formative years.

An individual citizen still has major influence on his elected representatives, fundamentally through his vote and other means of making his viewpoint known. But increasingly during this century, and especially in recent decades, citizens with like-minded concerns have combined together to form lobbying organizations that seek to influence both the public and lawmakers and officeholders. It is one way, perhaps, for citizens to recapture the clout their



James A. Thurber

forebears had when the population of the country was far smaller and government was much closer to the people.

As is the case with the large special interests, most notably corporations and labor unions, issue advocacy groups formed by citizens are protected by the First Amendment of the U.S. Constitution, which guarantees Americans the right to petition their government as well as freedom of speech.

Although citizen advocacy groups have been part of the lobbying community for many years, in the last two decades their numbers have exploded. According to Burdett Loomis, author of *The Contemporary Congress*, the number of Washington-based lobbying groups jumped from 4,000 in 1977 to more than 14,500 by the early 1990s. A key part of the mix, he adds, are “citizen groups,” such as many of the civil rights, environmental and consumer organizations formed in the aftermath of the extension of government activity into these and other areas during the 1960s.

Tactics and Strategies

In seeking to influence both the public and their government—federal, state and local—issue advocacy organizations employ a wide range of tactics and strategies including testifying at congressional hearings, direct lobbying, litigation, coalition-building, grassroots mobilization, public relations and advertising.

Advocacy groups have attempted to influence the public and lawmakers from the beginning. But in the 20th century, methods have become more varied and sophisticated. Modern technology, such as the fax and the Internet, has made access easier and cheaper.

Whether issue advocacy campaigns are large or small, they attempt to mobilize their members and potential backers to support or oppose an issue, so that pressure will be placed on candidates and public officials to act in their favor. Not all issue advocacy organizations are membership-based. But those that are have an enormous advantage.

Some of the most influential groups in the United States, which have large membership bases, are the National Education Association (NEA), the American Association of Retired Persons (AARP), the Christian Coalition, the Family Research Council (FRC) and the National Organization of Women (NOW). These groups have a diverse and broad membership, scattered across the many electoral districts around this nation. Since winning re-election is an important concern for elected officials, they are more likely to pay attention to an organization that has a local chapter in the district they represent.

Issue Advocacy Groups and Television

Of all the advertising methods that issue advocacy groups employ, the most effective in the modern age is television.

The rising number of issue advocacy organizations is one reason why there has been a surge in the purchase of television time for the promotion of viewpoints, as distinct from the endorsement of candidates. According to Darrell West, author of *How Issue Ads Have Reshaped American Politics*, approximately 25 percent of all the broadcast political advertisements in the 1996 election campaign were issue ads; West points out that they are becoming more commonplace also because they largely are exempt from spending limitations imposed on spots that endorse candidates for office.

A report by the Annenberg Public Policy Center of the University of Pennsylvania estimated that in 1995 and 1996, between \$135 million and \$150 million was spent on issue advocacy advertising by at least 31 different groups, most of it on television time. This was about one-third of the total \$400 million spent on advertising by candidates in all federal races in that election cycle.

Television, which often attracts large audiences, is an attractive tool for issue advocacy groups that can afford its high cost because the organizations realize that their effectiveness results, in no small measure, from their ability to influence the public as well as candidates for office.

West estimates that perhaps as many as 40 or 50 percent of the broadcast political messages in the 2000 election campaign may be issue ads. Although they are nothing new in American politics—they first aired on radio in the 1930s in opposition to President Franklin Roosevelt's

Social Security proposal—they have increased enormously over the last two decades, as issue advocacy groups have flourished and as campaign finance laws regulating spending to elect candidates have become more strict.

That is partly because issue advocacy groups can avoid most current campaign finance regulations. By simply avoiding appeals in ads to vote for or against a candidate, advocacy groups may be able to significantly affect the outcome of an election. If a group expressly advocates the election or defeat of a particular candidate in an issue ad, it is required by the Federal Election Commission (FEC) to register as a political action committee (PAC). However, if the ad does not advocate the election or defeat of a candidate, the group does not have to disclose where the money for the ad came from, nor how much is being spent for its airing. To many observers, this raises serious questions as to whether the intent of campaign finance laws is essentially being subverted.

One example—from the 1992 election campaign—exemplifies the problem. During that campaign, the Christian Action Network urged voters to defeat the Clinton-Gore team because they favored policies that were counter to the group's fundamental Christian beliefs. Although the issue ads sponsored by the group indirectly suggested a vote against particular candidates, they did not actually tell voters to vote against them. The group did not disclose its expenditures for the ads, and the Federal Election Commission declared that the ads did not express advocacy for or against a particular candidate, and were therefore legally exempt under current law.

The implications for the conduct of politics are profound since, more and

more, issue ads are aired not only during campaigns when candidates are most vulnerable to being influenced, but also in between elections, particularly at times when large, controversial issues are under debate. And not all the ads are sponsored by issue advocacy groups. Some are aired by the larger lobbies representing business and labor.

For example, in 1992 opposing sides on passage of the North American Free Trade Agreement (NAFTA) aired television ads advocating their positions. Many businesses backed the treaty because they wanted expanded trade with Mexico and Canada. They sponsored ads espousing the virtues of the agreement. In contrast, the AFL-CIO, a “union of unions,” which represents about 14 million workers throughout the United States, produced ads warning of job losses to U.S. workers, if NAFTA were passed. In this case, NAFTA won out.

Another example is the debate over national healthcare in the United States. When President Clinton introduced a national healthcare reform plan during his first term in office, he had the backing of several influential groups. The AFL-CIO spent over \$10 million dollars to fight for the healthcare package’s passage. The American Association of Retired Persons (AARP) spent \$2.5 million on behalf of its members. Both groups saw the healthcare bill as a solution to the high cost of medical care and as a means of introducing universal healthcare coverage.

On the opposite side of the fence, such groups as the National Federation of Independent Business, the Health Insurance Association of America and independent issue advocacy groups representing conservative viewpoints also spent millions of dollars to defeat the reform bill, arguing

it was a waste of taxpayers’ money and would lead to a huge increase in the power of the federal government. In this case, the president’s healthcare proposal was defeated.

Implications for Representative Democracy

Since the rise of issue advocacy organizations and issue ads in American politics on a mass scale is relatively recent, few proposals have been advanced to regulate them. The concern derives not only from the fact that issue ads largely are exempt from current campaign finance laws, but also because some of the more well-funded groups are gaining influence at the expense of broader-based social movements and traditional political parties. Those groups with ample resources obviously have an advantage, but not necessarily a winning advantage, over those groups which do not.

In addition, there is concern that some issue advocacy groups are “stealth,” or “front,” organizations for economic or other interests that are not easily discerned by the public, or even lawmakers. Political scientists Larry Sabato and Glenn Simpson in their book, *Dirty Little Secrets*, document how some groups with civic-minded, seemingly disinterested titles, are in fact lobbies for particular interests. For example, a group called Citizens for Sensible Control of Acid Rain, was, in fact, funded by the coal and electric industry to lobby against the Clean Air Act.

Darrell West and others emphasize the need to broaden the nation’s disclosure laws to more effectively cover issue advocacy organizations and their expenditures. “There should be more timely and complete disclosure of independent expendi-

tures and issue advocacy in election campaigns,” West remarks. He also raises the question of whether more regulation, as well as disclosure, is needed, particularly to expose the so-called stealth or front groups.

Not all experts, however, voice the level of concern expressed by West and others who favor greater controls. Roger Davidson and Walter Oleszek, for example, in their recent book, *Congress and Its Members*, stress the checks and balances in the system. “Built-in checks constrain group pressures,” they write. “There often are competing groups on any issue,” which balance each other out, they add.

Although measures dealing specifically with issue advocacy groups have not been adopted at the federal level, a number of states have adopted so-called “truth in communication” codes. The most sweeping regulation is in the midwestern state of Wisconsin. Under its state law regulating issue advocacy, any groups or persons engaged in activities having “the purpose of influencing the election” must register with the state elections board and disclose their donors. Ads or other types of communication may not be paid for with corporate or labor money. During the 1996 election, Wisconsin state courts ordered several ads off the airwaves which criticized state legislators—on the basis that the groups involved had not disclosed their contributors.

At the federal level, it is likely that members of Congress will revisit this issue as part of overall campaign finance reform, a topic still very much under debate in the United States. Meanwhile, political scientists emphasize the role of a free and responsible media in monitoring issue advocacy groups and the issue ads they sponsor.

Back to the Future

The growth and change in the nature of interest group tactics, especially in the use of television, brings the United States back to a fundamental problem identified by James Madison in 1787 in *Federalist Paper No. 10*. In a free and open society, Madison wrote, interest groups form to pursue policies that favor them at the expense of the broader national interest. Madison hoped that the solution to the problem would come from the diversity of interests of the population and the structure of the new government.

To a certain extent, Madison’s expectations have prevented the tyranny of any one faction. Yet, the interest-group system remains somewhat unbalanced. In particular, the groups that use sophisticated tactics, such as issue advocacy, are considerably more influential than others. The inequities point to flaws in pluralism.

There is no mechanism to automatically ensure that interest groups will form to speak for those who need representation. Madison’s dictum to avoid suppressing political freedoms, even at the expense of permitting selfish interests representing narrow segments of the population to promote their own causes, has generally guided the American democracy.

There is little consensus on how to balance those conflicting factors. As long as lobbying is constitutionally protected, issue advocacy groups will campaign to influence the public and thus public policy. Where to draw the line is unclear, particularly when it is government that must draw it.

Roundtable Dialogue on Issue Advocacy

To discuss some of the many positive contributions and potential dangers involved in issue advocacy, USIA invited three experts to participate in a roundtable dialogue. Professor Richard Sachs is a political scientist and historian at the Congressional Research Service of the Library of Congress who has written widely on the subject of lobbying. Professor Eusebio Mujal-Leon, chair, Department of Government at Georgetown University, is an expert on issue advocacy as part of the overall process of democratization. Bruce Adams is project director of Greater Washington, an alliance of community and business leaders. He has been active in Common Cause, one of the leading issue advocacy organizations in the United States. Following is an edited transcript of their discussion, moderated by Managing Editor David Pitts.

Moderator. Does lobbying play an indispensable role in a democracy?

Richard Sachs. I think if we did not have interest groups we'd have to invent them. I think they are very, very important for a variety of reasons, especially the way in which they contribute to policy decisions—the information that interest groups bring to the policy process and the information they take back from policymakers to the groups. This gives the groups a role in the policy process, which does not exist in some other systems.

Bruce Adams. Agreeing with all of that on the positive side, I must also confess my despair at the mess that interest groups have made of our democratic process, by which I mean the excessively adversarial politics that make it very difficult for policymakers to be able to make sound judgments in the public interest.

I think we need to talk both about the positive side of the essential element of the democratic process, the ability to petition the government, but we also have



From left: Bruce Adams, Richard Sachs and Eusebio Mujal-Leon.

to talk about how it's gone a little haywire and is not always serving the public interest.

Eusebio Mujal-Leon. My position would combine your two views. I do agree that the system in some respects has gone haywire in the United States, because certain interest groups are obviously more well-organized and well-financed, and therefore perhaps have more influence than they would in an ideal one-man, one-vote system.

But my response on the other side is that I really do think, obviously, that interest groups are very important. I see the function not simply, or even primarily, as being one of information—although I think information is important—but rather one of representation of sectors of society that are not necessarily represented by political parties. Not that I have anything against political parties, but I think that political parties have their own logic. And I think a

well-informed and a well-organized citizenry participates in a democracy through parties, as well as through interest groups.

I think the important thing is to try and make it possible for interest groups that represent more marginal, more broad-based sectors of the society to be organized and to function effectively. I don't think I've said anything different, except that for me the crucial thing is organization and access.

Adams. Someone once said, "How can you get everybody in on the act and still get something done?" And I think that's the question.

Sachs. I'm not too concerned about the problem that interest groups are somehow clogging up the system. I don't really see that happening. I think it's a wide-open system. There are more opportunities today for groups that do not have a great many resources to make an impact than

they've ever had before. The Internet is an important part of that. But if you look at the history of groups, the environmental groups, certain public interest groups that started off as organizations with few resources and have become, in fact, major, major players in public policy, it's certainly hard to argue that these groups have not had input into and representation in the system.

In terms of representation, it would be nice if our parties did the job in this system that they're supposed to do. But we have a weak party system. It is becoming weaker and weaker. Right now our parties exist basically only to organize elections and organize the legislatures. Other than that, they don't have much of a role in making policy.

Policy abhors a vacuum. And into that have stepped the interest groups. This has been a very natural kind of phenomenon.

Mujal-Leon. I agree, but I also disagree. I think that, obviously, the picture from the point of view of interest group organization varies over time, depending on social structure, depending on economic structure and the like. But I think that the challenge of a democracy, particularly a democracy that functions relatively well, but is also constantly seeking to improve—the key is to make sure that those sectors that are not well-represented organize and participate.

And I think that—and I suspect that Bruce Adams could provide far many more details than can I—that there are, at this moment in the United States, groups that are not sufficiently well-organized and represented. They don't participate enough in the electoral process, which I think is important, although not necessarily fatal.

I think that in a democracy there are diverse ways of participating and voting, although it's something that I think may be difficult for people in other countries to see. They look at a presidential voting statistic of 50 percent or thereabouts, a little bit plus or minus, and they probably say "My God, what's wrong with the system?" Well, there are things that are wrong with the system. There are also things that maybe are not wrong, in the sense that there are different ways of participating. But you cannot close participation. Indeed, you need to encourage participation and I would say that there are sectors that are under-organized and some that are over-organized. For example, take consumers—with respect to all kinds of issues such as food, health, legal issues, medical benefits. It's not just that they may, or may not be, organized. It's that the other side is very well-organized. And I think it's that re-equilibration that is part of the political task.

Adams. I appreciate the focus on the equity issues that are here and that are real in this discussion. There are folks who are not at the table. What I'm concerned about is being able to get the full range of voices and the full representation at the table, but still be able to accomplish the public good. I think what's wrong here is that when people get in this process and exercise their right to petition, or exercise their right to advocate, they go overboard and they don't recognize that they should be doing that in a context that should not harm the public good—that they should advocate their position, but recognize that other voices are legitimate voices as well....

My concern here is not the advocacy. I want more people to be able to advocate and more people to be able to participate. But I want them to do it with a sense of the greater public good. I see too many people focus too much on what's best for me, and I'm going to get 150 percent of what I need, with no tolerance of other interests. And that, I think, has led to the fragmentation in our politics which leads to a paralysis in politics.

Mujal-Leon. Of course, the issue is how do you counteract some of these things? What kinds of civic education measures do you engage in at all age levels in order to promote precisely the sense of community?

The key to any system that functions well is that you feel that you yourself, and those like you, are advocating a position, but you also feel that you're part of a community within which you are participating. But then the task is how do you promote civic education? It's often thought of as a challenge for less-developed countries. But I think it's a challenge for all systems and it's really a major challenge for the United States as well.

Sachs. While it's commonly understood that the growth in recent years has been on the business side—that business-oriented groups have become the dominant force in influencing policy—the growth in numbers and participation in the system comes from the nonprofit area. In large part, it comes from that because of certain public-policy decisions made by Congress, in particular one made more than 20 years ago that allowed nonprofit organizations to do more lobbying without losing their tax-exempt status. As a result, we have very, very small organizations that are able to coa-

lesce with other organizations, and through these coalitions have been able to become very, very effective forces in influencing public policy.

So in this respect, we have made inroads in bringing groups into the system that would have a more difficult time in being a player in the game. And this is very important to this system. There's no question that sectors are left out, the poor especially. I'm not too worried about consumers anymore. I think they're pretty well-represented at this point. But there's no question that the poor are terribly under-represented, do not have the resources, and they have a hard time getting into the game.

So what we need are mechanisms to bring those who are not represented to the table. I do not think the situation is quite like it was when Common Cause was formed in the early 1970s. We have a great many more diverse sectors of society and diverse organizations that are represented and in some cases, very, very well-represented.

Moderator. What kinds of regulation do you think could maximize the benefits that lobbyists bring to a democracy? Perhaps you could discuss the 1995 Lobbying Disclosure Act and how effective that has been in closing some of the loopholes.

Sachs. Well, I'm a great believer in disclosure. I think that sunlight is the best medicine, and our new 1995 lobbying law is a start. It is by no means the best disclosure law that could have been enacted. But it was the best politically possible disclosure law at the time.

The problem that we've had in the two years since it's been enacted has been get-

ting the information that the lobbyists and interest groups file, out to the people who can use it to make decisions when they vote, when they decide to write their congressmen. And we are beginning to see a solution to that not coming from the government, but coming from a nonprofit organization, such as the Center for Responsive Politics, which has organized all this information and analyzed it and put it up on the Internet; the Internet is very, very important in dissemination of this type of information.

The new lobby law is a start. It could use some work. It doesn't cover, for example, grassroots lobbying. It would be very, very good if we could reach a decision on what constitutes grassroots lobbying and we could cover that, but we don't cover it so far. But what we do cover, we are beginning to disseminate this information. I'm beginning to see newspaper articles written on the basis of these analyses that have been done. And this is exactly what you want to happen in terms of a disclosure statute like this.

Adams. I've spent 10 years advocating lobbying disclosure at the state, local and national level. You need to know, when some group comes in and says "We're Americans for a Better World," whether in fact their money all came from one narrow interest group. You need to know that, and members of Congress and local elected officials need to know that.

All the disclosure we can get that's reasonable is to the good. My concern is to make sure that people don't think, "great, we passed the Lobbying Disclosure Act, so this is all taken care of." What strikes me as most important is changing the attitudes of the folks doing this lobbying and

the manner in which their arguments are made.

The transformation of lobbying is not going to come through regulation, although I'm strongly for the regulation, for the disclosure. It's going to come from attitudinal changes, the kind of civic education that we've talked about here.

Mujal-Leon. I do agree that civic education is part of the key. I would, however, also emphasize at least one aspect of regulation, both as it pertains to the Lobbying Disclosure Act and to other mechanisms for the regulation of campaign financing and the like. And that is, that it's fine to have disclosure. Who can disagree with it? Who can disagree with transparency? But you also have a number of laws which are written in a way to be equivocal, so that people can sidestep the regulatory process. I think that those kinds of things need to be clarified, and it's going to be very much a process over time. The Lobbying Disclosure Act was the best possible legislation at the time it was enacted, but it also needs improvement.

Some readers may say this discussion is very American-centered. "What does it mean? What are these lobbies? How are they organized and how does this relate to the problems or to the situations in other countries?"

I don't want to go on too long about it, but I do want to make a couple of comparative references that are implicit, I think, in the remarks that we've made. The United States is a system that is characterized by its administrative decentralization. It's characterized by the competition between the different branches of government in ways that other systems are not. And it's characterized by a weak party

system, certainly as compared to Europe.

The net result of that—the decentralization, the structure and the weak party system—is that this is an interest-group dominated system. And that is very different from many other countries, both industrial democracies and less-developed countries. The concerns that many of those who are reading this would have is, “What’s the applicability of this to our situation? And what are some of the problems in our situation?” It seems to me that in so many other countries, it’s not that lobbying groups or interest groups are not present. It’s that often they do their work behind closed doors, not in public, but rather in private. It isn’t that in “Country X” lobbying doesn’t take place. It’s just simply that it’s not visible to the mass of the citizenry. But it is very much visible to the elite.

And so it’s not that lobbying groups and interest groups exist and are active in the United States, it’s that here they are seen, they’re recognized and they’re regulated. There are a good number of other countries where they exist, but they are not seen and they are not regulated.

The second thing I think that’s crucial in all of this has to do with the efficacy of the judicial system. You can talk about laws and the best laws can be on the books, but if you don’t have the capability for enforcing them, if you don’t have an independent judiciary, you have a very difficult time. There are a good number of countries where in fact the state is very weak, corruption is very extensive, the judiciary is very weak and then certain interest groups take control of the state.

The challenge for those nascent democracies, or countries that are undergoing transition, is precisely how to put in

a system of checks so that you represent sectors, help them dynamize the economy and the society, but also make sure that they’re regulated.

To conclude, I don’t think that the way to deal with this is through a weakening of the state or through the elimination of the state, but rather by making the state more efficient. The image that people should have of the United States is not that the United States is a weak state, but that relatively speaking to other countries, it is a rather efficient state.

I know that there are all kinds of problems within the United States, but that efficiency is part of what keeps the interest groups in check. That’s the way that I would interpret it or translate it for others.

Sachs. Let me add just two things to that. With respect to the Lobbying Disclosure Act, it is almost a voluntary system. It is impossible, because of our First Amendment, under the Lobbying Disclosure Act, to actually prevent a lobbyist from lobbying. Even if he is found to be in violation of this act, he cannot be prohibited from lobbying. It is not a criminal statute; it is strictly a disclosure statute.

There’s a second point I would make. I’ve learned a lot because I’ve talked to parliamentary representatives in other systems and in less democratic systems where I don’t believe a lobby disclosure statute would be particularly effective. They just do not have the concepts that would lend themselves to this kind of statute being particularly useful. What I say to these people is “what you need more is a free and open media.” The press is very, very important in our system in disclosing the extreme activities of lobbyists and interest groups. In a system in which the media is

controlled by the state, in whole or in part, you can't get at these extreme problems of lobbies. You can't get at the corruption. What you need much more in this type of system is an open and an aggressive media. It's very, very important in less democratic systems.

Moderator. It's said that there is a distinction between what might be called private interest groups where you have a vested economic interest in the outcome of the legislation, and public interest groups, many of which do not. Is this a false distinction or is it an important distinction?

Adams. Maybe an overdone distinction. Private interests, that is, those that have a monetary stake, have every right to be represented. One of the positive things that's happened over the last 20 or 30 years is a growing capacity by broader, more community-interest groups to be able to have a say. What concerns me on this point gets back to the equity issue. Great strides have been made, but particularly the poor are greatly under-represented. So I see nothing wrong with a major corporation using its resources, as long as it's all disclosed, to be able to go and argue its point. We still have some balancing to do, though, on the equity scale.

Sachs. There's always been a debate as to whether the public interest is sort of the accumulation of all the private interests or whether the public interest really exists independently. This debate was sharper 20 or 30 years ago when Common Cause began. At that time, the pendulum had swung so far in one direction that you really could identify a public interest that was not an accumulation of the various private

interests. Those lines are much more blurred today. It's much harder to try and figure out today if there is some kind of independent public interest.

Mujal-Leon. Simply because a group denominates itself "not-for-profit," or a public interest group, that's fine, except that it is the duty of a citizen to be educated and to make informed choices. So while it's fine for some groups to declare themselves not-for-profit, you have to look at what they stand for. I would look for transparency with respect to the message that's being sent out and also a very careful scrutiny on the part of individuals about these groups. In fact, that's one of the dangers in a democracy, and particularly in our democracy. We send out so much information, such a blizzard of information, that it gets buried.

Adams. That's exactly right. As a local elected official for eight years, I found some of these groups professing to advocate the public interest to be the most strident and least helpful that I dealt with. I found that some of the mainline business organizations and corporations that came before me and their representatives were often more practical than some of these nonprofit groups that said they advocated the public interest. The business folks were more pragmatic because they needed a result. And sometimes the more extreme community organizations might just want to tie up a result, and would be even more strident and unyielding in their advocacy.

Sachs. It's pretty clear that most people are very turned off about politics, when in fact they should be excited about it and want to be participants in it. When you

look at how many people vote in our elections—these are terribly discouraging figures. Only about half of the voting-age population voted in our last presidential election. And only about a quarter will vote in the congressional elections to be held in November.

But people seemed disinclined to go out and become a part of the process, even in terms of the process of just going to the polls and voting. They won't take the sort of minimum step that is required in a democracy—the franchise—the one thing that makes a democracy a democracy, to go to the polls when they have the chance to cast their vote.

One way to counter the power of interest groups, in this system at least, is to do a better job of civic education, to do a better job of convincing people that it is in their best interest to get involved at least on election day and go to the polls and vote.

Adams. This is such an important point. The book that I've found most helpful on this subject, by E.J. Dionne, is called *Why Americans Hate Politics*. What Dionne described was the national scene of ideologues on the left and right, advocating so strenuously to elected officials that they couldn't move to the center and act in the public interest.

I do want to make one point: that it is rather irrational for people to say that they don't want to be in the electoral process. Dionne's point was that the politicians are so tied up by these extremists [defined in the United States as political partisans belonging to either extremely liberal or extremely conservative groups, working within the system] on the left and right, that they can't do what the public wants,

which is roll up your sleeves, get together, talk it out, do something and be able to move forward with a policy.

My notion of trying to create—and this is the civic education you're both talking about—a more positive political culture is that it will attract more positive people. Right now, we have a system where the folks who yell the loudest and scream the longest are going to often win. And that turns people off from being involved as citizens; and it turns people off from being involved as elected officials.

Mujal-Leon. We're going to have to find a way of rediscovering local structures and making them work.... There is the breakdown, or the artificiality, of social roots.... Americans work about 47 hours a week and it's very difficult in practical terms, given the nature of the American economy, for ordinary people, as opposed to firebrands and activists with extreme positions, to want to go to a meeting at eight o'clock at night when you know they'd rather spend it with their family or doing any number of things.

Adams. There's no question but that you see that phenomenon, and as both parents in our economy in many families need to be in the workplace, the stresses are even more. You see organizations that have this kind of broad-based approach to politics, like the League of Women Voters, declining. The reality is that there are fewer and fewer people who have the time for that kind of democratic participation that might be the model that we would aspire to.

And so more and more, politics is about—and the interest groups know this, and the politicians know this—taking extreme positions that will get those folks

out on the fringes activated enough to come out and yell and scream and stomp. The problem is they come out on both sides and you're in gridlock.

What I hold as a hope—it's only a hope, not a proven fact—is that we could change to a more positive politics. I think there's a group of folks out there who would then be attracted to it. But as long as politics is, as Dionne paints it, this war between the extremists, an average, reasonable person is going to say, "That's not my thing, you know. I'll go be with my kid. I'll go watch TV. I'll read a book." And so we leave it to the extremists.

Sachs. Let me try another take on that. It's exactly because of these pressures that people join groups rather than become politically active themselves. It's the free-rider effect.

Adams. Or the fifteen-dollar, twenty-five-dollar membership rider.

Sachs. Right. They pay their membership. It's why we have seen an increase of what I'll call "leadership specific" groups. The groups don't depend on a membership to drive them. In some of these groups, you send in your money, you become a member, and basically you cede everything to the Washington office of the group. And you implicitly say, "Okay, I broadly agree with what you're trying to do, here's my money, now go make it happen."

Adams. That is a tremendously important point and my concern with it is you don't have to think long to realize that that's basically ceding our democratic participation to the folks who can write the strongest, toughest direct-mail pieces. And

that's exactly what I think is tearing apart the fabric of our democracy. The way you get somebody to send in the twenty-five dollars, is not to write a lovely, important, positive, public interest, general kind of statement of a moderate, reasonable position to move forward for the country. It is to go to the extreme and write a fiery letter that probably exaggerates points tremendously, and it has put our democracy into a series of solution wars. Somebody writes a direct-mail piece for the pro-handgun organization. Somebody else says, "Well, we've got to get the money to fight them." So they write an extreme point on the anti-handgun position and the interest groups get further and further apart, rather than being able to come closer together to work out some reasonable public-interest policy. I think the direct-mail business is at the heart of the polarization of our politics.

Moderator. Let's talk now about lobbying strategies.

Adams. We had a saying at Common Cause, "No permanent enemies, no permanent allies." And what we meant by that was that the way you got things done was to build coalitions. We might disagree with Senator Smith on campaign financing, but we didn't want to disagree with him or her so strenuously that we could never work with him or her again on the next issues, because it might be that Senator Smith was the star on lobbying disclosure or ethics.

I want us to move more toward a political process where we all recognize that we are working within the system, that we have more in common than we think, and where there is an opportunity to work across barriers and boundaries that tend

to divide us. Coalition-building is the critical way to be able to get things done. What concerns me is that in the hands of the direct-mail operatives, they don't leave a lot of room for building coalitions. Somebody you disagreed with once is going to remember the manner in which you disagreed with them and it's going to be hard to sit down and work something out.

Sachs. I absolutely agree. Coalition-building has always been the way to win in politics, to find as many like-minded members of the legislature, to put together as many like-minded organizations, to bring pressure to bear from as many different fronts as possible.

One thing that I think would be of interest to people who read this is that the common perception of lobbying outside of the system, even in other democratic systems, is of the super-powerful Washington lawyer who can snap his fingers and just make things happen automatically.... There's no question that these people exist today, but I think they were more important in the past. Today, there is a greater emphasis on grassroots lobbying and having participants in the process do most of the lobbying. By this I mean, for example, leaders from interest groups, leaders from business—it's much more common now to have chief executive officers, union leaders who are not part of the Washington office, come to Washington to testify. It is more common to bring in ordinary citizens to come and meet with members of Congress—to talk about the problem on the local level—than it is to have the big Washington lawyer-lobbyist say to his friend, Senator Smith, "We've been friends for so many years, we belong to the same clubs. Remember I helped you out on this?"

Can you give me a break on that?"

I think that is somewhat less common today. I think the action is spread out more. We just do not seem to have the handful of power-brokers, that along with the leaders in the Congress, could get together in the back room and make the decision on what the policy would be. It's spread out a good deal more, again, in terms of lobbying strategies. So you cannot rely entirely on your big-time Washington office to do the job for you. More and more, it has to come from outside.

Mujal-Leon. I'm somewhat optimistic, actually.... There are some very specific reasons why the last 10 or 15 years have seen the growth of negative politics. But there also are reasons to think that there is light at the end of the tunnel. Surveys indicate that American citizens are really quite fed up. More importantly, if you look at the effect that all this negative advertising has had on younger people, particularly the so-called "Generation-X," it's that they have become extraordinarily cynical not about the system, but in a sense, about the messages that are used in order to trigger reactions, whether they're consumer oriented or political oriented.

Adams. That's such an insightful point. I've long believed that Justice Louis Brandeis was right about the great beauty of our democratic process. We have all these local and state governments where you can try different things and then see if they work, and then the national government can learn from that and perhaps give us something that works for the country as a whole....

There are signs out there that people are fed up and there are enough people in

some communities that want to change the nature of their politics. As people work through the system of local elective office and they see that collaboration and public-private partnerships and the like are the way to make things work and then later get themselves elected to Congress, get themselves elected to the United States Senate, we may be breeding out there at this moment a generation that works in different ways. So I think there is some hope at the grassroots level.

Sachs. Let me bring this back to lobbying strategies just for a minute, and let me say one thing that I see coming down the road as a possible problem: the melding of campaigning and elections and legislative lobbying. In the past, we've been able to pretty much distinguish between the two. An interest group would work to get a guy elected and then he would come to town and they'd work on him to help them out with their legislative agenda. Now, especially with the kind of independent advocacy advertising that became such an important feature in the 1996 presidential election, it seems that the interest groups are almost seamless in working towards both electing and advocating. They're doing both at the same time. When you add into this our enormous problems with campaign finance, which we haven't touched on very much, this to me is a very, very big interest group problem and we're just absolutely stymied by it right now. I see a real problem coming down the road in terms of interest group influence that may turn out to be inappropriate and something that is not what we would want in this particular democratic system.

Moderator. You've just hit upon some of the newer, more disturbing trends in issue advocacy, and particularly the kind of seamless relationship and the campaign finance and campaign contribution issue. Perhaps all of you could give your own observations on the meaning of these new phenomena, and what is their significance for democracy, and how they might best be dealt with?

Adams. The great strength of our democracy, as Tocqueville said, was the capacity of people to organize and go out and have their say and get something done and make their community stronger. That's what I would hope that folks in other countries and other cultures would see as positive in the American democratic experiment. What has happened as we've carried those levels of organization to their extremes, as we have "perfected" the strategies of direct mail, campaign financing, of some of the things that we've said are worrisome, is we've taken them so far that I think we've undermined the basic fundamental intent of our democracy to be a place where a community could come together and be able to work together. We've created tools of fragmentation out of this democratic experience and those are worrisome.

What I see at our local levels from my recent research and my personal experience is that there is a great longing at the American grassroots for a return to the sense of community, and there is a desire to move away from the extreme rhetoric and polarization in our politics. So I see some hope out there that people are going back to this essential strength of the American democracy, which is community.

Mujal-Leon. I think this is probably the most difficult problem that American society and American politics confront. The situation is one where we have a system that is premised precisely on the ability of groups and of individuals to participate and to participate not just simply with their voice, but also by expressing their support in a variety of ways, organizational, monetary, etc., for the candidates of their choice. And that right is one that has on numerous occasions been reaffirmed by the Supreme Court. So it's not as if it's in some netherland of constitutional reality. It has been reaffirmed and is likely to remain one of the standing principles of American political life.

On the other hand, it's quite clear that we now have at least a decade of extraordinary abuse of campaign financing. The number of hours and the amount of money that an individual congressperson, or an individual senator, has to spend weekly or monthly raising money is really a staggering thing. And it's also one in which you have public servants being put in the humiliating and embarrassing position of essentially having to ask for money in order to fund their campaigns.

And so how do you balance that? I don't pretend to have an answer, but it's quite clear that the dilemma is a very great one. I would argue that what you need to have is, at the very least, effective transparency with respect to disclosure—a more rigorous application of laws, and laws that are in fact clearer.

So I would argue for transparency. I would argue for clarity in terms of the laws. I would also argue for clarity lest we think that the answer and the panacea for all of this is in public financing, because, as in everything in life, the way that you

do it is very important. There are a whole series of places where public financing has not necessarily worked, and so what you've got to do is create a system that is very exacting and that builds on the bipartisan and consensual set of ideas that you're expressing, because there have been efforts at campaign reform in the recent past. They haven't succeeded, but I think that they are going to remain on the agenda and they are eventually going to be implemented. I think that there is very broad support for legislative proposals such as the ones that Senator John McCain (R-AZ) and others in the Senate have been backing.

Sachs. I would certainly agree with previous remarks, especially in terms of disclosure and transparency. There is a debate in our system as to whether it is worthwhile to try and put limits on spending and contributions, or deeming that almost impossible given the Supreme Court decisions in the past, given the political realities, then to try for a system of better disclosure, transparent disclosure. And let people try and figure it out themselves if they know who's getting what from whom. It is a very imperfect solution but it seems that at the moment we're not going to get much else.

Bruce Adams will undoubtedly remember how long it took to pass a new Lobbying Disclosure Act. It has been over 50 years since the first Lobbying Disclosure Act was passed in 1946. It was judged a failure almost immediately and it wasn't until a couple of years ago that Congress finally was able to pass something else. This is a much lower-level issue than campaign finance. Our problems with campaign finance are much greater, go to the heart of the system to a much greater

degree than anything having to do with lobbying disclosure. There are institutional problems, systemic problems, all kinds of problems with doing anything particularly effective about it. I think this is perhaps an area where a system that does not have the kind of First Amendment that we have, has a chance to do something about it. The First Amendment cuts two ways in this case. Right now, it's prohibiting us from doing a better job with our campaign financing. Systems that don't have this to the degree that we do, have a chance, possibly, through lawmaking, to do something about it that we just do not at this time.

Adams. It is clear with the new technologies—the Internet, the extraordinary number of channels you can get on cable television, with the amazing wealth that we have in our country today—that we have the capacity to tear ourselves apart and shred the basic values of our democratic system. But also, it's possible that we all have the good judgment to resist the full utilization of these tools in negative ways, and that we will understand the essence of the values that brought our country together, and that we can design and carry out in the 21st century a new, collaborative politics based on a sense of community. I think we can go either way. I hope we have the judgment to go toward community.

Saving the Bay

The Chesapeake Bay Foundation

by

Stuart Gorin

Clear, blue waters. Bathers splashing in gentle waves free of pollutants. Sailboats gliding along the horizon. An abundance of marine life and a healthy, diverse ecosystem. This is a perfect picture of how the Chesapeake Bay on the Eastern seaboard of the United States should look. But in the last 30 years, those images have not always been prevalent. Enter the Chesapeake Bay Foundation (CBF), a nonprofit environmental advocacy group whose efforts to save the bay are profiled by Contributing Editor Stuart Gorin.

In the mid-1960s the Chesapeake Bay—the largest estuary in the United States—seemed to be dying. Algae grew on the water. Pollution from factories and sewage plants was rampant. Fish and shellfish supplies were in rapid decline.

Many people felt something should be done to save the bay, but other than express their concern, few did anything about it. It came down to a group of friends who used the bay for leisure activities such as boating and fishing. Although the group asked for help from local officials, they were told to handle the problem by themselves. They determined that a private-sector organization was needed—something that could represent the best interests of the bay by encouraging local governments and private citizens to work together.

Rising to the challenge, in 1967 the group created the Chesapeake Bay Foundation, a Maryland-based, nonprofit membership-supported organization whose only goal was and is to protect and restore

the bay to its natural environment. The foundation adopted the motto “Save The Bay” and began to educate and involve citizens in hands-on environmental projects. Such involvement meant teaching people about the Chesapeake Bay and striving to influence local government officials to pass legislation to help preserve it.

Becoming a Watchdog

In the early 1970s, the states of Maryland and Virginia had enacted tidal wetland protection acts. Although the legislation was largely untested, Chesapeake Bay Foundation staff biologists pressed for strict enforcement of the Maryland act, a move that would strengthen the state’s resolve. Within a couple of years, tidal wetland loss fell by more than 90 percent.

By 1976, CBF had raised enough public concern over the future of the bay that former U.S. Senator Charles McC. Mathias (R-MD), a member of CBF’s board of trustees, was able to push through Congress a seven-year Environmental Protection Agency (EPA) Chesapeake Bay Study. It provided much of the scientific basis for the broad interstate effort that continues today.

While the study was underway, CBF staff members served as advisors to the EPA and to the university laboratories that carried out the program’s research. Scientists monitored the level of wastewater discharge-permit compliance by industries and sewage treatment plants in Maryland and Virginia under the 1972 federal Clean Water Act. Operating as a watchdog, CBF highlighted several problems that were remedied by state water-quality agencies, and the foundation encouraged those agencies to address additional problems on their own.

In 1983, EPA issued its report on the bay study, documenting systemic declines around the Chesapeake. Later that year, the governors of Maryland, Virginia and Pennsylvania, and the mayor of the District of Columbia met at a major conference that also included staff from CBF, other environmental organizations and research laboratories. Their task was to hammer out what would become the first interstate Chesapeake Bay Agreement.

A particularly important outgrowth of the bay agreement was Maryland’s critical Area Act, the first land-use legislation intended to minimize the effects of shoreline development on the bay ecosystem. As a result of the act, the outpouring of public interest in cleaning up the Chesapeake was tremendous. CBF’s membership reached 10,000 in 1981. In 18 months, it had doubled to 20,000.

CBF Works with Virginia and Pennsylvania

In the 1980s, the Chesapeake Bay Foundation expanded its roles of both advisor and watchdog in resource protection by working with state legislatures in Virginia and Pennsylvania. In addition, foundation officials often testified before state legislative committees, and individual CBF members also were urged to talk to their state representatives. This practice still continues today.

As a result of lobbying state legislatures, one result was the passage by the General Assembly of Virginia of the Chesapeake Bay Preservation Act. In 1987, at the urging of CBF, the General Assembly amended the act to include a 40 percent reduction in the flow to the bay of the nutrients nitrogen and phos-



phorous, along with the specific goal of elimination of toxics from all controllable sources.

The foundation also funded a small Virginia office and began running school trips with a fleet of canoes on Virginia waterways to educate and encourage students to participate in the cause.

With CBF's backing and an office in the state capital, Pennsylvania focused on agricultural issues in the intensely farmed south-central counties along the Susquehanna River. Additional attention was directed to wastewater treatment, urban stormwater runoff and wetland protection.

In the late 1980s, the bay saw a new threat: exploration for oil. Although the Texaco oil company drilled an exploratory well in Virginia near the Potomac River, it came up dry. The threat led CBF to place renewed emphasis on the dangers of oil in the estuary, not only from exploration and

production but from transportation and from the countless spills that would occur on a regular basis. With vigorous support from the foundation, Virginia passed legislation prohibiting production oil wells.

CBF Continues Its Role

Supporting a watershed that covers 64,000 square miles, the Chesapeake Bay region is currently home to 15 million people in six mid-Atlantic states and the District of Columbia. The population is expected to increase by at least another 3 million in the next 20 years. Growth, in the form of more roads and buildings, means more pollution flowing into the bay. And so CBF continues its efforts to save the bay by working with citizen groups and government planning agencies.

From its modest beginnings with a membership of 2,000 in 1970 and a staff of three, the foundation has grown today to more than 80,000 members and 150

paid staff in three states: Maryland, Virginia and Pennsylvania. Although small compared to other national environmental organizations, the Chesapeake Bay Foundation is America's largest such group at the regional level. With an annual budget of \$10 million, membership contributions plus grants and gifts from individuals and other charitable organizations obtained through fundraising efforts account for most of CBF's revenues.

The foundation's major advocacy programs are environmental education, restoration and resource protection, says Michael Shultz, its vice president for public affairs. For example, CBF continues to interact with other national environmental groups in enforcing the Clean Water Act. Although there are still a lot of problems—not only for the Chesapeake Bay but for other bodies of water as well—water quality is slowly improving, Schultz notes. The biggest changes are in improved sewage treatment plants and a decrease in toxic chemical pollution from factories.

In the area of environmental defense, the foundation fights for improved programs to reduce pollution caused by discharges into the bay from industries, stormwater runoff and municipal sewers. There is also concern about toxic pollutants which enter the bay from pesticides and fertilizers that flow off farms and lawns, and from cleaning chemicals and vehicle exhaust fumes.

CBF also works with business corporations “which take environmental responsibilities seriously and are interested in working with us,” Shultz says. He gives as examples the Chesapeake Corporation, an appropriately-named paper company, and Toyota, which have helped underwrite some of the foundation's education

programs. “We are wary about getting involved, however, when corporations present conflicts,” Shultz adds. When it comes to both business and government, he stresses, “We don't want to lessen our ability to do our job. We cannot be financially beholden.”

New Goals and New Threats

In 1993, the Chesapeake Bay Foundation began a long-term planning process designed to refocus its goals and to structure it for the 21st century. To achieve its agenda, CBF placed new emphasis on constituent development, to expand significantly the number of people actively participating in the bay cleanup effort and on restoration programs, especially for oysters, wetlands, forested stream buffers and underwater grasses. In these four areas, the technology of restoration has grown to the point where some of what has been lost now can be rebuilt.

During the first part of the 1990s, for example, the bay began to show modest improvements. Underwater grasses returned to a number of areas from where they had disappeared. Striped bass (rockfish) rebounded strongly from a fishing moratorium in the late 1980s. At the same time, however, oyster stocks in both Maryland and Virginia declined to historic lows, causing great hardship in the seafood industry and dangerously increased fishing pressure on blue crabs, a staple of bay fisherman.

In 1997, a new threat arose from the fish-killing microorganism *Pfiesteria piscicida*. *Pfiesteria* had been associated with large fish kills in the Neuse and Tar Rivers of North Carolina's Pamlico Sound,

in waters highly enriched by runoff of waste from hog farms.

The outbreaks on the Chesapeake Bay also began that summer on the Pocomoke River in Maryland, which has tens of millions of chickens in its watershed. In late summer, fish kills occurred on Kings Creek, a tributary of the Manokin and the Chicamacomico Rivers.

CBF began an intensive monitoring effort, placing field staff on the rivers. They found that the loss of fish and the subsequent human illness suffered by watermen and state workers investigating the outbreak was at high levels. Monitoring efforts by additional field staff in Virginia found *pfisteria* to be active there as well, but at a much lower level.

A Work in Progress

To bring wider attention to issues such as *pfisteria*, CBF staff members such as Thomas Grasso, the Maryland executive director for the foundation, write op-ed newspaper articles to state positions on issues and urge the public and government to get involved. “As environmental cleanups in other industries have shown, it’s possible to have a healthy environment and a healthy bottom line—for the whole community,” Grasso says.

Such new threats as the *pfisteria* epidemic are a compelling reminder that, Grasso emphasizes, the Chesapeake Bay is not yet saved and that the cleanup is a work in progress.

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Internet Sites

For Issue Advocacy Organizations

The advocacy organizations listed here are those referred to in the articles of this electronic journal. They are just a few of the many that exist in the United States. Please note that USIA assumes no responsibility for the descriptions, contents and availability of those non-USIA resources listed below, which reside solely with the providers:

INTERNET SITES FOR ISSUE ADVOCACY ORGANIZATIONS

American Association of Retired Persons (AARP)

<http://www.aarp.org/>

AARP is a nonprofit, nonpartisan organization dedicated to helping older Americans achieve lives of independence, dignity and purpose. AARP serves their needs through information and education, advocacy and community services provided by a network of local chapters and experienced volunteers throughout the country.

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

<http://www.aflcio.org/home.htm>

A "union of unions," which represents about 14 million workers throughout the United States, the AFL-CIO strives to improve the lives of working families and to bring economic justice to the workplace and social justice to the nation.

Center for Responsive Politics

<http://www.crp.org/index.html-ssi>

A non-partisan, non-profit research group, the Center for Responsive Politics specializes in the study of Congress and particularly the role that money plays in its elections and actions. The Center's work is aimed at creating a more involved citizenry and a more responsive Congress.

Chesapeake Bay Foundation (CBF)

<http://www.cbf.org/aboutcbf/index.html>

Since 1967, the Chesapeake Bay Foundation has been the voice of those who care about restoring North America's largest estuary. CBF is the largest and only independent, bay-wide organization and exists solely to restore the health of the Chesapeake Bay.

peake Bay, which spans six states on the East Coast of the United States.

Christian Coalition

<http://www.cc.org/>

Christian Coalition was founded in 1989 to give U.S. Christians a voice in government.

Common Cause

<http://www.commoncause.org/>

A nonprofit, nonpartisan citizen's lobbying organization promoting open, honest and accountable government. Supported by the dues and contributions of over 250,000 members in every state across the nation, Common Cause represents the unified voice of the people against corruption in government and big-money special interests.

Family Research Council

<http://www.frc.org/frc/home.html>

A nonprofit, nonpartisan educational organization which reaffirms and promotes the traditional family unit and the Judeo-Christian value system.

Health Insurance Association of America (HIAA)

<http://www.hiaa.org/>

The Health Insurance Association of America is a national trade association, whose more than 250 members are insurers and managed-care companies that serve tens of millions of Americans.

League of Women Voters

<http://www.lwv.org/>

The League of Women Voters is a multi-issue organization whose mission is to encourage the informed and active participation of citizens in government and to influence public policy through education and advocacy.

National Education Association (NEA)

<http://www.nea.org/>

NEA is America's oldest and largest organization committed to advancing the cause of public education.

National Federation of Independent Business (NIFB)

<http://www.nfibonline.com/>

NIFB is the nation's largest advocacy organization representing small and independent businesses.

National Organization for Women (NOW)

<http://www.now.org/>

The National Organization for Women is the largest organization of feminist activists in the United States. Since its founding in 1966, NOW's goal has been "to take action" to bring about equality for all women.

Office of the Clerk, Legislative Resource Center, House of Representatives

<http://clerkweb.house.gov/lrc/pd/lobby/lobby.htm>

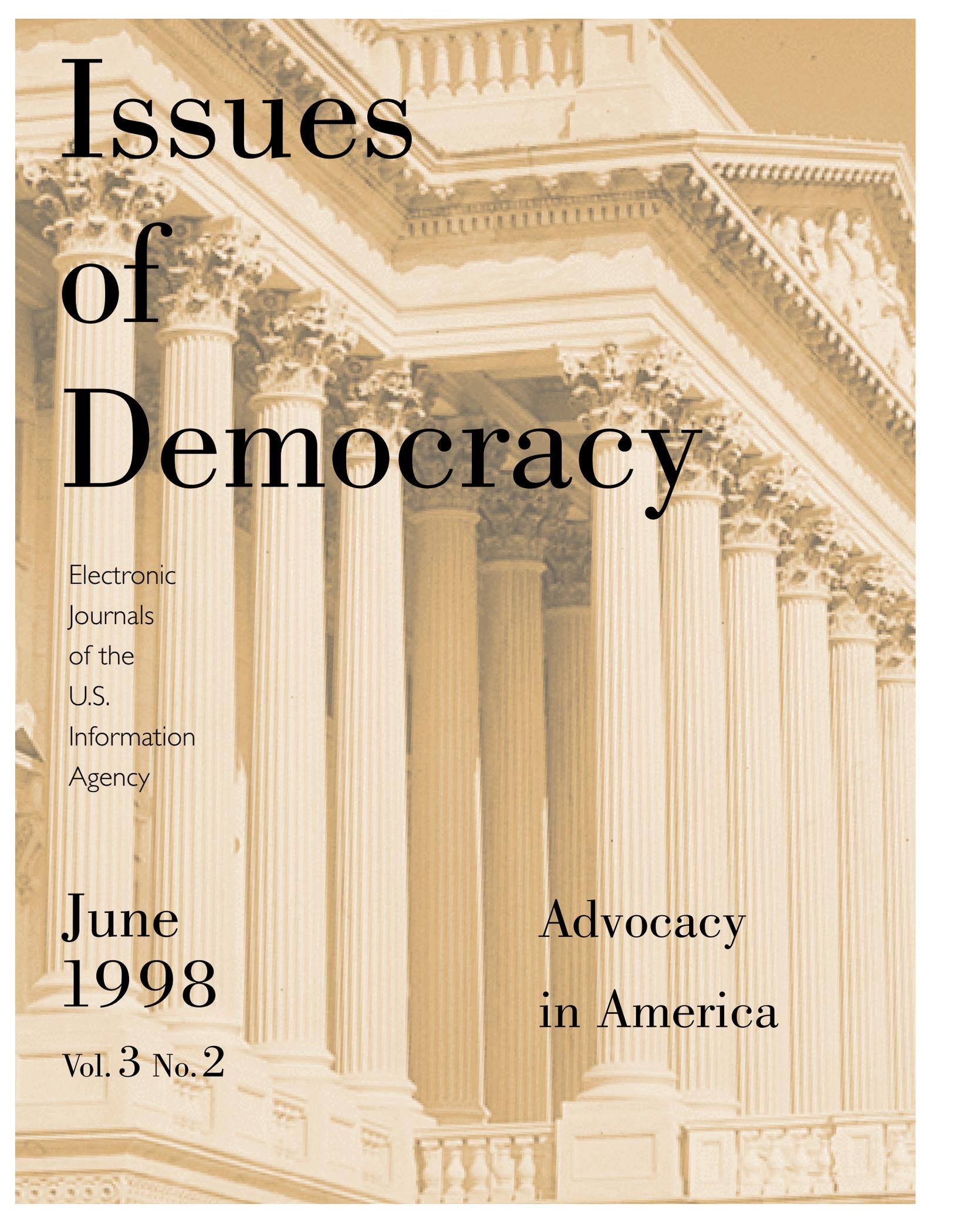
Lobbying registration and frequently asked questions for those lobbying organizations which operate in the United States.

Public Citizen

<http://www.citizen.org/>

Public Citizen is a national, non-profit consumer rights organization founded in 1971 by consumer-activist Ralph Nader. Public Citizen fights for consumer rights in the marketplace, safe products, a healthy environment and workplace, clean and safe energy sources, and corporate and government accountability.

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