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Joan Claybrook, President

December 21, 2006

Free Speech Coalition, Incorporated
8180 Greensboro Drive, Suite 1070
McLean, Virginia 22102

RE: Speaker Pelosi's lobbying and ethics reform legislation

Dear Mr. Richard Dingman:

I appreciate receiving the letter from the Free Speech Coalition, Inc., expressing concerns about the lobbying and ethics reform legislation being drafted by new Democratic leaders. The reform legislation (H.R. 1) will be introduced on January 4th as the first item on the congressional agenda. The bill provides some important changes to the way business is conducted on Capitol Hill, with an eye toward breaking the corrupting nexus between lobbyists, money and lawmakers.

Public Citizen is working for these reforms alongside numerous other civic organizations concerned about the disturbing level of corruption that swept over the first branch of government in the 109th Congress.

Your letter – signed by James Bopp (James Madison Center), Paul Weyrich (Free Congress Foundation), Richard Viguerie (ConservativeHQ.com), Rev. Louis Sheldon (Traditional Values Coalition), Edward Nelson (U.S. Border Patrol) and others – is highly critical of the “grassroots lobbying” disclosure provision likely to be contained in the bill. Apparently, your coalition is disturbed by the idea that financiers of large-scale efforts to influence the general public in support of specific legislation should disclose who is paying, and how much, for those efforts.

Public Citizen cannot agree that these efforts should remain shrouded in secrecy. We know that businesses and other wealthy special interest groups wage expensive lobbying drives while hiding in the shadows – using front groups and misleading messages to conceal that business groups are the deep pockets behind expensive television and radio ads and direct mail lobbying blitzes.

In cooperation with a wide array of nonprofits, the grassroots lobbying disclosure provision is being carefully drawn to shine sunlight on the funders of large and expensive lobbying drives while imposing minimal reporting burdens on lobbying groups.

All lobbying groups – including Public Citizen – that make substantial expenditures to encourage the general public to contact Congress and take action on specific bills would be required to disclose how much money they spend on this type of grassroots lobbying. Civic organizations, as well as unions and corporations that conduct their own grassroots lobbying drives, are all treated equally under the proposed legislation. All would be required to report good faith estimates of the money spent on grassroots lobbying, but only if the aggregate amount is substantial and appeals to the general public (rather than merely our members) to urge Congress to vote for or against a specific pending legislative proposal. This is a minor additional reporting requirement for the non-profit community and other groups that lobby.

What is likely of greater concern to your coalition are the additional disclosures required of for-profit lobbying firms and vendors, a category which includes several of your coalition members. Wealthy special interests hire outside firms to wage lobbying campaigns targeting the general public, most often through expensive TV and radio ads. Under the proposal, these organizations would be required to disclose how much a vendor is paid, and the vendor would report how that money was spent. These professionalized campaigns to influence votes on behalf of special interests are the overwhelming source of expenditures on grassroots lobbying.

The public has a right to know who is paying, and how much, to influence Congress. Disclosure of the amount and source of money being spent to affect legislation is the very essence of what citizens need to act in an informed manner.

And it does not in any way infringe upon the First Amendment for the public to know the identity of a speaker in the marketplace of ideas, given the specificity of the disclosures that are required and the precondition that disclosure pertains only to identified and pending legislation in Congress. Those who want to hide in the shadows by concealing their shilling for corporate special interests are anathema to democratic governance.

Lobbying can be a noble profession. But when it gets mixed up in high-stakes for-profit business activity, the potential for corruption is overwhelming. Sunlight is therefore the best disinfectant.

Sincerely,



Joan Claybrook
President
Public Citizen