



“Astroturf” Lobbying Disclosure Requirements Should Remain in S. 1

“Astroturf” lobbying campaigns involve millions of dollars each year in paid media, phone bank, direct mail and other paid public communications campaigns to influence the passage of legislation in Congress. Currently the huge amounts spent on these lobbying campaigns are not disclosed.

The Lobbying Disclosure Act of 1995 does require disclosure of direct lobbying expenditures – on direct lobbying contacts with Congress and executive branch officials – about \$2.4 billion annually.¹ The Senate bill, S. 1, is narrowly drafted and would apply reporting requirements to grassroots lobbying in only two ways.

First, professional Astroturf lobbying firms would be required to register and report their “Astroturf” lobbying activities. These hired-gun lobbying firms conduct Astroturf lobbying campaigns for clients for pay and urge members of the public to lobby on pending legislation or regulations.

Second, only groups that are otherwise required to register and report under lobbying disclosure laws, because they engage in direct lobbying activities in Congress, would have to report, but only if their grassroots lobbying expenditures topped \$25,000 during a quarterly reporting period.

The measures would not apply to small citizens groups conducting “grassroots” lobbying activities on their own behalf. It also would not include expenditures for campaigns by citizens or groups mobilizing and conducting educational drives on political and policy issues.

Public Citizen Research Shows “Astroturf” Groups Are Often Industry Fronts; Misleading Campaigns Impact Public Policy for Private Agendas

- Astroturf groups carry out campaigns on some of the highest-stakes issues of our day, persuading Americans to pressure legislators to support industry-backed positions on issues such as national energy policy, the estate tax and Medicare prescription drug legislation. The organizations often adopt populist-sounding names and make a practice of misrepresenting what they seek to accomplish.

¹ Jonathan D. Salant and Jeff St. Onge, “Lobbying Funds Spiral to \$2.4b; General Electric Tops Corporate List of Spenders,” Bloomberg News, July 7, 2006

For example, the Save Our Species Alliance recently sought to gut the Endangered Species Act to promote industry-friendly land management; and Citizens for Asbestos Reform, based out of the offices of the American Insurance Association, supported legislation in 2003 that would have prevented citizens harmed by asbestos from seeking redress in the courts. Public Citizen research highlights at least 12 organizations that spent millions on Astroturf lobbying and falsely represented themselves as citizen organizations.²

- The multimillion-dollar lobbying effort to repeal the federal estate tax was aggressively led by 18 super-wealthy families, which include the families behind Wal-Mart, Gallo wine, Campbell's soup, and Mars Inc., maker of M&Ms. These families sought to keep their activities anonymous by using associations to represent them and by forming a massive coalition of business and trade associations dedicated to pushing for estate tax repeal. In a massive public relations campaign, the families also misled the country by giving the mistaken impression that the estate tax affects most Americans. In particular, they used small businesses and family farms as poster children for repeal, falsely saying that the estate tax destroys both of these groups.³
- The Free Speech Coalition, Inc. – an entity of 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 leading the opposition to the Astroturf disclosure provision. Many members of the group rely extensively on hiring outside vendors to wage their Astroturf campaigns and do not want the sources and amounts of their lobbying money revealed to the public.⁴

The Bottom Line

The U.S. Supreme Court has long recognized that it is in the public's best interest, and the interest of Congress, to provide full disclosure of the money being spent to influence legislation, and has upheld grassroots lobbying disclosure requirements.⁵ Legislators need this information to properly evaluate the political pressures to which they are being subjected. The public and lawmakers need this information to evaluate the credibility of arguments being made for and against legislation. Sunshine is the best disinfectant.

We urge Senators to OPPOSE any amendments to weaken the grassroots lobbying disclosure requirements in S. 1.

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² Organizing Astroturf: Evidence Shows Bogus Grassroots Groups Hijack the Political Debate, available at: <http://www.cleanupwashington.org/documents/astroturf.pdf>.

³ Spending Millions to Save Billions, available at <http://www.citizen.org/documents/EstateTaxFinal.pdf>

⁴ Public Citizen letters in response to attacks from Free Speech, Incorporated, at <http://www.cleanupwashington.org/blog/>.

⁵ See U.S. v. Harriss, 347 U.S. 612 (1954) (Disclosure requirements are an act of political "self-protection").