Introduction: The Value of Nonprofit Lobbying to Democracy

There exists in human nature a paralytic dichotomy between our instinct for survival, for protecting ourselves and our territories—a basic “me first” human nature greed—and the loftier aspirations we have for the good of the whole, that deep yearning we have to be a part of something bigger than the smaller tribes (sometimes a tribe of one) to which we belong. We instinctively act and react to protect ourselves, while at the same time we form societies not only because we know we can benefit from cooperation, but because as pack animals we intuitively understand that there are both tangible and intangible benefits from belonging to a group. We cherish the rights of the individual; they are democracy’s greatest strength. Yet we join together because the reward of the “sense” and reality of community is a highly prized benefit. The elusive balance between the two is what we strive to achieve.

This conflict manifests itself in many ways, including in our political system. We seem unable, at this point, to reconcile these two opposite forces into a workable, balanced, and fair protocol for conducting our political affairs and carrying on our governmental functions. Citizens, including corporate citizens, ought to have the right to make their case to government officials. The issue is how to ensure that access to those officials is open to all, irrespective of wealth or position, and that decisions are made on the merits of competing interests. In this context, the “for profit” sector justifies the bottom line as the only value for its investor base, and argues that anything that undermines its ability to maximize profit is harmful to the whole. Corporate America has, without apology, embraced the notion that any approach other than its own self-interest would be a breach of its fiduciary duty; that what is good for it is good for the whole, effectively burying its role as corporate citizen (and largely ignoring that shareholder value is the real bottom line, not profit). Other special-interest groups have adopted this rationale for defending their priorities as immune to any outside argument of a larger common good.

We are a pluralistic society, and interest groups, seeking to advance and protect themselves, behave exactly as they are expected to. The structure of representative government, elected by the people, was to be our system’s built-in protection of the whole
of us—fairly elected officeholders were to represent their constituent groups, free from any obligations to special interests. Unfortunately, money has corrupted the system and compromised both the fairness of the electoral process as well as the independence and impartiality of elected officials. Money has created an inequity of access to the decision-making process, with those that offer it having a disproportionate advantage in consideration of their needs. Support or opposition to legislation has become as much about political considerations as about the merits of the proposals.

The negative impact of special-interest money on how we elect people to public office as part of a larger strategy to influence how and what decisions government makes is not a potential threat but a reality. Promulgation of laws and regulations to curb the excesses of this abuse of the system and wrest power from the wealthy few, as the means to return democracy to the whole of the people, has thus far been a fool’s paradise. Every reform has been fought tooth and nail to prevent its passage, and sidestepped and skirted after its adoption. Those charged with reform of the system include those who most benefit from the way it is currently organized. As the juggernaut that is our money-influenced process to elect officeholders rolls on despite attempts to stop it, some other systemic solution needs to be found.

Nonprofit corporations are by definition organized for the public benefit. They might have played a role in balancing the instinct for the self by being the counterpoint to special interests and advocating the larger “us,” but, by and large, nonprofit advocacy has thus far been conspicuous by its absence. The instinct for survival by the individual—person or organization—overlapped the desire for the collective good long ago. Special-interest pluralism has devolved to a situation in which money rules the roost. The dirty little secret in democracy is not that the emperor is naked, as it were, but that nudity has become a fashion statement. It isn't enough that we haven't found a way to balance our love for the sanctity of individual freedom with the instincts we have to serve the pack, it's that John Kennedy's question—“ask not what your country can do for you . . .” —isn't even being seriously asked anymore.

In this context, the rationale behind IRS regulations seeking to limit nonprofit lobbying efforts because of the special tax status accorded to “public-benefit corporations” is exactly the opposite of what the policy should be. Lawmakers rely on lobbyists, as experts, to make known the complexities of various issues. The problem is that too often, there are no lobbyists on the other side of any issue, certainly not with equal resources, and thus there is a disparate presentation of information, with decision makers, who lack the time to thoroughly investigate all sides of every issue, getting a one-sided, jaundiced picture.

By advocating and lobbying for the benefits they confer, nonprofits will be advancing their mission, which is, by definition, to benefit the public. As “public” special-interest groups, with the same resources and power as private, special interests, nonprofits can provide a balancing counterpoint to the current dominance of the process by special, private-interest lobbying. A nonprofit sector commitment to advocacy and lobbying, including participation in the financing of the campaigns of those who seek public office, as a core function of nonprofit management, will help to further nonprofit agendas and protect and defend against both direct attacks and negative impacts brought about by their absence from decision-making tables; in the process, democracy may be served.