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TUESDAY, AUGUST 29, 1995 A19

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And Tom Joe

# Reject That Gag Rule

One of the most heated exchanges in Congress before it adjourned for the August recess was over a proposal known informally as the non-profit gag rule. When the full House of Representatives considered it, members hurled charges and countercharges. One prominent Democrat accused the Republicans of fascism, while the head of the chairman's gavel broke off and flew across the room before the debate was quieted.

Sponsored by Reps. Istook (R-Okla.), McIntosh (R-Ind.) and Ehrlich (R-Md.), the proposal would prohibit organizations that receive federal grants from spending more than 5 percent of their non-federal funds on "political advocacy," defined broadly to include any attempt to educate the public or government officials at all levels. A "letter to the editor" would be advocacy, if it took a stand on an issue.

This is not just a partisan skirmish. If we ignore or minimize the issue now, we do so at peril to basic assumptions about our political life that have stood since the days of the Founding Fathers.

Historically, voluntary non-profits have played an enormous role in providing channels for people to associate voluntarily in common causes across the social and political spectrum. When groups organize as non-profits, they are granted exemption from tax. When they organize to perform functions that the government would otherwise take upon itself, they are allowed to accept tax-deductible contributions. Often, communicating about their work is a logical extension of what they were chartered to do.

In fact, our democratic system assumes the participation not only of voting individuals but of associations that give a collective voice to those who lack the means or expertise to participate on their own. Alexis de Tocque-

ville recognized such associations as a uniquely American phenomenon, while James Madison maintained that the competition of various interests is necessary for government to succeed.

How ironic, then, for the gag rule's backers to insist that charities, which already administer many government programs, take over many more while forbidding them to voice an opinion as to how they might best do so. This amendment hits both large organizations such as the American Heart Association and small groups that champion little-known causes.

Republican leaders say that organizations receiving taxpayer funding should not use any substantial portion of their funding to take positions, with which some taxpayers vehemently disagree. They argue that receipt of federal funds allows grantees to free up other resources to lobby, and therefore even activities undertaken with private funds should be restricted. Their reason for making this convoluted argument is not hard to discern: They are angry at some non-profits' opposition to their political program. Robert Dornan

(R-Calif.) spelled this out in the *L.A. Times*. He wrote, "Stop the aid and comfort to the enemy ... the new Republican majority should ... defend the left."

Non-profits maintain that so long as federal funds are used for the purpose for which they were awarded, the sheer receipt of those funds has nothing to do with their use of other dollars, which have no relationship to federal funding. The acceptance of federal funding *should* be conditional on accountability for the purposes for which the funding was awarded but *should not* be conditional upon stopping other activities that are a necessary part of an organization's regular function—let alone surrendering the right to free speech.

Asking non-profit agencies to choose between federal funding and free speech is undemocratic. Silencing the left, the right or any group subverts Madison's principle of effective government: that it is in the general interest for all sides to participate in a given debate.

The federal government already recognizes the need for balance in our political process. Non-profit charities, which serve a public purpose, are encouraged to take positions on legislation, but their direct lobbying is severely restricted. They may not spend grant funds on direct lobbying, and their use of private funds for lobbying is capped at a low level. Corporations have no limits on how much they may spend, but they may not contribute directly to political candidates, and their ability to write off lobbying expenses was recently revoked. These are examples of the type of regulation that is necessary to make democracy a reality. Again, as Madison foresaw, the "regulation" of various interests is a principal preoccupation of government.

The fundamental question, therefore, is how to regulate the process without rigging it. Before our principles and perhaps our Constitution are seriously compromised, we need to ask whether non-profits are actually abusing the current system. Since there is no evidence that they are, the non-profit gag rule proposal should be rejected by the Senate.

The question of "Who is entitled to a voice in our democracy?" is too fundamental and too important for its answer to be determined by partisan bickering or on behalf of any one political faction. The Senate needs to remind itself that what is at stake here is the fabric of our democratic system, not just who controls the airwaves and the media for the next five years.

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