



**A project of
the Center for
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Written Testimony of the Center for Media and Democracy

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On Behalf of CMD's ALECExposed Investigation**

**Public Forum on the American Legislative Exchange Council
and Its Activities in the New York State Legislature**

**Convened by State Senator Daniel Squadron, Ranking Member
of the Senate Investigations and Government Operations
Committee and Colleagues in the Senate Democratic Conference**

June 13, 2012

I would like to thank State Senator Daniel Squadron, the ranking member of the Senate Investigations and Government Operations Committee, and Senators Eric Adams, Adriano Espaillat, Michael Gianaris, Ruth Hassell-Thompson, Liz Krueger, Velmanette Montgomery, Kevin Parker, Bill Perkins, Gustavo Rivera, John Sampson, and Toby Ann Stavisky for the invitation to submit this statement today about the American Legislative Exchange Council (ALEC). On behalf of the Center for Media and Democracy, its ALECexposed investigation, and our many readers in the State of New York, I commend you for holding this forum. CMD is an investigative reporting and watchdog group that recently won the Izzy (I.F. Stone) Award from the Park Center for Independent Media in Ithaca, New York, and I am an honors graduate of Cornell Law School.

As you know, in 2010, ALEC circulated a “Legislative Score Card” taking credit for over three dozen pieces of legislation in that year alone. In the nearly 40 years since ALEC was created, it is unclear how many hundreds of bills introduced and possibly passed into law in New York were based on ALEC’s legislative agenda. It is unclear because ALEC has routinely reported to the Internal Revenue Service that it engages in “0” lobbying, despite the fact that it devotes substantial resources to creating and advancing “model” legislation, boasting to its corporate and legislative members that its success includes getting between 800 and 1000 bills introduced each year, with nearly 20% of them becoming law. *See http://www.alecexposed.org/wiki/Decoding_ALEC_PR*

Through ALEC task forces, corporate lobbyists vote as equals with elected state legislators on these templates to change the laws of New York and other states. Under ALEC’s published bylaws the state leaders of ALEC, both its public sector and private sector co-chairs for each state, have a “duty” to get bills introduced and to raise money for ALEC “scholarships” from corporations to send ALEC legislators to meetings at resorts where these task forces vote to approve model bills that largely advance the interests of ALEC corporate members.

In New York, the legislative and corporate co-chairs of the state were identified as Sen. Owen Johnson and Robert Luria of GlaxoSmithKline, as of 2011, when such information was last publicly obtainable. In other states, ALEC legislators who have received corporate funded-gifts for the travel have often not reported the value of these benefits, and also ALEC corporate members who have urged legislators to pursue these bills have often not registered as lobbyists in the state or reported related expenditures. Because of incomplete information, we do not know whether Sen. Johnson or Mr. Luria has attended ALEC meetings in other states or advanced the ALEC legislative agenda in New York. CMD, along with Common Cause, has objected to ALEC’s operational structure which cloaks its legislative agenda, and has expressed our view that ALEC is a corporate lobby masquerading as a charity.

ALEC’s annual revenues are about \$7 million, and over 98% of that revenue comes from corporations and sources other than the \$50 in dues legislators pay per year for membership, while corporations pay thousands to be members and pay a premium to vote

with legislators on model bills, behind closed doors with no press allowed. See [http://www.alecexposed.org/wiki/What is ALEC%3F](http://www.alecexposed.org/wiki/What_is_ALEC%3F)

Over the years, ALEC's agenda has included so-called "Stand Your Ground" or "Castle Doctrine" legislation to grant legal immunity to shooters who claim self-defense, shifting the burden of proof to make it harder for such claims to be heard by a jury. This law was initially invoked to prevent the arrest of George Zimmerman in the shooting death of unarmed student Trayvon Martin, a situation that provoked public outcry in New York and other cities. Across the country, such legislation has been opposed by law enforcement representatives because of public safety concerns. This legislation was first passed in Florida, at the behest of the National Rifle Association and, as CMD was the first to document, the NRA's lobbyist took the bill to a closed-door ALEC meeting in Texas in 2005, where it was unanimously approved in a task force meeting co-chaired by Wal-Mart, the nation's largest retail seller of ammunition and long guns. See [http://www.alecexposed.org/wiki/ALEC Castle Doctrine](http://www.alecexposed.org/wiki/ALEC_Castle_Doctrine)

Late last month, Wal-Mart stepped down from ALEC's board. This spring in the wake of the controversy over the killing of Trayvon Martin, ALEC announced it was disbanding the task force that approved this model bill, although the legislative chair of that task force told the press subsequently that the work of this ALEC task force would continue in other ways. See <http://www.prwatch.org/news/2012/05/11512/cmd-special-report-alecs-gun-agenda-flourished-koch-industries-board-other-koch-f> This ALEC task force has approved model legislation to pre-empt cities like New York from suing gun manufacturers or even regulating deadly weapons and ammunition. Last December, at the NRA's request, this ALEC task force even agreed to bar cities from banning "machine guns." See <http://www.prwatch.org/news/2012/05/11508/cmd-special-report-new-documents-confirm-koch-was-alec-crime-task-force-led-nra-p> There can be no doubt that ALEC's agenda is an extreme one.

Over the past several weeks, 23 private sector members of ALEC, including Johnson & Johnson, just yesterday, have left ALEC as concerns have been raised not only about ALEC's long-standing efforts to advance the wish list of the gun industry as represented by the NRA, but to advance other measures. For example, in 2009, ALEC's Public Safety and Elections Task Force approved so-called "Voter ID" legislation as a national model and since that time bills with similar provisions have been introduced in states across the country, as documented by the Brennan Center in New York. See <http://www.prwatch.org/node/11366> Such provisions make it more difficult for American citizens to vote by imposing restrictions on how one may prove identity, which has a disproportionate impact on minorities and on people who live in cities and do not drive.

Similarly, as you have noted, ALEC has a far-reaching telecomm agenda to prevent cities and states from regulating Voice Over Internet Protocols, providing municipal broadband to ensure that residents have low-cost access to the internet, and also limiting the ability of governmental bodies to regulate cable and broadcasting.

In addition, as the *New York Times* has documented, ALEC corporations such as Exxon have crafted “model” bills to limit public access to information about what is in fracking chemicals used in the hydraulic fracturing of the shale basin in New York and other states. http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?_r=1

This is just a snapshot of some of the recent legislation on ALEC’s agenda that may have been introduced in the New York legislature or coming soon. We believe the public has a right to know if bills that are being proposed in New York and elsewhere were pre-voted on by corporate lobbyists voting as equals with state legislators at secret meetings out of the view of the public and the press. We believe the people of New York have a right to know who is lobbying, in New York, and at hotel resorts where ALEC meets, for this agenda. And we believe the public has a right to know if its elected representatives are part of ALEC and are helping to push its agenda without disclosing this to them.

Accordingly, we appreciate your examination of ALEC, its agenda, and its operations. We believe that ALEC’s efforts undermine the democratic process should be fully exposed. Thank you again for convening this forum today and examining this matter in detail.