A Call for More Research on Nonprofit Advocacy

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Eisenberg and Eschenfelder suggested that communication scholars’ main focus related to NPOs should be “how those associated with nonprofits employ communication to respond to … external pressures” (p. 916). I agree with this goal and have conducted research that seeks to understand, for example, how fund raisers individually cope with a wide range of material and societal influences on their sense of occupational identity. In this position paper, I am interested in making sure that we also include in this goal an understanding of how NPOs as collective rhetorical actors respond and act amidst such pressures.

Therefore, I would like to focus some of our attention on the organizational level voices of NGO organizations in the public sphere. This paper focuses on NPOs in the United States, but I believe that while the specific legislation is different, many of the processes and issues discussed here extend well beyond the United States. Specifically, I argue that the voices of many NPOs problematically are being silenced and marginalized in the public sphere. I suggest that this trend is problematic for the health of public discourse, and I consider how research into the persuasive role and rhetoric of NPOs can seek routes of positive transformation for NPOs on both theoretical and practical levels.

First, I understand that not everyone believes that NPO organizations should be engaging in public persuasive communication. One argument in favor of their silence or limited voice is that they receive the tax-exemption to provide a direct service, not to influence legislation and public opinion—that is the job of individual citizens. Yet, I believe that there are a number of reasons why citizens should want NPOs to take a public stance on a variety of legal issues.

The simplest reason in favor of NPO advocacy is that NPOs often represent and assist the least fortunate in society, individuals who may not have the time or resources to participate directly in public deliberation—as individuals. In this paper, I assume that our goal is to have a society in which individuals and organizations take care of themselves and each other. I take a Habermasian stance by suggesting that in order best to take care of each other, society needs participation from all parties that are relevant in a particular public deliberation. So my argument for inclusion of NPOs in public deliberation rests on an assumption that they represent a valuable perspective regarding many current public issues that are being deliberated.

But even if an individual has time and resources to speak about issues of relevance to NPO work, we need to allow organizations (as well as individual members) to state NPO positions and advocate for such stances because our society and its public sphere has become an organizational one. Crable (1990) argued that contemporary society is entering a 4th great system of rhetoric, one that is inherently organizational. For-profit corporations are recognized as major rhetorical
players in the public sphere. Individual politicians and political speakers remain, but much has been written in the popular press about how difficult it appears to be for most politicians to speak out in contradiction of the political party with which they are affiliated. We have individual celebrities who can speak individually in particular moments, but in many ways they are speaking as a brand and representative of a number of companies bearing their name. Joe the plumber reached many Americans a few years ago, but only through his association with and public mention by each major political party during the election season. I could go on, but my (potentially controversial) argument is that there is very little room remaining in our public sphere for individual persuasive rhetoric. Persuasive force resides at the organizational level. [And yes, I think that the internet offers a potential rebuttal to this position, with its general availability to average individuals in society. But I would suggest that the most powerful websites that are participating in public discourse start out as organizationally affiliated or develop into their own organization (such as the Huffington Post initiated by Arianna Huffington).]

In essence, my point here is that limiting the voice of NPO organizations, while promoting and inviting the voices of for-profit organizations contributes to a harmful imbalance in our public deliberation processes. The harm is that it perpetuates the corporate colonization and “Culture, Inc.” society that Habermas (1990), Deetz (1992), and Schiller (1991) have decried, weakening our lifeworld. Next, I want to draw attention to some of the discursive ways in which these limits are accomplished.

**Second**, how are collective NPO voices being silenced and silencing themselves within the public sphere?

The most obvious silencing of NPO voices is achieved through specific legislation. In particular, most 501c3 organizations in the U.S. elect to be governed by the 1976 Lobby Law. This law limits a 501c3 NPO to spending 20% of its first $500,000 of expenditures on lobbying efforts (e.g., an organization with yearly expenditures of $100,000 would be legally allowed to spend 20K on lobbying without risking losing its tax-exempt contribution status). The law further stipulates that only 25% of that 20K can be spent on what is known as grassroots lobbying—lobbying in which the NPO publicly states its position on a particular piece of legislation and asks publics to contact those directly involved in the deliberation process. The remaining 75% may be spent on stating the organization’s position to those directly involved in the deliberation process. No such limits exist on for-profit and non tax-exempt organizations (such as 501c4 nonprofits) in the United States.

Thus, there are specific, fiscal limits on the amount of money that a tax exempt donation NPO can spend on lobbying efforts, that is, on its public communication of its persuasive voice. It might be tempting to respond that this law offers a reasonable amount of room for advocacy among NPOs. However, a critical approach encourages us to seek potential ways in which seemingly objective decision making obscures political interests and inequalities (Deetz, 1994).
recall once attending an NCA panel in which Roger Smitter happened to be in attendance. The issue of NCA taking a formal public stance on a public topic (perhaps it was a hotel strike) was raised, with one panelist expressing outrage that NCA was not taking a stance. However, two other individuals in the room quickly jumped in to argue “We can’t do that, we are not allowed as a nonprofit.” Fortunately Roger was able to offer a well-informed correction to this stance. Yet, individuals such as Smitter and I are rarely present when such discussions take place. And even though I am interested in the topic, I still experience uncertainty about what is legal for 501c3s related to advocacy. Does it really take much money to write a press release indicating a stance on upcoming legislation? Does it really count as legislation related lobbying if NCA takes a stance on issues such as a union’s desire for a suitable contract? My own undergraduates in organizational advocacy typically express the belief that NPO advocacy should be limited or eliminated altogether. Thus, it is not surprising to me when legislation such as the various forms of the Istook amendment (see, Cox & McCloskey, 1996) keep reappearing and attempting to further limit the persuasive voices of NPOs in our legislative deliberations. [One version of the Istook amendment sought to lower the amount of lobbying done by 501c3 to 5% of total expenditures.]

In other words, I suggest that the power of the discourse surrounding this policy is far more restrictive than the policy itself. Alexander (1999, 2000) found social service workers indicating that connections to government entities were getting in the way of engaging in typical advocacy efforts. Indeed, NPO-government partnerships may make NPOS less likely to advocate, for fear of alienating and losing a desirable partnership. I wonder if research would find that NPOs, their leaders, and their members operate as if advocacy is a dirty word and a practice that should be engaged in tentatively and apologetically, if at all.

Another way in which 501c3 advocacy is limited can be seen in the recent Supreme Court decision regarding campaign contributions from corporations (Citizens United vs. Federal Election Commission). This ruling allows 501c4 and for profit organizations to produce campaign messages in the days leading up to an election. 501c3s are still not allowed to engage in such behaviors.

Some critics of the decision are concerned that basic fiscal resources will mean that publics will be hearing more corporate-centric messages in favor or against political candidates in upcoming election cycles. Even if 501c4s elect to enact this right (and indeed Citizens United is a 501c4 organization), the downside is that they may have access to less overall funds to produce such messages. Proponents of the decision argue that the public sphere will keep such campaign spending in check. Yet, journalists and citizens will have to be hyper-vigilant to track such corporate giving. For example the recent controversial Target corporation donation in support of an anti-gay campaign was donated through a subsidiary named MN Forward.

This issue is quickly tied up in the differences between freedom of speech and equality of speech. My critical leanings bias me toward procedures in which all parties have equal access to
public deliberation, such that relevant arguments are heard and the best arguments can rise to the surface. Yet, I am not convinced that equality of speech time is present in the first amendment, though freedom of speech clearly is.

Here we have a case of unequal participation among for profit and nonprofit organizations. Federal law prohibits charitable organizations and foundations from participating in political campaigns. Donations or public statements in support of or against any candidate violate this law, making any violator subject to loss of tax exempt status and payment of excise taxes. It’s a formidable law. I am concerned that again here the impact on the NPO sector is extending beyond the law. NPOs may take stances on issues under the Lobby Law, but very few do. I encourage organizational communication, political, and rhetoric scholars to delve into the ways in which these laws and policies are interpreted and experienced by NPOs, their members and clients, and by broader publics.

Finally, I urge others to join me in pursuing routes of positive transformation of the processes that perpetuate the “othering” of NPO participation in public discourse. I am deeply concerned that if scholars and citizens rely on individualized efforts to voice the messages and paths preferred by those committed to NPO causes, that those voices will not be heard.

In addition to a few directions outlined above, one avenue of research that I suggest for communication scholars is considering the persuasive power of 501c3 status to a potential donation recipient. How important is it to donors that their donation results in a tax deduction? What does it mean culturally, socially and fiscally to be a 501c4 instead of a 501c3 organization? Should 501c3 organizations be encouraged to convert into 501c4 organizations in order to have a bigger voice? What are the ethical and practical implications of how many nonprofit organizations have formed and are forming 501c4 addendum organizations that engage in advocacy?

I would also urge us to consider the full advocacy implications of the tax exempt status of 501c3 and c4 organizations. What rights and restrictions are legally and socially tied to this special taxation status? How are advocacy messages from NPOs different from or the same as advocacy messages from for-profit organizations? What kinds of advocacy messages are being developed the NPO-for-profit collaborations?

There is so much work to be done on nonprofit organizing; this is just one tiny part of that, but a part that is important for the future of NPO organizing in the United States and for NGOs beyond. What kinds of voices do and should these organizations have in the public sphere?
References


