

American Legislative Exchange Council

Putting Laws on the Books on Behalf of Corporate America

The dishonest and corrupt underpinnings of the executive branch and congressional pillars like Tom Delay has now become common knowledge. While many progressive activists look more favorably to the state and regional level to effect change, recognizing the grassroots genesis of most significant reform, even that road is often fraught with potholes filled with the smelly muck of corruption and a corporate agenda. Replicate the Abramoff method of influence peddling and shoot in under the public radar screen directly into all 50 state legislatures, and you have the American Legislative Exchange Council (ALEC).

ALEC is a conservative public policy lobbying group funded by over 300 corporations in the business of writing and promoting hundreds of pieces of legislation (providing models for over 3,100 pieces of legislation introduced, and more than 450 laws enacted) serving the corporate agenda.

ALEC-written laws propose, for example:

- To lower diesel emission standards and loosen testing requirements
- Prohibit state regulation of greenhouse gas emission prior to ratification of the Kyoto protocol
- Require the federal government to get state consent before designating national monuments
- Exempt large insurance providers from rate regulations
- Require economic impact analysis on par with environmental assessment
- Make it more difficult for states to mandate health coverage

ALEC has also written “takings” legislation in the form of the *Private Property Protection Act* that could lead to the dismantling of protections provided by the Clean Water and Air Acts and other public trust protections by disallowing government attempts to reduce value or restrict uses of private property “unless to abate a public nuisance.”

More recently, ALEC has authored new laws that put protest actions that damage corporate property into the realm of domestic terrorism, drawing much more severe penalties and aggressive prosecution.

ALEC, founded in 1973 by right wing activist Paul Weyrich, who coined the term “moral majority,” calls itself the largest bi-partisan membership association of state legislators, but is in fact one of the most powerful corporate lobbies in the U.S., in the business of writing laws, often with an invisible hand, for state legislators. In the late 1980s, ALEC’s agenda became more shaped by big corporate money, promoting laws engendering privatization of prisons and health care and energy deregulation. Enron’s Ken Lay was a keynoter at ALEC’s 1997 convention, after offering \$20,000 of funding for the convention.

Funded by industry groups, conservative foundations and corporations like Enron, Exxon, the American Petroleum Institute, Philip Morris, Coors, the American Nuclear Energy Council, Shell, Texaco, Chlorine Chemistry Council, the NRA, Corrections Corporation of America, Archer Daniels Midland, International Paper, McDonald’s, AT & T, Wal-Mart, and hundreds of others, their roster reads like a who’s who in the extractive and chemical industries.

How does ALEC operate so far under the radar while throwing around its considerable political weight?

Unlike Congress, many state legislators have little or no paid staff to carry out the research, drafting and fact-checking scrutiny required to survey the volumes of legislative proposals that flood their desks. Moreover, these often-harried representatives can reap benefits of ALEC membership like junkets and other fringe benefits. ALEC operates by convening “task forces,” bringing legislators (nearly all Republican) to the table to sit across from corporate reps to hash out “solutions” to impediments to corporate control.

It’s a “pay to play” game whereby corporations, through ALEC, have their special interest legislation promoted to state legislators across the country without having their name on the legislation.

Criminalization of dissent has long been within the purview of the FBI, but now that champion of surveillance and infiltration has an ally in ALEC. The agenda flying under the radar screen is protection of wealth and protection of private property. ALEC would put damage to property on par with threat or actual harm to life. When the Dept. of Justice announced that environmental and animal rights activists as their top domestic terrorism priority, nowhere in the pronouncements of how heinous these acts they call terrorism are, were body counts or even a litany of injuries. The “injury” is defined in millions of dollars to corporations who are in the business of building multi-million dollar developments on endangered species habitat.

ALEC, in collaboration with the U.S. Sportsman's Alliance, has written model legislation upping the ante for action taken against corporations in the business of development, logging, mining and vivisection. Thanks to ALEC, legislation has been introduced in 9 states in the last two years seeking to brand politically motivated property destruction, trespass or arson as acts of domestic terrorism. Of course, arson, trespass and vandalism are already illegal, but ALEC wants to add codified layers so that those who support those activities—financially or otherwise—could also be prosecuted

One such law passed in April 2006 in Pennsylvania, amending the state code to include “eco-terrorism”--defined as:

“a person committing one of a number of ‘specified offenses against property’ with the intent to intimidate or coerce another individual lawfully participating in an activity which involves animals, plants, or natural resources – or the use of an animal, plant or natural resource facility; or by committing a specified offense against property with the intent to prevent a person from lawfully participating in an activity involving animals, plants or natural resources, or using an animal, plant or natural resource facility.”

Those “specified offenses against property” include risking catastrophe, criminal mischief and institutional or agricultural vandalism, as well as arson. A similar bill narrowly voted down by Maine’s House of Representatives would make it a felony to "intentionally damage, destroy or tamper with the property of another ... for the purpose of causing substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest."

There is little doubt that the public’s understanding of “terrorism” includes actual injury to living people, and not acts of protest that primarily affect the profit margin of a large corporation. But these proposed laws—and the current sweep of environmental protesters who committed acts of sabotage against corporations or animal experimentation labs with zero net injuries—are right in sync with the corporate agenda of protection of wealth and protection of property above all else.

If property destruction is put on par with threat to life, the question must be asked whether the next step will be increased prosecution for the revered tradition of non-violent civil disobedience or vilification of the successful market campaigns carried out by the likes of Rainforest Action Network and Forest Ethics, because after all, those activities, as well as boycotts, strikes and other labor actions put a dent in the bottom line. In fact, attacks disguised as I.R.S. investigations and other back door strategies are already on the rise against organizations that carry out civil disobedience and market campaigns. It is a short step from calling sabotage terrorism to vilifying those who bring protest to the streets.

Groups including Move On, the SEIU and Steelworkers unions and others have launched PLAN—the Progressive Legislation Action Network—to provide a counter lobbying effort at the state level to ALEC’s agenda of bringing the most radical, right wing policies to the floor of state legislatures across the country. Other organizations including NRDC and Defenders of Wildlife have put up an ALEC-watch website and campaign against ALEC policies.

Sources:

“Corporate America’s Trojan Horse in the States,” www.ALECwatch.org/report.html.

“Ghostwriting the Law,” Sept./Oct. 2002 *Mother Jones*.

“Animal and Ecological Terrorism in America,” www.ALEC.org.

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