

Liman Summer Fellowship Final Report

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One of the major trends of the present election cycle has been an increasingly unqualified vilification of lobbying activity. From Senator Obama's absolute ban on lobbyist campaign contributions to the string of top lobbyist-advisers dismissed from the McCain camp, the L-word has been elevated to a new level of taboo in American political discourse. One would merely have to turn on the news to find speeches bemoaning the influence of K Street as prevalent as those decrying the excesses of Wall Street. Such was the political climate surrounding my 10 week internship with the Alliance for Justice, where I assisted a team of eight attorney-trainers to increase the lobbying capacity of the public interest sector.

Founded in 1979, the Alliance for Justice is structurally an association of over seventy nonprofit organizations who share a common commitment to equal justice and progressive reform. The Washington DC-based organization is best known for its judicial selection work, which has garnered the contempt of more than a handful of Republican staffers on the Senate Judiciary Committee. However, the organization's largest division is actually the Nonprofit Advocacy Project (NAP) and the Foundation Advocacy Initiative (FAI), both of which aim to strengthen the nonprofit and philanthropic sector's influence in the policy process through trainings, workshops, and publications.

Since many 501(c)3's (public charities) hesitate to lobby for fear of losing their tax-exempt status, attorneys at NAP/FAI are specially trained in IRS regulations that govern nonprofit organizations. In reality, the IRS has stipulated generous guidelines that encourage public charities to take a seat at the policy table, so our mission was largely to bridge that disconnect between what the law was perceived to be and what the law

actually was. In the context of a major election year, we also advised many 501(c)3's, which are required to remain nonpartisan, how best to advocate for their causes without violating relevant rules that might endanger their tax-exempt status.

As the sole intern assisting NAP/FAI, I worked on several ongoing projects throughout the summer on top of a routine schedule of meetings, workshops, and trainings. I worked on regular updates for the Immigrant Advocacy Initiative, which sought to empower nonprofit groups that supported immigrant rights. I spent a fair portion of my week combing through the websites of over 100 immigrant advocacy groups, compiling a master list of new initiatives or programs that we could plug our resources into. Among immigrant-related public charities, I found many legislative advocacy groups and many direct service providers, but never both. As the strict dichotomy became more noticeable, the thought crossed my mind: Wouldn't those organizations with the most experience working directly with those in need be the best situated to advocate for statutory changes? Direct service providers would presumably have a deeper more nuanced understanding of the challenges that confront both undocumented and legal immigrants, so why are they not also taking a seat at the policy table? Thus I began to add a more normative element to my weekly updates to the Alliance, suggesting that we encourage and assist direct service providers to simultaneously engage in legislative advocacy as well.

Early in July, several attorney-trainers were invited to conduct a training in Mexico City for foreign public sector groups seeking to increase their policy influence. I was asked to research and produce a report introducing our attorneys to the Mexican constitutional polity, from the government structure to various elements of the political

process, with special emphasis on regulations governing nonprofit organizations in Mexico. It was fascinating to explore the many parallels as well as differences relative to the American system, both of which I highlighted in my brief. The experience also instilled in me an interest in comparative constitutional law, a subject I will be exploring in more detail at school next semester.

Shortly before my arrival, the Alliance for Justice received substantial funding to work closely with groups that advocate for reproductive choice. Upon arrival, I worked closely with the staff attorney in charge of choice advocacy to build up a whole new system and network designed to organize our activities around this issue. I also researched all of the anti-choice ballot initiatives that will be voted on in several states in November, and tracked the status of similar proposed initiatives. Later, I compiled a twelve page report summarizing the past two years of activity from foundations that have been funding reproductive choice, highlighting the details of every related grant that has been made publicly available in the recent past.

I also worked with my direct supervisor, the Program Associate, to tackle head-on the “vilification of lobbyists” that I referenced at the beginning. In my months at the Alliance, I came to truly appreciate the crucial distinction between corporate lobbyists, who seek to promote the financial interests of private organizations, and public interest advocates, who lobby instead for the public good, though they are all too often shut out of the policy process. I was asked to draft and edit a blog entry on a recent report released by the Congressional Management Foundation on the relationship between citizen engagement and grassroots advocates, which only further underscored the need to maintain this distinction. The survey found that 83% of citizens who have contacted

Congress found materials from advocacy organizations to be informative, while 80% found them to be trustworthy. To compare, only 57% found materials from their Senators or Congressmen to be informative, and even less, 39%, found them to be trustworthy. The study also found that 75% of all individuals who contacted their representative did so at the request of a public interest group, demonstrating that unlike private lobbyists, public interest campaigns are among the most effective ways to engage citizens directly in the policy process. I wrote as much in the last paragraph of the blog entry:

“Thus, in railing against the influence of lobbyists generally, politicians and the media are incidentally decrying groups that promote civic engagement in the public sphere as undemocratic. This might seem laughable to some (it certainly does to me), but it is a reality of the current national dialogue. At best, this view is a myopic overgeneralization that will recede after November. At worst, it threatens the vitality of a whole class of stakeholders who play an indispensable role in maintaining a vibrant democratic system.”

More broadly, the notion that nongovernmental entities play vital and irreplaceable roles in a democratic system resonated with me deeply. I began to think more carefully about what I wanted to write my senior thesis on after completing my next year at Princeton. In researching Ford Foundation grantees in my reproductive choice projects, I stumbled upon a report highlighting the millions of dollars in grants Ford provides to independently-run legal aid clinics in China. I had always been interested in Chinese legal reform, yet this was the first time I had given any serious thought into exploring the legal aid sector in China. I began to read even more on the subject. I asked for advice from Donald Clarke, Professor of Chinese Law at George Washington University Law School, who was immensely helpful in providing me Ford Foundation contacts, as well as several introductory articles regarding the state of legal aid in China. As a Chinese-American whose entire extended family still resides in Suzhou, I’ve always

been drawn to issues in contemporary Chinese politics and society, especially with an eye towards the possibility of eventual democratization. The more I read about the limitations and potential of legal aid, the more convinced I became that strengthening the system is a crucial step towards achieving a more democratic China. It is vital that the hundreds of millions of rural poor in China begin to see law not as a tool of oppression, as it has been for dynasties, but rather as an impartial remedy for injustice. Significantly expanding the quality and scope of Chinese legal aid can go a long way towards achieving that.

And so I emerge this summer with not only a more enlightened and informed perspective on public interest advocacy, but also a new and exciting direction to pursue in the future. I intend to spend next summer conducting interviews and case studies at legal aid clinics around China as preparation for more extensive thesis research during the school year. I also plan on applying to law school that year, where I hope to more rigorously build my understanding of legal processes and thus enhance my own ability to produce the kind of change I would like to see. Whether that entails providing an equal voice to public interest advocates nationwide, improving the quality of free legal services in rural China, or another entirely different endeavor, I am confident that law school is the logical next step to building my own capacity to produce meaningful change.

I want to close by thanking the Arthur Liman Public Interest Program at Yale Law School for its generous support and funding that made my summer possible. I also want to thank the Program in Law and Public Affairs at Princeton University for notifying me of this opportunity and guiding me through the application process. Finally, I want to thank the entire Alliance for Justice staff for providing such an enriching and inspiring experience this summer. I am just so grateful.