

Jon Wainwright: Hello, and thank you for tuning in to another episode of Policy Change In Practice. We're here today with Shelby Emmett. She is the Director of the American Legislative Exchange Council's Center to Protect Free Speech. Really quickly, just to make everything easier, the acronym is ALEC, and we'll just refer to the Center to Protect Free Speech as "The Center."

Shelby Emmett: That's perfect. Yes.

JW: Perfect, and thank you for joining us Shelby.

SE: Thank you for having me. This is great.

JW: Great! So, again, just kind of the basics here. We're just trying to understand how organizations go about changing public policy. But before we get into that, just a little bit of background. What led to the start of ALEC, what led to the start of the Center, and, from there, what do you guys do?

SE: Great. ALEC is actually is coming up on its 45th Anniversary in 2018.

JW: Congratulations.

SE: Yeah. I didn't realize when I started about a year ago that it's been around that long. So that's spectacular. I think it's one of the longest running public policy organizations that we have, which is fantastic. The Center came about about a year ago, basically around three main issues: the campus speech issue - which of course everyone is really well aware of; commercial speech - more companies having issues, mainly after, like, Citizens United and things like that coming up; and then donor privacy and transparency. So you'll see a lot of calls or bills now calling for the release of personal information of donors and the organizations that they donate to. So it would be your name, your address, your phone number, and how much money you gave to "X" organization.

Out of that, they created the Center for those purposes and because you had a growing need from state lawmakers all across the country with more questions and concerns around 1st Amendment issues, and that's what I do. I spend my time educating legislators all across the country in a non-partisan, objective way about the 1st Amendment and free speech issues, and helping them guide any type public policy issues in that that they want to focus on.

JW: You mentioned that ALEC is a public policy organization. What is the structure of it? Like, you'll see a 501(c) (3) and when they engage in public policy, it's through this lens of educating folks, or you've got trade associations, where they can hire a couple lobbyists and, boom, you go about it that way. How is ALEC set up?

SE: ALEC is a non-profit 501(c) (3). We're a non-profit organization but also, obviously, a membership organization since it's open to state lawmakers. It's open in a non-

partisan fashion - you can be a Democrat, you can be a Republican. It's based off of three principles of limited government, federalism, and free markets. Everything that we do is in that context and in that lens.

JW: How does that structure affect how you go about changing policy, before we get into the actual policies you work on?

SE: I think the best way to describe it is that we somewhat operate like a committee in Congress. We have different Task Forces and then we have Centers. We have a Criminal Justice Reform Task Force, we have an Education and Workforce Task Force, we have Innovation and Technology; we have Energy.

And they operate the same way that you would in the committee structure. So staff - me, my colleagues - we help members if they want to introduce model legislation. We have three meetings a year. And then they're assigned to different committees or task forces, and then those members create those policies that they want to introduce. They vote on them, they debate on them, and then that becomes official ALEC model policy. And then if members want to then take that model policy back to their states, they can, and then it goes through the actual process of the state legislature.

JW: Okay. So not exactly the think tank model that, I think, sometimes gets slapped around?

SE: There's definitely a blend of that, because at our meetings, it's a great opportunity for our members to come together with other states. The whole point of federalism is, "Oh, okay, I'm from Ohio and I want to see how California is handling its energy issues."

And they can talk to someone from California, and they'll say, "You know what, we tried doing Bill 123, like what you guys are trying to do and these are the problems that happened, and this is how it impacted the economy, and this is how it impacted unemployment."

"Oh, okay. Wow. Thanks for letting us know that. Maybe we'll change it slightly and do this instead."

It's just a great way to bring state lawmakers together. Because, I think, a lot of people have this misconception, so, in Congress, at your federal level - that's all they do. They're there full time, [it's] their job. Most of the time they're in D.C., they have apartments in D.C. But at the state level, most legislatures are only part-time. They're only there a few days, a few months out of the year and they're real people and they have real jobs. They're mechanics, they're teachers, they're real estate, investment, whatever it is.

They don't have the same luxury that your U.S. Representatives have, and they have a unique opportunity to get so much done in a certain amount of time, and to become

experts on a million different things in five minutes. So they're able to come together as state lawmakers and have those conversations.

JW: Cool. So, backing up a little bit now. What are, and you've talked about it too, I think pretty quickly here, the three main issues that you work on at the Center for Free Speech. What are some of the other issues that ALEC focuses on, as a whole?

SE: So we basically, our main issues would be, I would say, Education, Energy, Criminal Justice Reform is huge right now for all state lawmakers. You're seeing a rise and a change with the opium epidemic and drug abuse and things like that. Obviously, education right now is always a huge one - school choice initiatives is probably one of the most popular. So everything from education savings accounts to we also have Centers, which are like idea centers. And I run a center. And you have one on Innovation and Technology, so when you're doing new things like Uber and Lyft and things like that, how do we make regulations and laws around these new types of technologies. It's a way to still deal with the confines of the Constitution but also bring people together to think bigger and outside the box.

JW: Okay. So, we'll kind of just bring it down into the aspects of the Center you work at, where you're working on: campus speech, corporate speech, donor disclosures. When it comes to those policies and the work you do trying to change them, how do you go about changing them? And in that, I mean, what are the venues - are you working at the federal level in Congress or regulatory agencies? Are you working with state legislatures - which I think is definitely a part of it, it sounds like? What are the venues that you are going in and engaging in to change these policies?

SE: So I spend 90% of my time on education. ALEC has a (c) (4) component, which is basically your lobbying component that you're allowed to do. And then a (c) (3) you can do some type of issue advocacy, but for the most part you're just supposed to be educating and that's what I focus on.

I do this through, I would say, three key things. I hold what I call "First Fridays Conference Calls." It's not that creative, it's just most state lawmakers are available on Fridays.

[Both chuckle]

JW: Fair enough.

SE: And then, you know, 1st Amendment. So we do it first Friday. I try to do those once a month and I'll pick a topic. It's either, I've gotten a lot of questions about a particular issue within the 1st Amendment, or something's happened. With the NFL, I've started getting a lot of calls, "Well, you know, is this really a 1st Amendment issue and what we can we do? Because my constituent called and they're like, 'Hey, why are we giving them a tax break for this stadium' and you know I'm interested in knowing more about that and if there's a connection."

So we'll hold conference calls on this and we'll bring all the lawmakers together and then I host an expert speaker. So I might have a 1st Amendment attorney that focuses on campaign finance, or I might have someone - if we're focused on donor disclosure - I'll bring in someone from the philanthropy world to talk about these issues and what they're experiencing. And it's just to give members that information so they know what exactly is happening in their states and what to look for. Then they can have those conversations back home and have the information they need.

JW: And then, I guess the other question here is, when it comes to changing these policies - obviously there's a lot of different tactics/approaches you can have to it, like this First Friday idea is one - what have been, a couple of the most effective tactics you've found when it comes to changing policy? What seems to be able to move the needle more often than not?

SE: Well, for my world, my Center is very unique because I'm there to not really come up with anything really creative. We have a 1st Amendment, I think it's perfect the way it is, and my job - I think is a lot of fun, because the 1st Amendment restricts Congress, right? At the state level, through the 14th Amendment, it affects the very people that are members of my organization. And they're great members because they'll call me up and they'll say, "Okay, Shelby, I want to do 'X' but I know I gotta stay in my lane, so how can I accomplish 'X' goal without violating the principles of the 1st Amendment, free speech, or the ALEC principles of limited government, free markets, things like that?"

So a lot of times, I get to say no or you shouldn't do something - which is great. And it's really nice working with lawmakers who understand the spirit and the whole point of our system of government and actually want to stay in their lane, instead of - most politicians, power corrupts absolutely, right? And they want to do more and they want to do things outside of their realm. When they work with me, they're really learning how far they can go within our constitutional structure. So it's a lot of fun.

JW: So more or less, you just get to be that check?

SE: Yeah, I would definitely say that. And a lot of it, is most people, when it comes to free speech, mean well; and it's a very emotional issue. You might be for free speech on Monday, but then something happens on Tuesday, and I've seen everyone's attitudes flip back and forth. I've dealt with everything from Confederate statues and Nazis marching to what's happening in the NFL all in the same month.

To see one person that's for 'X' type of protest and then all of the sudden on Tuesday is not for it, it's a lot of fun work to still have to believe in all of that, even when it's the most despicable. And a lot of times it's just reminding people, "Hey, is this something that really bothers you? Yes? Then that's exactly why it needs to be protected."

JW: Great, well, thank you again so much for taking the time to talk to us. This has been a really fun conversation.

SE: Thank you for having me.

JW: That's all for this edition of In Practice. Thank you so much for listening.