

Political Nonprofits and Dark Money in Alabama Education Politics

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Abstract: The proliferation of political nonprofit organizations since the *Citizens United* decision has undoubtedly reshaped American politics. These interest groups have spent hundreds of millions of dollars in recent state and federal elections. Yet, little is known about how these organizations influence higher education politics and the extent to which higher education leaders rely on political nonprofits to increase state support and tilt policy decisions in their favor. To that end, this descriptive case study analysis explores the purpose and activities of a short-lived political nonprofit organization in Alabama, the Alabama Association for Higher Education (AAFHE). Using publicly available data, I developed a follow-the-money scheme to illustrate the activities of the AAFHE and its affiliates. Findings suggest that leaders of the University of Alabama System established the AAFHE to sustain and obtain resources through political contributions and lobbying at the state and federal levels. The AAFHE employed several direct and indirect lobbying strategies to secure state and federal resources for higher education institutions in Alabama, primarily those within the University of Alabama System. The study highlights the ethical and practical challenges campus leaders face when using political nonprofits to advance institutional goals.

Keywords: Politics of education; lobbying; interest groups; dark money; nonprofit organizations; descriptive analysis; resource dependency theory

Organizaciones políticas y sin fines de lucro y dinero oscuro en la política educativa de Alabama

Resumen: La proliferación de organizaciones políticas y sin fines de lucro desde la decisión de *Citizens United* sin duda ha reformado la política estadounidense. Estos grupos de interés han gastado cientos de millones de dólares en elecciones estatales y federales recientes. Sin embargo, se sabe poco sobre cómo estas organizaciones influyen en la política de la educación superior y hasta qué punto los líderes de la educación superior confían en las organizaciones políticas sin fines de lucro para aumentar el apoyo estatal e inclinar las decisiones políticas a su favor. Con ese fin, este análisis de estudio de caso descriptivo explora el propósito y las actividades de una organización política sin fines de lucro de corta duración en Alabama, la Asociación de Alabama para la Educación Superior (AAFHE). Usando datos disponibles públicamente, desarrollé un esquema de seguimiento del dinero para ilustrar las actividades de la AAFHE y sus afiliados. Los hallazgos sugieren que los líderes del Sistema de la Universidad de Alabama establecieron la AAFHE para sostener y obtener recursos a través de contribuciones políticas y cabildeo a nivel estatal y federal. La AAFHE empleó varias estrategias de cabildeo directas e indirectas para asegurar recursos estatales y federales para las instituciones de educación superior en Alabama, principalmente aquellas dentro del Sistema de la Universidad de Alabama. El estudio destaca los desafíos éticos y prácticos que enfrentan los líderes universitarios cuando utilizan organizaciones políticas sin fines de lucro para promover objetivos institucionales.

Palabras-clave: Política de la educación; influencia, grupos de interés; dinero oscuro; organizaciones sin ánimo de lucro; análisis descriptivo; teoría de la dependencia de los recursos

Organizações políticas e sem fins lucrativos e dinheiro escuro na política educacional do Alabama

Resumo: A proliferação de organizações políticas e sem fins lucrativos desde a decisão dos *Citizens United*, sem dúvida, reformulou a política americana. Esses grupos de interesse gastaram centenas de milhões de dólares em recentes eleições estaduais e federais. No entanto, pouco se sabe sobre como essas organizações influenciam a política do ensino superior e até que ponto os líderes do ensino superior dependem de organizações políticas sem fins lucrativos para aumentar o apoio do Estado e inclinar as decisões políticas a seu favor. Para esse fim, esta análise descritiva de estudo de caso explora o propósito e as atividades de uma organização política sem fins lucrativos de curta duração no Alabama, a Alabama Association for Higher Education (AAFHE). Usando dados disponíveis publicamente, desenvolvi um esquema de acompanhamento do dinheiro para ilustrar as atividades da AAFHE e suas afiliadas. Os resultados sugerem que os líderes do Sistema da Universidade do Alabama estabeleceram a AAFHE para sustentar e obter recursos por meio de contribuições políticas e lobby nos níveis estadual e federal. A AAFHE empregou várias estratégias de lobby direto e indireto para garantir recursos estaduais e federais para instituições de ensino superior no Alabama, principalmente aquelas dentro do Sistema da Universidade do Alabama. O estudo destaca os desafios éticos e práticos que os líderes universitários enfrentam ao usar organizações políticas sem fins lucrativos para promover objetivos institucionais.

Palavras-chave: Política de educação; influência, grupos de interesse; dinheiro escuro; organizações sem fins lucrativos; análise descritiva; teoria da dependência de recursos

Political Nonprofits and Dark Money in Alabama Education Politics

Campus leaders have employed numerous strategies to maintain educational quality and institutional standing in response to a dynamic higher education environment characterized by volatile state support, higher costs, shifting demographics, and political polarization (Hearn, 2003). Johnstone (2002) noted that “the imperative for revenue diversification can rest quite well simply on the need to surmount the virtual certainty of insufficient governmental, or taxpayer, revenue” (p. 24). Institutions across the country have increased tuition and fees, opened research parks, and monetized auxiliary services and housing in response to state disinvestment and competition. In addition to finding new revenue-generating sources, higher education leaders and interest groups have lobbied policymakers to maintain and increase traditional revenue streams.

College leaders have relied on themselves and interest groups—government relations offices, influential alumni, and advocacy and member-based organizations—to lobby policymakers and tilt policy discussions in their favor (Cook, 1998; McMillen, 2010). Institutions and other education organizations have spent billions of dollars to influence policymakers in recent years. For example, between 1998 and 2017, education interest groups spent more than \$2 billion lobbying Congress, with higher education interest groups “accounting for almost 70% of education-focused interest groups and around 80% of education-related lobbying expenditures” (Marsicano & Brooks, 2020, p. 448). Higher education interest groups have adopted a “cautious, low-key approach to lobbying” like other groups representing occupational-based organizations by testifying at hearings, contacting policymakers, writing letters, and presenting research (Cook, 1998, p. 145). Despite using a multi-pronged approach to revenue diversification and political activity, higher education institutions have generally avoided electoral involvement, fearing the legal and political consequences of appearing partisan (Marsicano & Brooks, 2020). Scholars have found that the influence of these interest groups and the strategies they employ are related to the socio-economic, political, and organizational contexts of the state (Hearn & Ness, 2017; Tandberg, 2010). Despite significant developments in understanding the activities and strategies of higher education interest groups, few scholars have examined how the rise of political nonprofit organizations and political action committees (PACs) has affected higher education policymaking (Cook, 1998; McLendon, 2003).

Over the past decade, the attention given to politically active nonprofit organizations (political nonprofits) and PACs in American politics has swelled. Political nonprofits are a distinct type of interest group that engage in political advocacy and are “generally under no legal obligation to disclose their donors even if they spend to influence elections” (Center for Responsive Politics, n.d.-a). Unlike 501(c)(3) organizations, contributions to political nonprofits are not tax-deductible, and these organizations can partake in political advocacy as long as it does not make up the majority of expenditures. Political nonprofits are represented by 501(c)(4) or social welfare organizations like the National Rifle Association and Planned Parenthood; 501(c)(5) or labor/agriculture organizations like the National Education Association and the American Farm Bureau Federation; and 501(c)(6) or business leagues and chambers of commerce like the American Bar Association. These organizations can receive unlimited contributions from individuals and corporations and are not required to disclose donors, though some transparent groups choose to anyway. Some political nonprofits and corporations have created and worked closely with political action committees, or PACs, which refer to organizations that raise and spend money with the explicit intent of supporting or defeating political candidates and/or issues. PACs are frequently affiliated with corporate, ideological, and labor interests (Center for Responsive Politics, n.d.-c), both for for-profit and nonprofit organizations.

The recent attention afforded to the activity of these interest groups is largely a result of their proliferation following the U.S. Supreme Court's decisions in *Citizens United v. Federal Election Commission (FEC)* (2010) and *SpeechNow.org v. FEC* (2010). The landmark decision in *Citizens United* permitted corporations, unions, and individuals to contribute an unlimited amount of money to outside political organizations if those organizations refrained from directly contributing to or coordinating with candidates. The precedent set in *Citizens United* was applied by the U.S. Court of Appeals in *SpeechNow*, which removed individual and organizational contribution limitations. Taken together, these Supreme Court decisions grounded the rise of political nonprofit organizations and anonymous spending in American politics.

Since the *Citizens United* decision in 2010, there has been a growing focus on dark money in American politics. Jane Mayer (2016) propelled the issue into the mainstream with her *New York Times* best-seller *Dark Money*, which examined the history of a network of conservative billionaires' (namely, the Koch family) deep and covert influence on American politics. Dark money refers to the political spending of 501(c)(4), 501(c)(5), and 501(c)(6) organizations that is "meant to influence the decision of a voter, where the donor is not disclosed, and the source of the money is unknown" (Center for Responsive Politics, n.d.-a). As such, dark money organizations are a subset of political nonprofits that conceal their donors. Dark money spending by political nonprofits in federal elections reached its peak of \$312 million in 2012 and has since hovered between \$119 million and \$184 million as these groups have shifted spending to "issue ads," which have no FEC reporting requirement (Center for Responsive Politics, n.d.-a; Evers-Hillstrom, 2020, September 23). Much of the spending has been concentrated within 501(c)(4) organizations.

In recent years, there has been a growing focus on how nonprofit organizations have avoided public ire around politicking to lobby policymakers, support political campaigns, and advocate for their interests, though the academic literature remains thin (Dimmery & Peterson, 2016). The lack of research on the actions of dark money organizations is an expected consequence given the secrecy of these organizations, which makes them inherently difficult to study without a "happenstance disclosure" or insider knowledge (Oklobdzija, 2019). Even less is known about the activity of political nonprofit organizations and PACs in higher education, the relationship to public colleges and universities, and the role dark money plays in education politics and policymaking. While educational institutions have generally refrained from electoral involvement as a legitimate strategy due to the ethical, legal, and public perception concerns, the proliferation of anonymous spending in state and federal elections has opened the door for universities to support political campaigns through political nonprofits and PACs.

This study aims to improve the understanding of interest group activity in higher education, particularly as it relates to how political nonprofit organizations and PACs operate in higher education. Despite the media and some scholars shining a light on political nonprofits, less is known about the strategies they employ in higher education. In this study, I use descriptive case study analysis and a follow-the-money scheme to examine the activities of the Alabama Association for Higher Education (AAFHE), a 501(c)(6) political nonprofit organization that was affiliated with the University of Alabama (UA) System. To accomplish this, I take advantage of atypical disclosures in the UA System's public expenditure database. The rare disclosure was first identified by Connor Sheets, an investigative journalist at AL.com. In his 2016 article, "How the UA System Funneled \$1.4 Million Through a Dark Money Web," Sheets (2016, August 7) revealed that current and former leaders of the UA System founded the AAFHE and an affiliated PAC, the Innovation PAC. He described how the AAFHE made contributions to the Innovation PAC and, in turn, political candidates between 2014 and 2016 in hopes of influencing state policy decisions (namely, the Education Trust Fund). The AAFHE, acting as a dark money nonprofit organization, sought to

protect the interests of nonprofit colleges and universities in Alabama. UA System officials and other unknown actors contributed millions in funds to the AAFHE. Subsequently, the AAFHE used these funds first to make political contributions to state-level PACs and later to make more traditional contributions to “hired guns” and consultants.

This study builds upon Sheets’ (2016, August 7) analysis by extending the timeline of the study from three to five years, diagramming the activity of the AAFHE, providing an in-depth examination of the politicians who received donations from AAFHE-affiliated PACs, and highlighting how the activities and strategies of the AAFHE shifted over time. The following questions frame this study:

- (1) What were the socioeconomic, politico-institutional, external, and organizational and policy contexts that grounded the establishment of the AAFHE?
- (2) What was the purpose, structure, and function of the AAFHE, and how did the organization carry out these elements in practice between 2014 and 2018?

Literature Review

This study draws upon several bodies of literature to better understand the activities of the AAFHE and why members of the association (namely, the UA System) might support such an organization. In this section, I briefly review the relevant literature on interest group activity in higher education, political nonprofit organizations, and organizational boundaries. Given the absence in empirical studies on dark money and political nonprofit organizations in higher education, I draw insight from the political science, public administration, and sociology scholarship to better understand how organizations behave and interact in various settings.

Interest Group Activity in Higher Education

While interest groups have a longstanding tradition in higher education politics and policymaking, the literature on these organizations remains somewhat limited (Ness et al., 2015). Most progress has been made over the past few decades, with scholars examining interest group activity in various geographic and policy contexts (Cook, 1998; de Figueiredo & Silverman, 2006; Ferrin, 2003, 2005; Marsicano & Brooks, 2020; Natow, 2015; Ness & Tandberg, 2013; Tandberg, 2010). These studies have initiated a discussion around the types of higher education interest groups; their activities; the strategies they employ in local, state, and federal settings; how they mobilize; and the impact they have on policy (Hearn et al., 2017; Ness et al., 2015). In this section, I draw from this literature base and others to better understand the strategies, activities, and behaviors of the interest groups prevalent in the case (institutions, political nonprofits, member associations, and PACs).

Scholars have developed a number of classifications and typologies of higher education interest groups in federal (Cook, 1998; Murray, 1976; Parsons, 1997) and state contexts (Ness et al., 2015; Tandberg, 2010). At the federal level, general classifications have focused primarily on the “Big Six” associations, campus-based and institutional lobbyists, hired guns, students, and other advocacy organizations. These studies have generally found that higher education interest groups use a cautious approach to lobbying and that the specific policy at hand plays an important role in which interest groups are present and the strategies employed (Cook, 1998). Strategies typically matched the techniques of other occupational-based lobbyists. For example, Cook (1998) found that higher education representatives most commonly

testified at hearings, contacted public officials directly, engaged in informal contacts with officials, presented research results, sent letters, attempted to shape the

implementation of policies, consulted with government officials to plan legislative strategy inspired letter-writing or telegram campaigns, shaped the government's agenda, and helped draft legislation, regulations, rules, and guidelines. (p. 145)

In addition to the federal context, scholars have also developed classifications of higher education interest groups at the state level (Goodall, 1987; Murray, 1976; Ness et al., 2015). For instance, Ness et al. (2015) presented a state interest group framework that categorizes higher education interest groups as obvious actors and less obvious actors. Obvious actors include state higher education agencies, governing boards, campuses, faculty and student unions, and PACs. On the other hand, less obvious actors include academics/consultants, business roundtables, chambers of commerce, foundations, think tanks, and regional compacts. As we would expect, political nonprofits and dark money organizations are not included within this conceptual framework because of their secrecy and recent proliferation. While certain labor unions are registered as a political nonprofit, these organizations are generally not attempting to conceal their activity or donors, and the primary source of revenue (membership dues) is known to the public.

This study is particularly concerned with governing boards and campuses (e.g., presidents, government relations), PACs, and political nonprofit organizations. Campus- and system-based lobbyists have been documented as playing a pivotal role in higher education policymaking. Murray (1976) described state higher education systems as an “internal lobby” that pressured policymakers to support their interests. In addition to the power of state agencies, Murray maintained that flagship and land-grant institutions, such as the UA System, wield significant power in state policymaking. Ferrin (2005) discovered that campus-based lobbyists “claimed their role was unique” and employed different strategies than other sectors, such as banks, healthcare institutions, trade schools, and K-12 education. While in-house lobbyists ranked the effectiveness of political campaign contributions relatively high, Ferrin’s (2005) “interview data shows that in-house lobbyists generally would not even consider giving university funds for political campaign contributions” (p. 189). This hesitation to spend university funds for elections is a consequence of the ethical, legal, and practical implications of appearing partisan.

In addition to institutional based lobbyists, PACs and political nonprofits have also played a role in higher education politics, though this influence is more often described in the gray literature with a few exceptions (Cook, 1998; McLendon, 2003; Ness et al., 2015; Sabloff, 1997; Toma et al., 2006). Cook (1998) provided one of the most detailed accounts of how presidents view PACs as a lobbying tool. Most presidents viewed PACs as a liability that “would be inappropriate because of the nonprofit, tax-exempt nature of colleges and universities” (p. 169). In a survey of legislators in Pennsylvania, Sabloff (1997) found that more than half of legislators believed public universities should refrain from forming a PAC. While only a few studies in higher education focus on PACs, political scientists have extensively studied PACs, particularly as it relates to PACs representing business interests (Hillman et al., 2004). Studies on PACs have typically examined campaign finance data broken down by office (executive or legislative) or candidate characteristics (Democrat or Republican, incumbent or challenger), with many finding that these committees most often donate to incumbents (King & Robin, 2008). Following this line of thinking, PACs should be expected to overwhelmingly give to Republicans, incumbents, and those serving in important leadership roles, including education and budget committees in the house and senate. Political nonprofit organizations, including the subset of dark money organizations, are an understudied organization not just in higher education, but more commonly in most other sectors (Chand, 2017; Dimmery & Peterson, 2016; Oklobdzija, 2019; Walby et al., 2017). Law review articles represent the largest proportion of papers addressing political nonprofits and dark money groups since *Citizens* and

SpeechNow (Potter & Morgan, 2013). Taken together, these studies provide insight into how political nonprofits spend money (e.g., advertisements, lobbying, PACs) as well as various methods to study clandestine organizations.

The scarce literature is a product of the secrecy of dark money organizations, the power of those behind these organizations, and the relatively short period since the *Citizens United* decision. Much of what is known about dark money in higher education arrives in the form of investigative journalism reports, grey literature, and book reviews, which largely focus on rightist movements (Apple, 2018; Mayer, 2016; McKinley, 2019, April 23; Schirmer & Apple, 2016; Schirmer & Apple, 2018; Sheets, 2016, August 7). Reports on dark money in higher education can be separated into direct influence and indirect influence. Dark money's direct influence on higher education arrives in multiple forms. This includes political nonprofits seeking to influence higher education policies (McKinley, 2019, April 23), working with or against students on student government elections (Warren, 2017, May 9), and collaborating with institutions on policy (Sheets, 2016, August 7). On the other hand, as Mayer (2016) described, higher education may be indirectly affected by the activity of dark money organizations that advocate for broad reforms, such as pro-business values. Despite these developments, there remains little scholarly literature about the role of political nonprofit and dark money organizations in higher education. These organizations can serve as a conduit for 501(c)(3) organizations, PACs, and other nonprofits to conceal the source of money in campaign contributions and other lobbying activities.

Several higher education scholars have explored how interest groups and institutions form coalitions to more effectively influence policy outcomes (De Give & Olswang, 1999; Harnisch, 2016; Tandberg, 2006). For example, in an examination of Washington's decision to create a branch campus system, De Give and Olswang (1999) found that different actors, such as campus and system leaders, legislators, state agency personnel, and powerful business and civic community groups, built coalitions to mobilize and advocate for shared policy interests. In another study, Tandberg (2006) discovered that structural factors affected institutions' willingness and ability to form alliances, including the characteristics of the institution (e.g., size), the distribution of power within the legislature, and the level of autonomy public institutions possessed. Using interviews with policymakers in Virginia and Michigan to examine business-led advocacy coalitions, Harnisch (2016) found that economic instability facilitated the development of coalitions. Because Alabama's Education Trust Fund (ETF) supports K-12 and higher education, these interests may have an incentive to create a coalition to harness the power of both sectors with the legislature.

Organizational Boundaries

Finally, this paper also draws on organizational literature to help provide context on organizational boundaries and the interplay between internal and external environments of higher education organizations. At its core, organizational boundaries are concerned with the "intersection of the organization and the environment" (Oliver, 2009, p. 1). Scholars have found higher education leaders play an important role in determining and shaping organizational boundaries (Barringer et al., 2020). Social network analysis, quantitative analysis, and descriptive studies have all illustrated how trustees, presidents, and affiliated organizations can reshape organizational behaviors, values, and boundaries (Barringer et al., 2020; Taylor et al., 2018). As it relates to this study, organizational theory helps to conceptualize the relationships between political nonprofits, the UA System, PACs, and other stakeholders. It also helps explain the implications of these organizations for the colleges and universities within the state.

Theoretical Framework

This case study primarily draws upon resource dependency theory (RDT) to explore the dark money scheme in Alabama. RDT emerged from the organizational and management literature in the 1970s. It aims to explain how external constraints affect organizations (Pfeffer & Salancik, 1978). RDT predicts that an organization's ability to survive depends on the environment and its ability to maintain and obtain resources. Because organizations are not completely self-contained or autonomous, they rely upon imported resources and are constrained by interorganizational dependencies. When this interdependence couples with uncertainty about the behavior of connected organizations, "it leads to a situation in which survival and continued success are uncertain" (Pfeffer, 1987, p. 26). As a result, leaders of the organization take action by implementing strategies (e.g., mergers, joint ventures, political action, etc.) to manage external constraints and reduce environmental uncertainty (Hillman et al., 2009). Managerial attempts to completely handle external interdependencies are often futile, only serving to cultivate additional avenues of dependence and interdependence within the environment. While these attempts may be in vain, they illustrate an underpinning principle of RDT—that is, controlling resources is a fundamental aspect of interorganizational power. This power, or at least the quest for it, inevitably changes the behavior of organizations.

In higher education, RDT serves as a key framework to understand how higher education institutions respond to and manage the demands of internal stakeholders and external stakeholders (e.g., students, state legislatures, governors, philanthropies, and state funding agencies) to ensure institutional survival and success (Fowles, 2014). To illustrate how RDT can be conceptualized in higher education, let us consider the relationship between public universities (e.g., the UA System) and the demands of their various external stakeholders following the Great Recession. Much like other public institutions, the UA System primarily relies on two revenue streams: state appropriations and tuition and fees (Fowles, 2014; Powell & Rey, 2015). RDT theory can help us understand how the UA System might react to the shift in its principal revenue source from state appropriations to tuition and fees following the Great Recession (State Higher Education Executive Officers Association, 2021). In a study on resource dependency in public universities, Fowles (2014) found that as an institution's reliance on tuition increased, so too did the institution's focus on educational activities. At the same time, RDT suggests that public institutions will also take specific measures to hold on to a longstanding resource, such as state appropriations and federal grants. It might mean that they spend more time and money on educational activities and student recruitment strategies than lobbying the state legislature for appropriations, but institutions should be expected to make decisions that safeguard revenue and support success. RDT can improve our understanding of why the UA System and other unknown donors may have been compelled to use a dark money group to elect and lobby policymakers. When considering the theory in conjunction with the literature on organizational boundaries and interest group activity, it can help to explain the blurring of boundaries between various organization types and the interconnectedness of key actors in all organizations.

Research Design

I selected a descriptive case study methodology to explore the origins and activities of the AAFHE (Gerring, 2012; Simons, 2009; Yin, 2017). The purpose of a descriptive case study is to "describe a phenomenon (the 'case') in its real-world context" (Yin, 2017, p. 238). Case study approaches allow researchers to study the "contextual conditions" and "situation" of a

contemporary event—that is, the social, economic, political, legal, and ethical contexts that shaped the behavior of the AAFHE (Stake, 2006; Yin, 2017). The goal of this descriptive case study is “to explore the particularity, the uniqueness, of the single case” (Simons, 2009, p. 3). Descriptive case study approaches are especially useful when little research has been conducted on the topic at hand, as is the case with political nonprofits and PACs.

In this descriptive study, the AAFHE is positioned as the primary actor of interest, serving as a hub connecting the UA System and other institutions with PACs and lobbyists. I argue that as a political nonprofit (dark money) organization, the AAFHE and its affiliates represent an extreme and unique case worth examining for several reasons. First, this case represents one of the few known examples of a dark money network’s activity in higher education politics due to a rare disclosure. Second, there are relatively few studies on political nonprofits and PACs in public higher education due to most institutions’ hesitancy to appear partisan. This case represents a significant departure from the commonly held notion that public institutions refrain from electoral involvement using PACs and other political organizations. Finally, many studies on higher education interest groups are positioned either at the state or federal level. This case provides details of the AAFHE’s activities at both the federal and state level, with important distinctions in the strategies used in the different contexts.

In the rest of this section, I present the data collection methods and analysis process used to study the AAFHE. The unconventional nature of the case called for unorthodox methods, both in data collection and analysis. Data collection challenges were abounding. Most notably, the hidden nature of dark money and clandestine organizations made collecting data inherently problematic. Additionally, only a few scholars have explored political nonprofits up to this point, leaving no blueprint for how to design a study where the organization legally conceals data.

To ensure the development of a robust case study, I identified and collected “multiple sources of evidence” (Yin, 2017, p. 110). A consequence of studying dark money and interest group activity in politics is that one must know where to look, and, even then, the information may be unavailable. However, the adoption of transparency policies targeting campaign finance and public agency spending around 2010 provided an opportunity to illuminate how political nonprofit organizations operate in Alabama. For instance, then-Governor Bill Riley signed an executive order in February 2009 that required all government institutions to have a publicly accessible website that detailed spending (AL. Exec. Order No. 46, 2009) and followed it up by signing a law in March 2009 requiring the comptroller to post and establish a database of state expenditures (Ala. Code. §41-4-65, 2015).

Data: Developing the Follow-the-Money Scheme

The data for this study was collected iteratively and stored in an Excel workbook. To begin, I conducted a desk review of books, newspaper articles, research articles, and websites to collect all known information on the case. Next, I systematically collected data from various public sources to detail the AAFHE’s activities and develop the follow-the-money diagram (Figure 1). The sources to create the follow-the-money timeline included the institutional expenditure websites mandated by state law, Internal Revenue Service (IRS) Form 990, the Alabama Electronic Fair Campaign Practices Act (FCPA) reporting system, Integrated Postsecondary Education Data System (IPEDS), and federal lobbying disclosures.

I focused my initial data collection on the AAFHE given its centrality to the case. To begin, I collected contextual information for the AAFHE using the IRS Form 990 available on the IRS and ProPublica websites. While certain limitations exist, 990 forms contain a wealth of information regarding the activities of nonprofit organizations. For each year the AAFHE filed a 990, I recorded

the revenue, expenses, other financial information (assets and liabilities), the board members, independent contractors, and whether the organization made direct or indirect political contributions. Importantly, these forms allowed me to identify organizational leaders as well as determine when the AAFHE was established and eventually halted operations. With this information, there were several emergent avenues of research, which included investigating and determining where the political contributions were made in the early stages of the organization, what relevance the board members had in the case, how these board members changed over time, and the utility of the independent contractors used.

Beneficiaries of the AAFHE

The AAFHE and other relevant organizations' political contributions were collected using the Alabama FCPA Reporting System and the Alabama Ethics Commission website. The Alabama FCPA Reporting System was created in response to a campaign finance law passed by the Alabama Legislature in 2011, which required "electronic reports of contributions and expenditures to increase the efficiency of data entry, provide more accurate data, enhance reporting capabilities and improve user navigation of the system" (Merrill, 2019, para. 2). The FCPA Reporting System provides extensive information about campaign finance in Alabama, including a searchable and downloadable database for contributions, expenditures, and filings for PACs. The reporting system provides information about the contribution ID, the filing date, the contribution date, the contributor, the contributor's location, the contributor type (e.g., Group/Business/Corporation), the contribution amount, the contribution type (e.g., cash), the recipient name, and the recipient organization ID. Knowing that the AAFHE made political contributions in 2014 and 2015 based on the 990 forms, I used the FCPA Reporting System to track the flow of money from the AAFHE to several PACs and from these PACs to political campaigns. The reporting system also allows users to download substantial information about registered PACs, including founding documents and financial reports. The FCPA system and the 990 forms permitted the tracking of money from the AAFHE to PACs, consultants, and other various expenses.

Benefactors of the AAFHE

As expected, identifying the dues-paying members and determining how much money they donated to the AAFHE proved the greater challenge. The article by Sheets (2016, August 7) provided one solution to this problem: public universities and colleges' expenditures database. I used IPEDS to identify and collect descriptive information on public colleges and universities in Alabama. I was able to identify two organizations, both within the UA System, that made contributions to the AAFHE using institutional expenditure databases, with the UA System far exceeding the spending of any other known donor. However, institutions reported the name of the entity receiving money in different ways. For example, the UA System reports the AAFHE as the "ALABAMA ASSOCIATION FOR HIGHER." Complicating matters, there is another association in Alabama, the Alabama Association for Higher Education in Business (AAHEB), which consistently received funding from public institutions in the state. In cases where the AAFHE was not clearly identified or distinguishable from the AAHEB, I excluded it from the calculations.

Data: Contextualizing the AAFHE's Activities

In this step of data collection, I focused on providing important context to the follow-the-money scheme. I collected additional documents related to the AAFHE and other organizations and actors identified in the first wave of data collection. The purpose of this wave of data collection was to provide much-needed context to the organizational and financial reports filed with the federal or

state government. Documents collected in this wave were used to identify and describe the socioeconomic, politico-institutional, external, and organizational and policy contexts that grounded the establishment of the AAFHE.

Data was gathered from a combination of news articles, the AAFHE's now-defunct website (using Wayback Machine), government websites, Newspapers.com, Ballotpedia, federal lobbying disclosures, LinkedIn, and publicly available online databases. Given the vast and wide-ranging information related to the AAFHE, data was collected systematically using specific keywords, with internet search results limited between 2008 and 2019. I used Google (general and news searches), YouTube, and the websites of prominent organizations, advocacy groups, institutions, policymakers, and state agencies to collect data. Documents gathered included media reports (print and video), magazines, policy reports (i.e., government & intermediary groups), opinion articles penned by key actors, website information, press releases, and trademark information. Similar to deductive coding, search keywords included (but were not limited to) "Alabama Association for Higher Education," "Innovation PAC," "William/Bill Jones," "Robert Witt," "Education Trust Fund," "University of Alabama," "Auburn University," "Alabama Unites for Education," "Alabama Education Association," "State Budget," "Budget Shortfall," "Higher Education," "Van Scoyoc Associates," "Results LLC," "Vertical Strategies LLC," and "Fine Geddie." Search terms were based on data collected in earlier stages and the author's familiarity with state-level politics and finance policy.

Analysis

I primarily relied on Microsoft Excel to manage, organize, and analyze the organizational and institutional data collected in the case (Bowen, 2009). This analysis used document analysis and a quasi-historical case study approach to organize all documents and information in a chronological order to build a timeline of activities (Bartlett, 1991; Kenny & Grotelueschen, 1984). To accomplish this, about 10 tables were created to detail the contributions to and expenditures of the AAFHE, political expenditures of the Innovation PAC, institutional characteristics, state appropriations, federal lobbying expenditures, and key actors in the case. I used Microsoft Visio to diagram the known financial activities of the AAFHE and affiliated organizations presented in Figure 1.

The next step of analysis focused on understanding the inner workings of the AAFHE and members of its dark money network. This stage of analysis mirrored a detective following breadcrumbs of a case. I began the analysis by examining each organization and person that was identified in the organizational documents collected. This illustrated just how closely connected the UA System was with the AAFHE and the Innovation PAC. Moreover, using state sources and Ballotpedia, I classified every recipient's political party, leadership role, committee assignment, status as an incumbent or challenger, and whether they won the election for the specified period. Federal lobbying data for the AAFHE was also analyzed to understand the common firms and businesses representing the association and its members on federal matters. I collected names, dates, quotations, and other contextual information from the newspaper articles, websites, and other documents.

Limitations

There are several limitations to this study that are worth noting. First, this study relies solely on publicly available records and documents. Given the sensitive nature of the topic, interviews with key individuals connected to the AAFHE were not possible. Interviews might have provided additional context as to why a dark money group was seen as a viable strategy, who the other donors were, and other strategies employed by the AAFHE. As expected, another limitation of the data is related to the specificity of the data provided on 990 forms. Because the financial data on a 990

form is vague, more than half of the AAFHE's expenditure data is reported in broad categories, such as other (fees for service). Without insider knowledge, the data does not allow one to discern the precise purpose of all spending or who the recipients were of these other expenditures. Knowing this information would illuminate whether spending was directed toward political objectives or other organizational needs. Finally, because some sources of data are reported using different fiscal year cycles, there is some difficulty in triangulating all financial data (Sheets, 2016, August 7).

Trustworthiness

Several steps were taken to ensure trustworthiness in the data and mitigate the limitations outlined above. I used Lincoln and Guba's evaluative criteria for trustworthiness (Lincoln & Guba, 1986). To establish confidence in the findings (credibility), I engaged with this data for a prolonged period (three years) and triangulated data using multiple sources (Yin, 2017). For example, I used Sheets (2016, August 7) as a foundation to triangulate data in the UA System expenditure database. In another example, I used a combination of PAC filings, the White Pages, and a birth date in a newspaper article to confidently identify the former house clerk who first registered the Innovation PAC. I established an audit trail for how I collected all financial and campaign data to ensure credibility and openness in findings. I ensure the dependability of my findings by developing memos throughout the collection and analysis process as well as creating numerous network diagrams to help visualize individual and organizational connections.

Sweet Home Alabama

To examine the conditions that grounded the establishment of the AAFHE, I employ a state higher education policy ecology to illuminate the socioeconomic, organizational, politico-institutional, and external contexts of Alabama (Hearn & Ness, 2017). Higher education scholars have proposed conceptual frameworks that help explain the factors and characteristics that lead to state-level policy outcomes (Hearn et al., 2017; Hearn & Ness, 2017; McLendon & Hearn, 2007; Ness et al., 2018). These scholars have argued that state policy outcomes are shaped by the conditions within individual states as well as interactions with external factors such as the federal government or other states.

Socioeconomic Context

The socioeconomic context of a state is integral to state policy decisions in higher education. Alabama has a population of about five million people and is predominantly White (65.6%) and Black (26.8%; U.S. Census Bureau, 2018). In terms of age, people under 18 make up 22.5% of the population and people over 65 make up 16.5% of the population. An aging population often shifts some state priorities to elderly services, leading to a predictable clash between elderly and senior services and education services. Degree attainment in Alabama has also lagged when compared to other states, ranking as the seventh lowest state—only a quarter of the population has received a bachelor's degree or higher (U.S. Census Bureau, 2018). Widespread poverty has been a longstanding issue in Alabama, which has one of the highest poverty rates in the country. The median household income and the per capita income in Alabama were about \$45,000 and \$25,000, respectively, in 2017. The Black Belt counties in Southern Alabama are among the poorest areas in the US, having been “fueled by centuries of racism and institutional neglect” (Hirschfield, 2019, p. 4). The socioeconomic characteristics have important implications for this case because the context helps to determine the state's priorities and tax base.

Organizational and Policy Context

The organizational and policy context of a state affects higher education decision making and outcomes. There are about 65 nonprofit colleges in Alabama, which includes 14 public four-year institutions, 26 public two-year colleges, and about 15 private nonprofit in-state institutions, seven of which are historically Black colleges and universities. In 2017, public four-year institutions in Alabama enrolled about 150,000 students. The UA System and the Auburn System enrolled 40% and 21%, respectively, of all students attending four-year public colleges in the state. Together, they enrolled 45% of the approximately 200,000 students enrolled at public colleges in 2017. The University of Alabama, the flagship of the UA System, enrolled 35,344 full-time equivalent (FTE) students in 2017, with Auburn University enrolling 26,920 FTE students. Five of Alabama's public institutions are classified as doctoral universities: The University of Alabama, the University of Alabama at Huntsville, Auburn University, the University of South Alabama, and the University of Alabama at Birmingham (UAB). UAB and the University of South Alabama are home to Alabama's two public medical schools.

Education funding has been the central policy posture in Alabama. It is important to highlight a few unique characteristics of the Alabama budget process. The government of the State of Alabama operates using funds from six sources: State General Fund, Education Trust Fund (ETF), Public Road and Bridge Fund, Alabama Medicaid Fund, Mental Health Fund, and Public Welfare Trust Fund (Executive Budget Office, 2019a). Revenues for these funds are collected from a variety of sources, such as state tax revenue, the federal government, and interest. Each year, the governor submits two separate budget proposals for consideration by Alabama lawmakers: the ETF Budget Act and the General Fund Budget Act (Arise Citizens' Policy Project, 2015). Alabama is one of three states to have a separate budget for education and general appropriations.

The Alabama State Legislature has historically possessed little budgetary discretion regarding revenue generated from state taxes. Earmarks are the reason. Earmarking refers to the constitutional or statutory designation of tax revenues for a particular purpose. Across the country, the average proportion of state tax revenue earmarked in 2005 was about 25% (Perez, 2008). In that same year, 84% of Alabama's state tax revenue was earmarked, which far exceeded every state in the US. In 2017, 93% of all revenues were earmarked (Joint Task Force on Budget Reform, 2017). On one hand, the earmarking of state tax revenues has prevented lawmakers in Alabama from creating a budget that addresses current problems facing the state. On the other hand, earmarks have also protected certain public services (e.g., education) from taking larger cuts to fund other public services (e.g., healthcare). The tradition of earmarks and their relation to education funding remains a contentious issue in Alabama (Alabama Policy Institute, 2017; Cason, 2018, January 24).

The ETF represents the largest operating fund in Alabama, receiving \$14.6 billion of the \$29.1 billion allocated by the Alabama State Legislature in 2014 (Arise Citizens' Policy Project, 2015). The ETF is "used for the support, maintenance and development of public education in Alabama, debt service and capital improvements relating to educational facilities, and other functions related to educating the state's citizens" (Executive Budget Office, 2019b, para. 2). All state money provided to public P-20 institutions in Alabama originates from the ETF, which operates using income tax (61%), sales tax (27%), utility tax (7%), and use tax (4%) (Arise Citizens' Policy Project, 2015). Most revenues received through the state income and sales taxes are designated for the ETF (Perez, 2008). Income and sales tax revenues often signal the health of an economy, which provides an explanation as to why the ETF's financial stability tends to mirror the health of the state's economy.

Public colleges in Alabama faced significant cuts following the Great Recession. After adjusting for inflation, Alabama was one of eight states where per-student funding "fell by more

than 30 percent” between 2008 and 2017 (Mitchell et al., 2017, p. 2). Published tuition at institutions in Alabama increased more than 60% during the period (College Board, 2017). Alabama institutions have sought different strategies to maintain and improve quality considering reduced state appropriations. The principal strategy has been to secure ETF expenditures to public institutions in the state. The UA System and other public colleges have also pursued out-of-state students to supplement enrollment and mitigate financial troubles (Anderson & Douglas-Gabriel, 2016; Pappano, 2016; Rhodes, 2018). Public funding for education represents the key policy posture for higher education in Alabama.

Politico-Institutional Context

The political conditions and institutional arrangements represent yet another important context that influences education policymaking. The Alabama Commission on Higher Education (ACHE) is the coordinating agency for four-year public postsecondary education in Alabama and has the statutory responsibility of planning, coordinating and reviewing the budgets of individual institutions and recommending a consolidated budget. The ACHE has a relatively limited role in managing the state’s postsecondary institutions. Additionally, established as an independent Board of Trustees in 2015 by the Alabama Legislature, the Alabama Community College System (ACCS) is the statewide governing board for about 25 comprehensive community colleges and technical colleges. In addition to the ACCS and ACHE, the Alabama Association of Independent Colleges and Universities is a state-level organization representing 14 private institutions that enroll more than 24,000 students.

For public universities, most power resides in the system- and institution-level boards, with individual institutions and systems loosely organized under the ACHE. Alabama has two multi-campus governing boards established in the state constitution. The Board of Trustees of the UA System is made up of 17 self-nominating members and governs the University of Alabama, the University of Alabama at Birmingham, and the University of Alabama in Huntsville (UA System, n.d.). The Board of Trustees of Auburn University is comprised of 12 members appointed by the governor and governs Auburn University and Auburn University at Montgomery. The other four-year institutions in the state have institutional governing boards, with members generally appointed by the governor.

The politics of Alabama are increasingly Republican. At the federal level, the state’s two Senate seats are split between a Democrat and a Republican. The party control is more pronounced in the U.S. House of Representatives with one Democrat and six Republicans representing Alabama. At the state level, Alabama’s government has been unified under Republican control since the 2010 election. Prior to the 2010 election, Democrats maintained a 23–12 majority in the Senate and a 62–43 majority in the House (Ballotpedia, 2020). However, the Democrats’ advantage was wiped out following the 2010 election, with Republicans taking a 22–12 majority in the Senate and a 66–39 majority in the House. This mirrored a national trend of state legislatures transferring control from the Democrats to the Republicans for the 2010 election (Balz, 2010, November 14). Several Democrats switched parties in 2010, exacerbating the drastic change in party control (Shryock, 2010, November 22). Over the past decade, Republicans have increased their stronghold on Alabama state government.

Broadly, there are a moderate number of interest groups (600 to 999) in Alabama (Newmark & Nownes, 2018). Notable interest groups in the state include the Alabama Education Association (AEA), the Alabama Power Company, the Alabama Farmer’s Federation, the Higher Education Partnership, and the Business Council of Alabama. The AEA is the statewide professional association that represents public educators. The AEA, which holds a 501(c)(6) designation, is

affiliated with the National Education Association and was long considered one of the most powerful state-level teacher unions in the country (Winkler et al., 2012). Within the state, the AEA was viewed as the backbone of Democratic politics for decades (Stewart, 2016). Though the AEA's power has diminished in recent years, it remains an influential force in Alabama education policy with more than 80,000 members. The Higher Education Partnership has served as a traditional state-level institutional association in higher education; it was established in 1997 as a 501(c)(6) nonprofit organization to advocate for four-year public colleges in higher education (Vocino, 2009/2015). The Alabama Policy Institute represents the only ideological think tank in Alabama (Ness & Gándara, 2014). Thomas and Hrebenar (2004) described the interest group power in Alabama and four other states as dominant, which indicates interest groups have an “overwhelming and consistent influence on the policymaking process” (Thomas & Hrebenar, 2004, p. 121). Indeed, interest groups and lobbyists possess enough influence to warrant one of the state's conservative papers to publish an annual list of the most powerful lobbyists, consultants, and economic developers (Staff, 2018). Alabama's vibrant interest group landscape and history of political corruption fosters a culture where the AAFHE felt it could operate with little consequence.

External Context

State policymaking does not occur without influence from external factors, both from other states and federal actors. Alabama is certainly competing with other states for industry in the decision to provide substantial tax breaks to entice companies to invest in the state (Center for Business and Economic Research, 2018). The Congressional ban of federal earmarks in 2010 had a major impact on federal revenue for Alabama, with the state ranking among the top in total and per-capita funding from earmarks (Delaney, 2011; Jones, 2010, November 29). Additionally, the federal government provides substantial research dollars to Alabama institutions, most notably UAB (Greer, 2018, February 07). For example, UAB ranked 31st in the country with \$348.6 million in federally financed higher education research in 2016, primarily for biomedical and life sciences research (National Science Foundation, 2016).

Case Summary

Following his retirement as Director of Government Relations for the UA System in 2013 (Jones, n.d.), William (Bill) R. Jones founded the AAFHE as a 501(c)(6) nonprofit organization on February 11, 2014. The AAFHE's mission was to “promote the common business interests of all nonprofit institutions of higher learning in the state of Alabama along with their respective affiliated organizations in the health care, research and service sectors” (AAFHE, 2014, p. 1). The organizational structure of the AAFHE included three trustee positions—president, vice president, and secretary/treasurer—and one communications staff member to assist the president in day-to-day operations (AAFHE, 2016c). According to its now-defunct website (AAFHE, 2016a), the AAFHE pursued six goals: (1) inform the citizens of the State of Alabama and its leaders on important issues in Alabama's higher education; (2) foster an ongoing rational discussion of higher education among the people of the State of Alabama and its leaders; (3) promote higher education as a driver of economic success in the State of Alabama; (4) maximize the impact higher education has on Alabama's economy; (5) promote higher education as a catalyst for recruiting industries and creating jobs in the State of Alabama; and (6) advocate for the advancement of healthcare research in Alabama.

Factors Leading to the Founding of the AAFHE

Several political, economic, and organizational conditions led to the establishment of the AAFHE, notably the diminishing political influence of the AEA and reductions in state appropriations. Kelle Reinhart, the Senior Vice Chancellor for Communications and Community Relations of the UA System, suggested that the AAFHE's establishment was primarily related to maintaining and increasing funding for nonprofit colleges and universities:

In the aftermath of recent turmoil surrounding the Alabama Education Association and repeated efforts in the past few years by some state leaders to take money from education to spend on other state services, AAFHE was founded to promote the interests of all nonprofit higher education institutions and their affiliates, including the protection of the Education Trust Fund from further raids. (as cited in Sheets, 2016, August 7, para. 24)

The perceived need for the AAFHE and new powerful education lobby in the state came on the heels of the demise of the once-powerful AEA.

Under the leadership of Dr. Paul Hubbert, the AEA transformed into one of the most powerful interest groups in Alabama between 1969 and 2011. Hubbert played a pivotal role in guiding education policy and politics in Alabama by funding campaigns and lobbying state politicians (Eddins, 1997; Vocino, 2018/2019), earning him the moniker of the “real governor” of Alabama (Browder, 2010). With a shift in party control on the horizon, Hubbert steered more of the AEA's political activity toward AEA-friendly Republicans in the 2010 election, including millions spent on negative advertisements to defeat an outspoken critic of the association running for governor (Stewart, 2016). When the AEA's preferred choice was elected governor in November 2010 (Talbot, 2010, October 17), Republicans then held unified control of the government. Wasting no time at all, outgoing governor Bob Riley called a special session on ethics reform in December 2010 with the newly elected legislature; the terms of state legislators begin the day following their election in Alabama (Robertson, 2010, December 1). During the lame-duck session about campaign finance and ethics reforms, the Republican-controlled legislature passed seven bills that Riley signed into law, including a law that prohibited associations like AEA from using membership dues automatically deducted from public employees' paychecks to make political contributions (Chandler, 2010, December 2010). This was a major blow to the key revenue source of the AEA's political activity. With a Republican supermajority in the state legislature and Hubbert's retirement in 2011, the AEA struggled to maintain its presence as the primary mover and shaker of education politics in the state.

Leadership turmoil, political thrashings, and the financial issues that subsequently arose plagued the AEA following Hubbert's retirement. His successor, Henry Mabry, took out large loans to make significant investments in the 2014 election. During the 2014 election cycle, for example, through its affiliated PAC, Alabama Voice Of Teachers For Education, the AEA contributed more than \$12 million to political candidates' campaigns in 70 different races, with only seven AEA-supported candidates winning a seat (Vocino, 2018/2019). The cost of the 2014 election and reduction in membership revenue placed the AEA into financial troubles, which eventually led to the ousting of Mabry in 2015 (Lyman, 2015, March 31). In recent years, AEA leadership has ended its practice of making direct political contributions to candidates and shifted focus to policy advocacy. For example, in an interview discussing the organization's debt, AEA president Sheila Remington suggested that the AEA was out of the business of “giving people money to run campaigns...as far as people calling and asking us for campaign contributions, I don't see us getting involved with that anymore” (as cited in Lyman, 2016, January 20, para. 3). The AEA's decision to

pull back on political contributions enabled other education organizations (namely, the AAFHE) to fill a void in education interest groups and lobby against major cuts to education.

As was the case in most states, state revenues in Alabama plummeted after the Great Recession, with education funding falling victim to extensive budget cuts due to the ETF being largely supported by state income and sales tax. For example, after adjusting for inflation, ETF expenditures were \$7.6 billion in fiscal year (FY) 2007 and \$7.7 billion in FY 2008 (Alabama Legislative Services Agency, 2020).¹ In 2009, ETF spending dropped 13% to \$6.6 billion. The significant reduction in revenue forced Governor Riley to declare proration, or across-the-board cuts for all agencies funded by the ETF. Lawmakers were forced to tap into rainy day funds and transfer \$439.6 million from the Proration Prevention Account in FY 2008 and \$437.4 million from the Alabama Trust Fund in FY 2009 to offset the budget shortfall (Office of the State Comptroller, 2009, 2010). Following legislative reforms (e.g., the Rolling Reserve Act of 2011), restrictions were placed on how legislators distributed state funds, limiting lawmakers' ability to use the Alabama Trust Fund (Lyman, 2015, April 5). Between FY 2010 and FY 2018, ETF expenditures ranged from \$5.9 billion to \$6.5 billion, bottoming out in FY 2013. Compounding the ETF's financial troubles were the governor and legislature's efforts to redistribute tax revenue intended for the ETF to the General Fund to avoid cuts to Medicaid and public safety (Alabama Medicaid Agency, 2012, May 2). In 2015, these efforts culminated in a law that amended the distribution of state use taxes currently collected for out-of-state purchases by decreasing the percentage of proceeds deposited into the ETF and increasing the percentage of proceeds deposited into the General Fund (Ala. Code. §40-23-85, 2015). This allowed \$80 million in tax revenue to be transferred away from education (Cason, 2015, September 17). Taken together, the threats and major cuts to education funding, coupled with the weakened stance of the AEA, fostered the creation of the AAFHE.

The AAFHE & UA System Leadership: One and the Same

Bill Jones founded the AAFHE in 2014 to promote the interests of nonprofit institutions in Alabama. While the stated purpose was to advocate for all nonprofit institutions, there was a salient connection between the AAFHE and the UA System. Prior to establishing the AAFHE, Jones had served as a lobbyist for the UA System since at least 1989 (Freedman, 1989, February 26) and as Director of Government Relations dating back to at least 1998 (Robertson, 1998, October 19). In 2013, Governor Bentley appointed Jones to the ACHE to complete at-large member Phil Dotts' term, which expired in August of 2018 (ACHE, 2016, April 5; West, 2013, August 22). According to the organization's first 990 tax forms, the AAFHE's board was composed of Jones (president), Charles E. Adair (vice-president), and Dr. Robert E. Witt (treasurer). Jones and Adair, a prominent businessperson in the state, served as president and vice-president for the lifespan of the AAFHE, whereas Witt—who was Chancellor of the UA System at the time—only served as treasurer for the first tax filing. Cooper Shattuck, who served as General Counsel of the UA System between 2012 and 2016 (WBRC Staff, 2016, December 1), performed the duties of the treasurer for the 990 filings in 2014 and 2015.

Uncovering the Benefactors of the AAFHE: The UA System

The UA System represented the principal benefactor of the AAFHE. For instance, between February 2014 and August 2015, the AAFHE received about \$1.53 million in membership dues; these dues represented the sole source of revenue for the association. According to the UA System's public expenditure database, the UA System contributed about \$1.46 million to the AAFHE

¹ Author's calculation of ETF expenditures as reported by the Alabama Legislative Services Agency. Dollar amounts (2018 dollars) are adjusted for inflation using the July estimates of the Consumer Price Index.

between July 2014 and September 2015 (University of Alabama, 2014-2017). The AAFHE and the UA System have slightly different fiscal years, which complicates the tracking of transactions between the association and university system.

The AAFHE's FY began on September 1 and ended on August 31, while the UA System's FY begins on October 1 and ends on September 30. Considering the UA System spokesperson's familiarity with the AAFHE's financial standing (Sheets, 2016, August 7), this may have been a strategy to blur political activities. As such, when the month of September is included in the analysis, more than 95% of the total revenue received by the AAFHE in its first two years was contributed by the UA System (AAFHE, 2014, 2015; University of Alabama, 2014-2017). Even so, the proportion of revenue is difficult to pinpoint without knowing all dues-paying members. Additionally, the UA System also made three separate donations of \$18,750 on September 25, 2015, which was the last Friday before the end of FY 2015 for the institution. However, despite the system spokesperson's claims that nine four-year institutions and affiliated organizations were also dues-paying members (Sheets, 2016, August 7), the UA and UA System's donations are the only contributions to the AAFHE that were collected with confidence, which was expected given concealing donors is consistent with dark money group strategies. In the end, the proportion of membership dues paid by the UA System (as reported in the Open UA Expenditure database) dropped significantly over time, from 95% in the first two years to a little more than 50% when AAFHE folded in 2017.

The “Early” Beneficiaries of the AAFHE: The Innovation PAC

Early on, the AAFHE used the revenue collected by the UA System and other dues-paying members to make contributions to PACs, primarily the Innovation PAC. For example, according to FCPA records, the AAFHE donated \$586,000 to four state-level PACs between July 2014 and January 2016. This included \$541,000 in contributions to the Innovation PAC and \$15,000 to three other education PACs: BIPAC, EDPAC, and FAXPAC. Fine Geddie & Associates (Fine Geddie), an influential state lobbying firm, established BIPAC, EDPAC, FAXPAC, and others around 1990 to promote business and education causes (Lyman, 2018, August 17). While other organizations like Blue Cross and Blue Shield also made contributions to the Fine Geddie's PACs, Innovation PAC received all revenue it ever collected from the AAFHE.

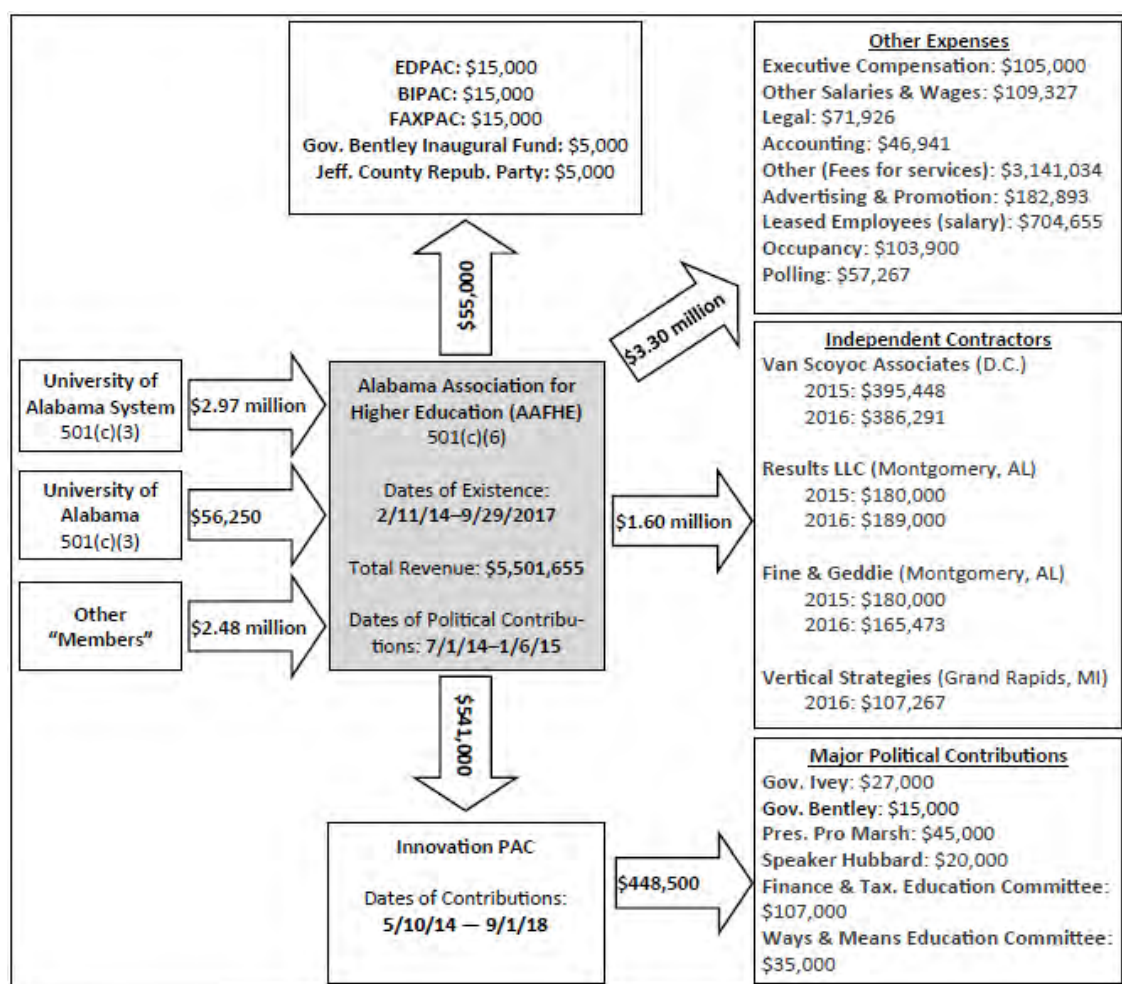
The Innovation PAC was registered in April 2014 as a state-level PAC “to support candidates committed to good government” (The Innovation PAC, 2014, April 08). According to campaign filings, it was founded by William G. Pappas in April 2014 and dissolved in May 2018. Interestingly, Pappas was the clerk of the Alabama House of Representatives from 1991 to 2012 and had been a House employee since 1975 (White, 2012, June 10). Pappas served as the chairperson and treasurer of the organization until November 2015 when Bill Jones, the president of the AAFHE, became the chairperson and treasurer, positions he held until the PAC terminated operations (The Innovation PAC, 2015, November 23). The Innovation PAC made more than 100 contributions to 74 candidates between May 2014 and May 2018, which totaled \$448,500. Generally, the Innovation PAC's expenditures targeted incumbents, winners, and seasoned politicians in senior positions. For example, 73% of candidates receiving donations were incumbents, collecting \$310,000 of all contributions by the PAC. The Innovation PAC also picked winners. In this regard, the Innovation PAC contributed about \$400,000 on 65 winning campaigns. Finally, seasoned politicians in statewide leadership positions and within the legislature received a substantial proportion of the Innovation PAC's political spending.

At the state level, the Innovation PAC contributed \$15,000 to Governor Bentley's campaign and \$27,000 to Governor Ivey's campaign. For FY 2015, the AAFHE reported an additional \$5,000 donation to the Governor Bentley Inaugural Fund on its tax filing with the IRS (AAFHE, 2015).

Governor Bentley was forced to resign in 2017 amid impeachment proceedings and after pleading guilty to two misdemeanor charges related to his misuse of campaign funds to conceal an extramarital affair (Phillips, 2017, April 10). The Innovation PAC also targeted leadership in the House and Senate. Del Marsh, President Pro Tempore of the Senate since the Republican takeover in 2010, received \$45,000 in campaign contributions. Then-Speaker of the House Michael Hubbard, who has since been convicted of six felonies related to campaign and ethics violations and sentenced to 28 months in prison, received \$20,000 from the Innovation PAC (Brown, 2020, November 25). Additionally, the Innovation PAC also targeted members of the standing committees responsible for education funding. Eight members of the Senate's Finance and Taxation Education Committee received \$107,000 in contributions from the Innovation PAC.

Figure 1

Follow-the-Money Scheme of the Alabama Association for Higher Education's (AAFHE) Activities



Note. The \$3.3 million total for the Other Expenses box represents the total expenses minus the reported spending on independent contractors and total political contributions. The IRS only requires nonprofit organizations to list the five highest compensated independent contractors who were compensated more than \$100,000 on their Form 990; these contractors are not reported as a portion of the Statement of Functional Expenses. As such, some expenses, such as Other (fees for services) and Leased Employees (salary), likely include spending reported in the "Independent Contractors" box.

The “Later” Beneficiaries of the AAFHE: Consultants & Lobbyists

While the Innovation PAC continued to make campaign contributions until May 2018, the AAFHE made its final political contribution to its affiliated PAC in January 2015.² In the final two and a half years, AAFHE leaders spent more than \$1.6 million toward lobbying firms and consultants (AAFHE, 2016b, 2017). At the state level, the AAFHE contributed about \$345,000 to Fine Geddie between 2015 and 2017 (AAFHE, 2016b, 2017) to lobby for education funding, according to the firm’s quarterly statements of lobbying activity (Alabama Ethics Commission, 2016a). For much of this period, Fine Geddie also lobbied on behalf of the ACCS as well as dozens of other organizations in healthcare, business, and information technology, among others. Along with Fine Geddie, Results LLC received \$369,000 in consulting and lobbying fees. Results LLC is an organization founded by William (Bill) O’Connor, a veteran political consultant in Alabama who served as Vice Chancellor for External Affairs for the UA System in the mid-1990s (Alabama Secretary of the State, n.d.; Beyerle, 1996 February 8). Interestingly, a Results LLC email is used for the Innovation PAC’s statement of organization documents filed with the secretary of state (The Innovation PAC, 2014, April 08, 2015, November 23). O’Connor was regularly featured on lobbying reports for the AAFHE and the Alabama Nursing Home Association, where he served as the Executive Director (Alabama Ethics Commission, 2016b). Additionally, the AAFHE reported that another influential state-level government firm, Swatek, Howe & Ross, lobbied for the association in 2016 and 2017. Though the firm disclosed this information to the Alabama Ethics Commission (Alabama Ethics Commission, 2016a), the activity and spending amount were not reported on 990 tax forms for applicable years.

Complementing the state-level efforts, the AAFHE made a concerted effort to influence federal policy. For example, Van Scoyoc Associates received more than \$780,000 from the AAFHE in FY 2016 and FY 2017. Van Scoyoc Associates is a full-service federal government affairs firm that represents numerous sectors, including schools, universities, and research consortia. The firm has consistently ranked among the top 20 largest lobbying firms in Washington D.C., long known for its expertise in procuring earmarks prior to the Congressional ban of earmarks in 2011 (Yaeger, 2014, May 9). In late 2014, Van Scoyoc Associates filed a lobbying registration to represent the AAFHE on higher education related issues and initiatives (Van Scoyoc Associates, 2014, October 1). According to lobbying reports filed with Congress, Van Scoyoc Associates lobbied members of Congress on numerous higher education budget and policy issues. In total, Van Scoyoc Associates received \$1.13 million to lobby on behalf of the AAFHE (ProPublica, n.d.-a), a \$350,000 difference between tax filings and the disclosure reports. Issues included (but are not limited to) medical, science, engineering, and technology research; patent reform; the taxation of endowment and foundation funds; labor and workplace laws; and transportation research (ProPublica, n.d.-a).

In FY 2017, Vertical Strategies garnered \$107,267 in consulting fees from the AAFHE (AAFHE, 2017). Vertical Strategies is a consulting firm in Grand Rapids, Michigan (Michigan Department of Licensing and Regulatory Affairs, 2020). During the relevant period, Vertical Strategies reported that it was a “team of technology focused political consultants set on solving problems online and offline with better data and superior marketing tools” (Vertical Strategies, 2016, December 18, para. 1). One of the consultants was Blake Harris, an attorney and Republican political consultant based in Birmingham, Alabama, who served as the state’s director for a school choice advocacy group (Students First) and currently is chief of staff for Tennessee’s Republican governor, Bill Lee (Harris, n.d.; StudentsFirst AL, 2015, September 14). In meeting minutes, the

² For FY 2016, the AAFHE reported a \$5,000 donation to the Jefferson County Republican Party on Schedule C of its Form 990.

Faculty Senate at the University of Alabama in Huntsville reported that Harris was hired by the UA System's Government Relations Office to move Alabama Unites for Education forward following an unorganized launch (UAH Staff Senate, 2016, September 21). Led by UA System Chancellor Witt, Alabama Unites for Education was an advocacy organization founded to protect and sustain the ETF in Alabama through a grassroots network of educators from K-12 schools, the community college system, and universities (Alabama Unites for Education, 2017, June 11). Interestingly, trademarks associated with Alabama Unites for Education were registered by the AAFHE (United States Patent and Trademark Office, 2020). While the connection between the AAFHE, Vertical Strategies, and Alabama Unites for Education is not conclusive, the evidence suggests that the AAFHE contracted with Blake Harris of Vertical Strategies to improve the reach and influence of Alabama Unites for Education in an effort to protect education funding.

Other Spending and Activity

The AAFHE's activities described above represent only a portion of the total expenses of the association. According to tax filings, the AAFHE expended about \$215,000 on compensation to executives and staff members, \$72,000 for legal fees, \$182,000 for advertising and promotion, \$67,000 for information technology, \$5,000 for a website, \$854,000 for leased employees' salaries and benefits, \$57,000 for polling, and \$3.14 million in other fees for services, among others. All but \$306 of the \$3.14 million spent on other fees for services were related to program service expenses provided by education and policy consultants, such as Van Scoyoc Associates, Results LLC, Fine Geddie, and Vertical Strategies Consulting. However, using publicly available documents, I am unable to identify independent contractors that received less than \$100,000 in a fiscal year or discern the purpose of the spending. Taken together, consulting fees composed 36% of all expenses of the AAFHE. The AAFHE ended operations on September 29, 2017.

Discussion

This descriptive study of the AAFHE attempts to provide a unique look at the politics of education and the higher education lobbying landscape. I reviewed how the AAFHE—a 501(c)(6) organization established by current and former leaders of the UA System—strategically used revenues from “members” (namely, the UA System) to influence education funding at the state and federal level. The AAFHE's founding followed the swift decline of the once-powerful AEA and years of perceived assaults on the ETF. Based on the purpose and activities of the organizations of interest as well as the quotes presented by Sheets (2016, August 7), the decision to establish the AAFHE was driven by the UA System and other members' needs to manage external constraints and reduce environmental uncertainty as it relates to imported resources (Hillman et al., 2009; Pfeffer & Salancik, 1978). This volatility and dependence on external resources likely drove educational leaders in Alabama to form a political nonprofit and a coalition of education actors to lobby policymakers for favorable decisions about resources (Harnisch, 2016; Murray, 1976).

In the early years of the AAFHE, the association used a dark money strategy of political contributions to state-level politicians via its intricately connected Innovation PAC. These efforts targeted experienced politicians with leadership positions, such as the governor, the Speaker of the House, the president pro tempore, and members of the finance committees that consider the state's education budget. This aligns with the political science literature on corporate PAC activity (King & Robin, 2008). In the final few years of the AAFHE, the association shifted its strategy and steered spending toward lobbying and educational consultants. While the organization sustained its presence with state policymakers through powerful state-level government affairs firms, the AAFHE

broadened its efforts to the federal policymaking arena. In this context, the AAFHE's strategies align with the literature on taking a more cautious, low-key approach to lobbying (Cook, 1998). Again, these efforts appear to be driven by a want to maintain and obtain resources for university research and endowment funds. In the final years, evidence suggests that the AAFHE and UA System leadership launched the Alabama Unites for Education initiative to foster a grassroots network of educators to safeguard the ETF (De Give & Olswang, 1999; Tandberg, 2006), an indirect lobbying strategy that has not always been common among institutional interest groups (Cook, 1998). Overall, the AAFHE employed direct and indirect strategies on multiple fronts to secure resources for higher education institutions in Alabama, primarily the UA System.

This study of how political nonprofits and PACs can influence higher education has important implications for policy and research. Issues of organizational boundaries and equity between nonprofit institutions in Alabama are salient. While the AAFHE presented itself as an advocacy organization for all nonprofit colleges and universities in the state, most activity appears to have benefited institutions within the UA System most. This is perhaps most evident at the federal level, where Van Scoyoc Associates focused its lobbying efforts on issues that primarily affected the UA System, such as medical, engineering, transportation, and technology research as well as the taxation of endowment and foundation funds. Not surprisingly, the UA System employed Van Scoyoc Associates to lobby for similar issues over the past few decades (Ackley, 2019; ProPublica, n.d.-b). The UA System and the AAFHE underwent numerous attempts to make protecting education funding a universal issue for educators in Alabama, with the Alabama Unites for Education initiative appearing to be the most legitimate attempt at a collective, grassroots response to cuts.

This study represents one of the first reported cases of a higher education institution using a dark money group to sway policymakers. The link between the UA System and the Innovation PAC is technically indirect, though these findings diverge somewhat from the traditional thinking about in-house lobbyists not considering campaign contributions as a viable option of political influence (Ferrin, 2005). Moreover, while it was not directly addressed in this study, campaign disclosures suggest that the UA System had an institutional PAC, UAS PAC, in the early 2000s that made political contributions to state politicians (Alabama Secretary of the State, 2007; Jones, 2006, July 27). In that case, however, the public was generally able to track the donors of the PAC. Finally, this study demonstrates that ethical, legal, and political challenges can arise from an institution's political activity. For example, this case study would not have been possible if not for Sheets' (2016, August 7) expose on a dark money network led by UA System leadership. Institutional and interest group leaders should remain cognizant of how their political activity might be perceived by politicians and the public. Sweeping campaign finance reforms and the AEA's demise were partly the result of what politicians viewed as an outsized influence of education interest groups in the electoral process and in the capitol. This study also provided examples of the challenges of making contributions to candidates who may later face ethical and legal issues.

For research, this study exemplifies the need for novel approaches to data collection and analysis when studying interest groups and political actors that can conceal their activity through tax status or other means. It elucidates the importance of using descriptive methods to understand and explain the complexities and interconnectedness of higher education politics, campaign finance, lobbying, and interest groups (Gerring, 2012). This study certainly benefited from sweeping reforms to campaign finance and lobbying laws in Alabama. However, many states have similar disclosure laws that can be used to explore lobbying activity at the state level (National Conference of State Legislatures, 2018, May 15). As this study has demonstrated, state-level analyses can be supplemented with federal databases on lobbying disclosures, such as the U.S. House of

Representatives and Senate’s lobbying disclosure databases and the Center for Responsive Politics’ lobbying data (Marsicano & Brooks, 2020). Despite noteworthy progress in our understanding of interest groups, lobbying, and intermediary organizations in higher education, additional research is needed to account for “recent changes in congressional productivity,” the volatility around earmarks, and the proliferation of dark money, political nonprofits, and PACs (Marsicano & Brooks, 2020, p. 5; McLendon, 2003). How have campaign finance reforms shifted the behavior of government affairs offices and higher education interest groups? What should the relationship between public universities and elected officials look like? Should a public institution use university funds to lobby state policymakers for additional funding? How does the local, state, and federal context influence the political activity of institutions? What is the relationship between K-12 and higher education interest groups at the state level? These questions and others will help contextualize the unique interest group landscape in higher education and shed light on policy outcomes affecting the education sector.

Conclusion

This study set out to better understand the role of political nonprofits and PACs in higher education policymaking. While determining the legality of the UA System and AAFHE’s actions is better left to legal experts, this paper offers insights into the complex nature of the politics of education and the lengths to which college leaders will go for resources. Indeed, the role money plays in American politics has long garnered significant attention from voters, advocacy organizations, politicians, the courts, and the media—and for good reason. As Ann Ravel, a former chair of the FEC, contends in PBS’s *Dark Money*: “Campaign finance is like the gateway issue to every other issue that you might care about—whether it be education or tax reform or foreign policy” (Reed, 2018, 09:35). An even better case can be made for the influence of lobbying in the United States. Concerned stakeholders have worried about the influence of outside spending and the potential chilling effect it can have on democracy. At the crux of the matter is a contentious tussle over weeding out corruption and safeguarding free speech protections provided by the First Amendment. In the case of the AAFHE, one can certainly understand the drive of educational leaders to sustain funding through any means, but the question remains: Did the activity amount to the higher education leaders playing by the rules of other sectors or did it cross over the line to corruption and misuse of public funds?

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