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DISCUSSION OF CONSTITUTIONAL ISSUES WHICH MAY BE RAISED BY PROPOSED LOBBYING REFORM LEGISLATION

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DISCUSSION OF CONSTITUTIONAL ISSUES WHICH MAY BE RAISED BY PROPOSED LOBBYING REFORM LEGISLATION

This report is intended to provide a brief discussion of some of the major constitutional issues which may be raised in relation to Federal lobbying law reform proposals. Constitutional issues or standards which may be raised either in support of or opposition to lobby disclosure proposals are discussed generally in light of relevant judicial precedents, with particular focus on requirements for the revelation of the member/contributors of a lobbying organization, and required disclosures by groups engaged in "grass roots" lobbying.

FIRST AMENDMENT ISSUES AND STANDARDS GENERALLY

Legislation requiring certain disclosures, particularly the revelation of members or contributors, by organizations which petition the Congress and which engage in public advocacy or debate concerning political, social or economic issues, raises questions as to possible infringements upon rights guaranteed by the First Amendment to the United States Constitution, such as the freedoms of speech, expression, association, and petition. The Supreme Court has recognized on numerous occasions the importance of protecting public advocacy rights and has noted the "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open . . . ." (New York Times Co. v. Sullivan, 376 U.S. 254, 270 [1964]; Garrison v. State of Louisiana, 379 U.S. 69 [1964]).

Although provisions of a law which merely require certain disclosures or reports regarding advocacy activities do not directly prohibit or limit the exercise of those enumerated First Amendment rights, the Supreme Court has recognized the "deterent effects on the exercise of First Amendment rights ..."

which may arise "as an unintended but inevitable result of the government's conduct in requiring disclosure" (Buckley v. Valeo, 424 U.S. 1, 65 [1976]).

In the case of NAACP v. Alabama, 357 U.S. 449 (1958), the Supreme Court overturned a State court contempt citation against the NAACP for that organization's failure to disclose its local membership list. Recognizing that "(e)ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association" and that, based upon the First Amendment rights of freedom of speech, petition and assembly, the Constitution guarantees the "freedom to engage in association for the advancement of beliefs and ideas," the Court noted the "chilling effect" that certain state actions, such as requiring the disclosure of membership lists, may have upon the exercise of those rights:

> Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, any State action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.
>
> The fact that [the State]...has taken no direct action, (citations omitted), to restrict the right of petitioner's members to associate freely, does not end the inquiry into the effect of the production order. (citations omitted). In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this Court recognize that abridgment of such rights, even though unintended, may inevitably follow from varied forms of governmental action, (357 U.S. at 460-461, emphasis added; see: Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 544 [1963]; Bates v. Little Rock, 361 U.S. 516 [1960]; Shelton v. Tucker, 364 U.S. 479 [1960]).

In the recent Supreme Court case of Buckley v. Valeo, supra, the Court in examining campaign disclosure laws stated:

> ...[W]e have repeatedly found that compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment.
>
> (424 U.S. at 64)

Additionally, the Court in the Buckley case noted that this right of privacy in association which extends to individuals who become members of organizations, extends as well to individuals who contribute funds to organizations:

> The right to join together "for the advancement of beliefs and ideas," [NAACP v. Alabama, supra, at 460], is diluted if it does not include the right to pool money through contributions, for funds are often essential if "advocacy" is to be truly or optimally "effective."
>
> (424 U.S. at 66)

The Supreme Court has thus recognized a potentially serious threat to First Amendment rights in disclosure statutes, particularly those which require the disclosure of member/contributors to advocacy or issue oriented organizations engaged in public debate and persuasion concerning issues of public interest. However, it has been noted as a general principle that although First Amendment rights "are fundamental, they are not in their nature absolute" (Whitney v. California, 274 U.S. 357, 373 (1927) [Justice Brandeis concurring]; Terminiello v. Chicago, 337 U.S. 1, 4 (1949), Justice Douglas delivering opinion of the Court); and the Supreme Court has increasingly resorted to "balancing" conflicting interests of the government and of individuals when possible limitations on First Amendment rights are somewhat indirect and the statute in question is drawn with sufficient precision (note: Constitution of the United States of America, Analysis and Interpretation, Senate Document No. 92-82, U.S. Government Printing Office, Washington 1973, p. 961). Thus, although a potential threat to First Amendment rights may exist as a result of mandatory disclosures, the Supreme Court has upheld the constitutionality of disclosure requirements concerning contributors to and expenditures by political parties, political committees and candidates in the case of Buckley v. Valeo, supra, and has upheld the disclosure

requirements of the Federal Regulation of Lobbying Act of 1946 in the case of United States v. Harriss, 347 U.S. 612 (1954). In these two cases, the Supreme Court employed a "balancing" test, finding that there may be sufficiently important governmental interests in the required disclosures which will outweigh the possibility of infringement of the rights claimed. Additionally, the Court addressed the vagueness and overbreadth questions, looking to the terms of the statute to determine if the provisions were drawn with the precision required of statutes bearing on First Amendment rights.

The Court in the Buckley case noted the standard of review applied to the disclosure provisions under consideration in that case:

> We long have recognized that significant encroachments on First Amendment rights of the sort that compelled disclosure imposes cannot be justified by a mere showing of some legitimate governmental interest. Since Alabama we have required that the subordinating interests of the State must survive exacting scrutiny. We also have insisted that there be a "relevant correlation" or "substantial relation" between the governmental interest and the information required to be disclosed.
>
> (424 U.S. at 64)

GOVERNMENTAL INTEREST IN LOBBYING REGULATION

The Supreme Court in the Buckley v. Valeo case, finding that disclosure requirements generally "appear to be the least restrictive means of curbing the evils" of unwarranted influence and corruption concerning basic governmental processes (supra, at 68), noted the principle that certain governmental interests will outweigh the possible chilling effect of disclosure statutes on First Amendment rights:

> The strict test established by Alabama [NAACP v. Alabama, 357 U.S. 449 (1958)] is necessary because compelled disclosure has the potential for substantially infringing the exercise of First Amendment rights. But we have acknowledged that there are governmental interests sufficiently important to outweigh the possiblity of infringement, particularly when the "free functioning of our national institutions" is involved Communist Party v. Subversive Activities Control Bd., 367 U.S. 1, 97 (1961). (424 U.S. at 66)

The interest of the government in requiring disclosures relating to activities concerning "lobbying", as defined by the Supreme Court, was found to be sufficient to outweigh possible infringements on, or chilling of, associational or other First Amendment rights in the case of United States v. Harriss, supra. In the Harriss case, the Supreme Court, construing narrowly the provisions of the Federal Regulation of Lobbying Act (2 U.S.C. §261 et seq.) upheld the constitutionality of that Act. As to the governmental interest involved in requiring the reports and disclosure from those who engage in "lobbying," as that term was defined by the Court, the Court stated:

> Present-day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the Lobbying Act was designed to help prevent.
>
> Toward that end, Congress has not sought to prohibit these pressures. It has merely provided for a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. It wants only to know who is being hired, who is putting up the money, and how much. It acted in the same spirit and for a similar purpose in passing the Federal Corrupt Practices Act -- to maintain the integrity of a basic governmental process. See Burroughs and Cannon v. United States, 290 U.S. 534, 545.

> Under these circumstances, we believe that Congress, at least within the bounds of the Act as we have construed it, is not constitutionally forbidden to require the disclosure of lobbying activities. To do so would be to deny Congress in large measure the power to self-protection. And here Congress has used that power in a manner restricted to its appropriate end. We conclude that [the registration and reporting sections of the Act], as applied to persons defined in §307 [those covered by the Act], do not offfend the First Amendment. (347 U.S. at 611-612). (Underlining added)

The recognized governmental interest in requiring the reporting and disclosure by groups, individuals and organizations engaged in "lobbying" in the Harriss case was to preserve the integrity of the lawmaking process by eliminating secrecy in, and exposing and identifying pressures and influences upon the legislative process. Thus, this recognized governmental purpose has been considered a subordinating interest in regulating what has traditionally and narrowly been defined as "lobbying."

DISCLOSURES CONCERNING DIRECT LOBBYING

As noted above, in narrowly interpreting the provisions of the 1946 Lobbying Act in the Harriss case, the Supreme Court found that the lobbying statute "sought the disclosure of... direct pressures [upon Congress] exerted by the lobbyists themselves or through their hirelings or through an artifically stimulated letter campaign" (347 U.S. at 620, emphasis added), implying that the statute would not entail "a broader application to organizations seeking to propagandize the general public" (347 U.S. at 621). Interpreting the term "lobbying," the Court in the Harriss case stated the following:

> As in United States v. Rumely, 345 U.S. 41, 47, which involved the interpretation of similar language, we believe this language should be construed to refer only to "lobbying in its commonly accepted sense" -- to direct communication with Members of Congress on pending or proposed federal legislation. The legislative history of the Act makes clear that, at the very least, Congress sought disclosure of such direct pressures, exerted by the lobbyists themselves or through their hirelings or through an artifically stimulated letter campaign. (347 U.S. at 620) (Emphasis added).

Arguments may thus be made based on the Surpreme Court precedents discussed above in support of the constitutionality of required disclosures by organizations which qualify as "lobbying organizations" because they substantially engage in what might be called traditional "lobbying," that is, direct communications with Members of Congress either "by the lobbyists themselves or through their hirelings or through an artifically stimulated letter campaign". The Harriss case, it may be argued, provides support for the contention that the disclosures which may constitutionally be required from organizations substantially engaged in direct lobbying may include the revelation and disclosure of the major contributors to, and the source of funds of, such organizations, such as required by the 1946 Act. As noted by the Court in Harriss, the 1946 Lobbying Act sought to identify "who is being hired, who is putting up the money, and how much" (347 U.S. at 611). The provisions of the 1946 Lobbying Act, now codified at 2 U.S.C. 264 require quarterly statements from those coming within the Act (see: 2 U.S.C. 266) identifying "the name and address of each person who has made a contribution" of over a specified amount ($500 in the case of the present lobbying disclosure law). In requiring similar disclosures in proposed legislation Congress would arguably be advancing the recognized governmental interest of disclosing and identifying the "direct pressures" that are exerted upon Members of Congress (see: Harriss and Rumely, supra).

It should be noted that although the Supreme Court in the Buckley case did suggest that disclosure provisions generally "appear to be the least restrictive means of curbing the evils" of unwarranted influence and corruption concerning governmental processes (Buckley, supra at 68), the Court did note that the "balance" might be tipped in favor of non-disclosure of contributors of a group where such group may show that disclosure would result in harrassment or threats of reprisal to contributors such that First Amendment rights of association and expression would seriously be infringed by the disclosures. The Court stated:

> There could well be a case, similar to those before the Court in Alabama and Bates, where the threat to the exercise of First Amendment rights is so serious and the state interest furthered by disclosure so insubstantial that the Act's requirements cannot be constitutionally applied. But no appellant in this case has tendered record evidence of the sort proffered in Alabama. (424 U.S. at 71)

As to the evidence which may be necessary to be shown by a minor political party to exclude such a group from the disclosure requirements of the campaign Act, the Court in Buckley stated:

> The evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment or reprisals from either government officials or private parties. The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient. (424 U.S. at 74)

Such evidence offered would thus be a factor to be considered and weighed in a balancing of the relevant competing interests involved in disclosure provisions.

DISCLOSURE OF GRASS ROOTS LOBBYING ACTIVITIES

The precedents discussed above which might be used to support constitutional arguments in favor of the required disclosures in connection with direct lobbying provide less support for provisions which would require the disclosure of contributors to those organizations which merely engage in general advocacy and public debate, and do not substantially engage in direct communications with Members of Congress. The activities of general advocacy directed at the public at large, public debate, or attempts to propagandize the general public on particular economic, political, social or other public issues on which the Congress may imminently, or at some point, act have been generally described as "grass roots" lobbying activities.

As to the general constitutional standards involved, the Supreme Court has found that although a compelling or subordinating governmental interest may be shown in enacting a disclosure statute, such disclosure provisions may not be so broad as to "invade the area of protected freedoms" (NAACP v. Alabama, supra at 307). This standard has required that the information which is to be disclosed under a statute bear "a reasonable relationship to the achievement of the governmental purpose asserted as [the statute's] justification" (Bates v. Little Rock, 361 U.S. 516, 525 [1960]), that is, there must "be a 'relevant correlation' or 'substantial relation' between the governmental interest and the information required to be disclosed" (Buckley, supra at 59).

In the context of lobbying disclosure provisions, as in the case of the campaign disclosure provisions reviewed in the Buckley case, this overbreadth doctrine may arguably necessitate that the activities which are subject to dis-

closure requirements be narrowly defined to exclude required disclosures relating to activities of individuals or groups that "do no more than discuss issues of public interest" (Buckely v. Valeo, 519 F. 2d 817, 872 [D.C. Cir. 1975], United States Court of Appeals decision overturning former 2 U.S.C. Sec. 437a, not appealed to Supreme Court) or activities by "groups engaged purely in issue discussion" (Buckley v. Valeo, 424 U.S. 1, 79). Thus, constitutional questions may arise as to provisions of a lobbying bill being susceptible to an overly broad sweep requiring the disclosure by issue oriented or advocacy groups which do no more than publicly discuss or advocate stands on public issues. Such disclosure may arguably be too remote and not have a "substantial connection" to the governmental interest in lobbying regulation recognized in the Harriss case, that is, the revelation of "direct pressures" upon Congress in order to "maintain the integrity of a basic governmental process" (Harriss, supra at 625).

In the case of United States v. Rumely, supra, the Supreme Court, in upholding a resolution authorizing a House committee to investigate into "lobbying activities" which the Court narrowly defined, stated the following:

> Surely it cannot be denied that giving the scope to the resolution for which the Government contends, that is, deriving from it the power to inquire into all efforts of private individuals to influence public opinion through books and periodicals, however remote the radiations of influence which they may exert upon the ultimate legislative process, raises doubts of constitutionality in view of the prohibition of the First Amendment. (345 U.S. at 46)

It should be noted that the decision of the United States Court of Appeals in Buckley v. Valeo, 519 F. 2d 817 (D.C. Cir. 1975), overturning the specific provision of the Campaign Act previously codified at 2 U.S.C. §437a, which required reporting and disclosure from certain issue groups, was not appealed to the Supreme Court. Thus, the Appeals Court decision finding former §437a an overbroad intrusion into protected First Amendment rights was not directly affected by the recent Supreme Court Buckley decision. Briefly, the Court of Appeals found that the wording of the statute which required disclosure from groups expending funds "for the purpose of influencing the outcome of an election" or publishing material "designed to influence individuals to cast their votes for or against" particular candidates, was so broad that the statute may encompass "groups that do no more than discuss issues of public interest on a wholly non-partisan basis" (519 F. 2d at 872). The Court of Appeals found that since such groups have at best a remote effect upon the purity of elections, and since the statute could not be narrowly construed to exclude such groups, the regulation in question did not bear a sufficient connection to the stated governmental interest which would overcome the intrusion into associational rights that a required disclosure of member/contributors may have upon such an organization's membership. The Court of Appeals cited to the Supreme Court decision in Rumely in distinguishing between those persons having a direct and intimate relation to the political process and those who merely attempt to advance discussion of public issues or influence the general public:

> The Supreme Court has indicated quite plainly that groups seeking only to advance discussion of public issues or to influence public opinion cannot be equated to groups whose relation to political processes is direct and intimate. In United States v. Rumely, 345 U.S. 41 (1953), the Court upheld a resolution authorizing a House committee to inquire into lobbying activities after construing it narrowly to apply only to representations made directly to Congress, and not to indirect efforts to influence legislation by changing the climate of public opinion. (519 F. 2d at §73

The Supreme Court in the Buckley case, it should be noted, upheld all of the disclosure provisions of the Campaign Act before it on appeal, including the identity of contributors to those of whom it may be said have a "direct and intimate" relation to the political process, that is, candidates, political parties and political committees. Additionally, however, the Court upheld as well the reporting requirements now codified at 2 U.S.C. §434(e) which require reporting and certain disclosures from persons other than candidates, political committees and political parties, who make independent political contributions or expenditures aggregating over $100 in a calendar year. The Court specifically noted as to the disclosure provisions concerning such persons, however, that:

> Unlike the other disclosure provision, this section does not seek the contribution list of any association. Instead, it requires direct disclosure of what an individual or group contributes or spends.

Thus, it appears that the Supreme Court in the Buckley case made the distinction between those directly and intimately involved in the political process such as candidates, political committees and political parties, and those only indirectly involved such as other persons making independent political expenditures. In the case of those making independent political expenditures,

contributors need not be disclosed. However, even though this distinction was made, some disclosure was required of those indirectly involved in the political process, and therefore the Court looked to determine if that provision suffered from overbreadth, that is, the Court looked to determine if there were a substantial connection between the disclosures required of those "indirectly" involved in the political process and the asserted governmental interest.

In upholding those provisions of section 434(e) requiring disclosure from persons and groups making independent political contributions or expenditures of over $100 against the overbreadth challenge, the Supreme Court narrowly construed the terms political "contribution" and "expenditure" to insure that the provision would not be "interpreted to reach groups engaged purely in issue discussion" (424 U.S. at 79) so that the "relation of the information sought to the purposes of the Act" would not be "too remote" (supra at 79-80).

Narrowing the term "expenditure" to include "only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate" (424 U.S. at 80), the Court concluded that this provision, as narrowed, "does not reach all partisan discussion for it only requires disclosure of those expenditures that expressly advocate a particular election result" (424 U.S. at 80). Thus, distinguishing the present provisions from those regulations overturned in Tally v. California, 362 U.S. 60 (1960) and Thomas v. Collins, 323 U.S 516 (1945), the Court concluded:

> Here, as we have seen, the disclosure requirement is narrowly limited to those situations where the information sought has a substantial connection with the governmental interests sought to be advanced.... The burden imposed by §434(e) is no prior restraint, but a reasonable and minimally restrictive method of furthering First Amendment values by opening the basic processes of our federal election system to public view. (424 U.S. at 81-82)

From the cases discussed above it does not appear that the Supreme Court precedents, particularly the Buckley and Harriss decisions, provide substantial support for the constitutionality of a provision which requires the revelation of member/contributors of organizations which do not substantially engage in "lobbying in its commonly accepted sense," that is, organizations which are not "directly or intimately" involved in the political process by making direct communications to, or exerting direct pressures upon, Members of Congress, but rather merely engage in discussion and public persuasion concerning issues of public importance and interest. However, although such disclosures of member/contributors may arguably not be supported from those organizations merely engaged in public persuasion, arguments may be advanced to support the constitutionality of some disclosures relating to grass roots lobbying activities under an analogy with the Supreme Court Buckley case. As noted, the Court in Buckley upheld disclosures of amounts spent on independent expenditures by persons who are not candidates, political committees, or political parties as long as the disclosure of such expenditures do not reach expenditures for all partisan discussion but reach only those which are for communications which expressly advocate the election or defeat of a clearly identified candidate. The Court found that the revelation of such expenditures, thus narrowly defined, would be "substantially relevant" to the governmental goal of purity in Federal elections. Similar to this reasoning, arguments could possibly be made to support the disclosure of "grass root" lobbying expenditures

which are narrowly construed so as not to reach activities concerning all issue discussion, public persuasions, or general advocacy, but to reach only expenditures for communications which expressly urge, request, or advocate that one communicate with a Member of Congress to support or oppose a specifically identified issue or piece of legislation. Just as the Court in the Buckley decision found that, as narrowed, certain expenditures by those "indirectly" involved in the governmental process were sufficiently related to the governmental goal of purity in elections, it could be argued that the revelation of the amount of funds expended by a group on such narrowly defined "indirect" or "grass roots" lobbying campaigns is similarly relevant to the governmental interest of revealing and analyzing direct pressures upon Members of Congress to preserve the integrity of the legislative process.

It may be noted that in at least one instance a State Supreme Court, the Supreme Court of the State of Washington in the case of Young Americans for Freedom, Inc. v. Gorton, 522 P.2d 189 (1974), upheld lobbying disclosure provisions of State law concerning required disclosures of "grass roots" lobbying. The Court narrowly construed the Act so that an organization engaged in such a "lobbying" campaign need not disclose its member/contributor list:

> We can agree with the contention of YAF that a required disclosure of its membership would be an impermissible and unconstitutional intrusion upon its members' associational freedoms and the right to privacy. N.A.A.C.P. v. Alabama, 357 U.S. 449, 78 S.Ct. 1163, 2 L.Ed. 2d 1488 (1958). (522 P.2d at 191)

The Court found, however, that some disclosures regarding "grass root" lobbying campaigns, such as amounts expended, were necessary to fill possible loopholes in lobbying regulation:

> To strike down this portion of the initiative would leave a loophole for indirect lobbying without allowing or providing the public with information and knowledge re the sponsorship of the lobbying and its financial magnitude....
> Thus, it seems abundantly clear, and we are convinced, that the right of the public to be informed is paramount to any inconvenience that reporting under section 20 [RCW §42.17.200] may cause respondent. (522 P.2d at 192)

The particular section in question is Revised Code of Washington, §42.17.200, entitled "Grass roots lobbying campaigns" and concerns, as characterized by the Washington Supreme Court, "indirect" lobbying, that is, "a program addressed to the public, a substantial portion of which is intended, designed or calculated primarily to influence legislation...." The sponsor of such a "program," if such person has expended over the threshold amounts designated, must register and report certain items including "[t]he names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor" (R.C.W. §42.17.200(2)(c)).

To avoid the constitutional infirmities noted, the Supreme Court of Washington narrowly construed the section in question to apply only to funds expended by the organization concerning a specific campaign directed at a specific piece of pending or proposed legislation, and to require the disclosure only of those persons who had either contributed directly to that specific campaign or who had "earmarked" funds for that specific campaign. Such an interpretation would eliminate the necessity for disclosure of an organization's general membership list when that organization engages in indirect, grass roots lobbying. As stated by the Washington court:

> If a member or non-member contributes to a past, present or future YAF campaign which has as its objective the passage or failure of specific legislation, then the reporting of the contribution and its donor is required. If, however, the YAF does not receive funds earmarked for a specific campaign, but expends reportable amounts from its general funds, then there is no need to divulge the names and addresses of the membership. In this instance, the members have only contributed dues to the organization, but not to a specific campaign. (522 P.2d at 191)

PRECISION OF STATUTES BEARING ON FIRST AMENDMENT RIGHTS

As to statutes regulating areas concerned with First Amendment rights, the Supreme Court in the case of United States v. Robel, 389 U.S. 258, 265 (1967), stated: "It has become axiomatic that 'precision of regulation must be the touchstone in an area so closely touching our most precious freedoms'. (NAACP v. Button, 371 U.S. 415, 438 (1963); see Aptheker v. Secretary of State, 378 U.S. 500, 512-513; Shelton v. Tucker, 364 U.S. 479, 488 (1960)." The Supreme Court has noted that statutes providing penalties must be drawn with sufficient definiteness "to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute" (United States v. Harriss,, supra at p 617) to meet the basic requirements of Due Process mandated by the Fifth Amendment to the Constitution. Concerning statutes specifically bearing on First Amendment rights, the Supreme Court in the case of NAACP v. Button, supra, explained:

> The objectionable quality of vagueness and overbreadth does not depend upon absence of fair notice to a criminally accused or upon unchannelled delegation of legislative powers but upon the danger of tolerating, in the area of First Amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application. (371 U.S. at 432-433).

The Supreme Court noted in both the Harriss and Buckley cases that vagueness in the statutory provisions concerned may act as a deterrent to the exercise of valid First Amendment rights because of fear that the restrictions of an imprecise statute would be applicable to that conduct. (Buckley, supra at 76-77; Harriss, supra at 626). Thus, terms of a provision dealing with lobbying activities must define with the requisite clarity those activities and conduct which would bring an organization within the provisions of the disclosure statute. Further, as noted above, the overbreadth doctrine requires a showing of a relevant correlation or substantial relation between the information required to be disclosed under the statute and the stated governmental interest in the regulation. This overbreadth doctrine applied to a lobbying provision may require a close examination of the terms, definitions and thresholds of the statute to insure that such provisions "are not susceptible of sweeping and improper application" by drawing within the regulations organizations or information not bearing a substantial relation to the governmental interest.