Navigating Policy by the Stars: The Influence of Celebrity Entertainers on Federal Lawmaking

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Abstract

Celebrity entertainers such as actors, musicians and professional athletes have become increasingly engaged in social advocacy during the past few decades, publicly expressing their perspectives on core policy issues including public health and safety, the environment, and foreign policy. This Article presents the results of the first comprehensive empirical and qualitative study of one particularly powerful form of celebrity advocacy—testimony before the U.S. Congress. The study reveals that federal legislators have invited hundreds of celebrity entertainers to testify at congressional hearings on issues unrelated to their occupations and that the practice has endured without careful reflection on the role that these persons should play in the legislative process. The Article considers the degree to which celebrity testimony is conducive to effective federal lawmaking and the extent to which this form of advocacy aligns with fundamental democratic ideals in American society. It argues that celebrity testimony is problematic in both regards but explains why the practice is nonetheless likely to continue.

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INTRODUCTION

Among the most fundamental principles of democratic governance is the equal opportunity of all citizens to express their opinions on issues of social policy so that the many and diverse interests of the people will be represented in government decisions. These decisions ideally conform to the preferences of the majority of the citizenry, except when the majority’s preferences conflict with a cherished democratic value or are otherwise detrimental to the common good. Inherent in this concept of majority rule are the ideas that the opinions of all persons should count equally and that select individuals should not exercise markedly greater influence over government decisions than other members of the public unless there are sound policy reasons for the differential treatment. Government practices that stray from these principles generate suspicion, anger and opposition, and are kept under a watchful eye for fear that they will compromise the integrity of democracy through the subversive effects of unequal rights and privileges.

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3 See Id. at 148-50.

4 See Id. at 85. For example, the government is warranted in paying greater heed to an environmental scientist’s opinions on the causes and repercussions of climate change than to that of a person without such expertise.
Of course, the reality of democratic practice entails constant compromise of ideals. Innumerable interest groups vie for and disproportionately obtain public resources. Whether the prize is funding of a program or legislation that otherwise privileges one group over others, the competition among private interests is fierce. Seasoned lobbyists understand that busy legislators often have little time to devote to any given social issue, so they stand in the wings ready to assist with issues of importance to them.

Historically, the most powerful lobbyists have been commercial organizations. Journalists and consumer advocates have kept close watch over their lobbying activities and publish exposés that reveal their actual or perceived overreaching in the policy making process. In the shadow of these business-government relations, a new and notable form of lobbyist has emerged without serious contemplation of its potential impact on American lawmaking—the celebrity entertainer. Until the mid-20th century, celebrity entertainers played a relatively minor role in the nation’s social discourse. Other than periodic associations with causes or political candidates through which they provided more aura than opinion, their public appearances were professionally related. Celebrities’ reticence to engage in public issues resulted in large part from two converging factors: Hollywood actors were constrained by their contractual relationships with the studios, and members of Hollywood were on the defensive against

5 Adam Przeworski, Democracy as a Contingent Outcome of Conflicts, in CONSTITUTIONALISM AND DEMOCRACY 59, 62 (Jon Elster & Rune Slagstad eds., 1988) (“In a democracy all forces must struggle repeatedly for the realization of their interests since no one is protected by virtue of their position.”).

6 MARK GREEN, WHO RUNS CONGRESS? 27 (3d ed. 1979) (Legislators “depend on the superior manpower of the lobbies to suggest solutions to problems, draft legislation, provide the evidence for it, help develop legislative strategy, persuade the rest of Congress to go along, and even raise the problems in the first place. With the lobbies’ pressure bearing in from all sides, Congress ends up, for the most part, responding to the heaviest push.”).

7 Id. at 24 (“Suppose you go to Washington and try to get at your government. You will always find that while you are politely listened to, the men really consulted are the men who have the biggest stake—the big bankers, the big manufacturers, the big masters of commerce . . . .”) (quoting President Woodrow Wilson); Robert G. Kaiser, Stuck in the Revolving Door, WASH. POST, Jan. 30, 2009 (discussing the dominating influence of business lobbyists on federal policy).


9 RONALD BROWNSTEIN, THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION 52 (1990) (The studio heads “didn’t want the actors to take a public position . . . . They figured, if you’re in a public position and you take a stand you alienate the other side. They didn’t care what you did privately, but when you took a public position they felt their investment was being endangered.”) (quoting a MGM screenwriter).
government accusations of communism.\textsuperscript{10} By the 1960s, the studio system had fallen, leaving actors with greater control over their public images,\textsuperscript{11} and Hollywood was rebounding from the “Red Menace.”\textsuperscript{12} Combined with mounting social turmoil in the United States, the stage for celebrity entertainer activism was set, and some entered it enthusiastically.\textsuperscript{13}

It was not until the 1980s, however, that celebrity entertainers entered the policy scene \textit{en masse}.\textsuperscript{14} Charlton Heston and Paul Newman debated nuclear disarmament on national television.\textsuperscript{15} Meryl Streep warned of the dangers posed by Alar, a chemical used to regulate the growth of apples.\textsuperscript{16} Sissy Spacek, Jessica Lange and Jane Fonda alerted the nation to the farm family crisis.\textsuperscript{17} Michael Jackson, Huey Lewis, Kim Carnes, Cyndi Lauper and dozens of other musicians recorded “We Are the World” to raise funds to fight famine in Africa.\textsuperscript{18} Ed Asner and

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\item \textsuperscript{10} \textit{Id}. at 121 (“For the moguls and their employees alike, the overriding political goal of the early 1950s was to find shelter against the charges of un-Americanism.”). \textit{See generally ELLEN SCHRECKER, MANY ARE THE CRIMES: MCCARTHYISM IN AMERICA} 319-33 (1998) (recounting the House Un-American Activities Committee’s investigation of Hollywood). The Hollywood experience is particularly important insofar as actors tend to be the most socially involved segment of the entertainment industry and set the norms for other celebrity entertainer advocates. \textit{See infra note ____ and accompanying text.}

\item \textsuperscript{11} THOMAS SCHATZ, \textit{THE GENIUS OF THE SYSTEM: HOLLYWOOD FILMMAKING IN THE STUDIO ERA} 4 (1988) (“The Hollywood studio system emerged during the teens and took its distinctive shape in the 1920s. It reached maturity during the 1930s, peaked in the war years, but then went into a steady decline after the war, done in by various factors, from government antitrust suits and federal tax laws to new entertainment forms and massive changes in American life-styles . . . .”).


\item Perhaps the most well-known celebrity entertainer advocate from this era is Jane Fonda, who earned the sobriquet “Hanoi Jane” when she was photographed sitting on a North Vietnamese anti-aircraft gun during the Vietnam War. \textit{Fonda Calls “Hanoi Jane” Incident Betrayal}, N.Y. TIMES, Apr. 1, 2005. Another visible figure in this era was Jerry Lewis, who began broadcasting the Muscular Dystrophy Association Labor Day Telethon in 1966. http://www.mda.org/telethon/.

\item \textsuperscript{14} RONALD BROWNSTEIN, \textit{THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION} 118-19 (1990) (“From the late 1940s through the early 1980s—when very different kinds of Hollywood political organizations emerged—political activity in Hollywood would be episodic and atomized, dependent on floating groups of celebrities who attached themselves to a particular cause or candidate.”).


\item Susan Gilbert, \textit{America Tackles the Pesticide Crisis}, N.Y. TIMES, Oct. 8, 1989.

\item \textit{Actresses Appeal for Farm Aid}, N.Y. TIMES, May 7, 1985.

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Charlton Heston voiced opposing views on the Reagan Administration’s support of the Nicaraguan contras. These and other celebrity advocacy efforts marked the emergence of a phenomenon that has since become an integral part of American policy making.

Celebrity entertainers have continued their advocacy efforts with issues that are generally similar in nature to the previous efforts but seemingly more plentiful. Celine Dion and Harry Connick criticized the federal government’s relief efforts in the aftermath of Hurricane Katrina. George Clooney, Brad Pitt and Matt Damon founded the “Not on Our Watch Foundation” to draw attention to the conflict in Darfur and provide assistance to displaced Sudanese civilians. Brooke Shields and Tom Cruise publicly debated whether new mothers should take pharmaceuticals for postpartum depression. Mike Farrell, Janeane Garofalo and others expressed their views on the United States’ invasion of Iraq. Julia Roberts became a spokesperson for alternative fuels and the chair of the advisory board of an alternative fuels company. And, of course, numerous celebrity entertainers endorsed candidates during the 2008 presidential campaign. Celebrity social advocacy has become so prevalent and far-

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19 Doug Smith, Asner Told the Students that President Reagan is Lying to Them, L.A. TIMES, June 12, 1985.

20 Celine Dion, Harry Connick Slam N. Orleans Suffering, as Sean Penn Sinks, YAHOO! NEWS, Sept. 4, 2005.


22 Sarah Hall, Brook & Tom’s War of the Words, E!ONLINE, June 3, 2005. Cruise claimed that postpartum depression is treatable with exercise and vitamins, making antidepressants unnecessary, whereas Shields argued that prescription medication is a valuable treatment for the disorder. Cruise Makes “Heartfelt Apology” to Shields: Actress Says She Accepted Star’s Regret for Antidepressant Criticism, ASSOC. PRESS, Sept. 2, 2006. The American Psychiatric Association felt compelled to issue a statement countering Cruise’s comments. Psychiatrists Condemn Cruise Mental Health Remarks, REUTERS, June 27, 2005.

23 TRANSCRIPT: MEET THE PRESS, Mar. 2, 2003 (documenting debate on Iraq war between Mike Farrell and Fred Thompson); TRANSCRIPT: FOX NEWS SUNDAY, Feb. 24, 2003 (documenting interview of actress and comedian Janeane Garofalo about her opposition to the war in Iraq, including her opinion on such issues as whether she believes there is such a thing as a just war, whether Saddam Hussein is a mass murder, and whether Hussein is eager to obtain weapons of mass destruction).

24 Julia Roberts Pumps Up Alternative Fuel, ASSOC. PRESS, July 21, 2006. Morgan Freeman and Willie Nelson also promote alternative fuels and serve on the company’s board of directors. Id.

25 E.g., Alex Dobuzinskis, Many Hollywood Celebrities Rally Behind Obama, REUTERS, June 19, 2008 (reporting that Obama supporters included Oprah Winfrey, Robert De Niro, Tom Hanks, Scarlett Johansson and Halle Berry).
reaching that the entertainment industry itself now makes self-mocking references to the phenomenon.26

Many celebrity entertainers seek to effect social change by lobbying members of the U.S. Congress. Lobbying takes many forms, including financial contributions to candidates, private meetings with policy makers, and grass roots campaigns.27 While many celebrity entertainers engage in a variety of lobbying efforts, this Article focuses on one common method of influence: congressional testimony. Congressional hearings play an important role in the federal lawmaking process. In one empirical study of interest group activity in Washington, D.C., for example, 175 lobbying organizations were asked about their use of 27 different methods of influencing the government. The most frequently reported method of influence was testifying at hearings, which was employed by 99% of the organizations.28 Moreover, respondents rated Congress as the most important branch of the government to their interests,29 indicating that testifying at congressional hearings is at the forefront of lobbyists’ efforts.30

Given the significant role that hearings play in the legislative process and a widespread belief that celebrity witnesses can alter the dynamics and policy outcomes of congressional decision processes,31 the use of celebrity testimony has evoked some sharp disagreement among

26 E.g., Homer Simpson, THE SIMPSONS (Fox, Oct. 15, 1995) (“Rock stars. Is there anything they don’t know?”); GET SMART (Warner Bros., 2008) (exchange between KAOS agents Starker and Conrad Siegfried regarding their plot to detonate a bomb in Los Angeles, California.) (“It’s too bad about all the dead movie stars.” “Yes, what would we do without their razor sharp political advice?”); 30 ROCK, Feb. 22, 2007) (Jenna appearing on “Hardball” with Chris Matthews and Tiger Carlson to express her support for the troops in Afghanistan) (Tiger: “Here’s a question, Chris. Why do we care what she thinks about anything? This woman strikes me as another empty-headed, self-motivated member of the Hollywood ignorati.” Jenna: “I have just as much right to my opinion as you or Chris . . . . If the president is so serious about the war on terror, why doesn’t he hunt down and capture Barack Obama before he strikes again? It’s time for a change America. That’s why I’m voting for Osama in 2008.”).

27 The U.S. Senate, for example, defines lobbying as “the practice of trying to persuade legislators to propose, pass, or defeat legislation or to change existing laws,” without delineating the specific types of influence tactics that constitute lobbying. United States Senate Virtual Desk Reference, available at: http://www.senate.gov/reference/reference_index_subjects/Lobbying_vrd.htm.


29 Id. at 272.

30 Other methods of influence inquired about in the survey included contacting government officials directly to present the organization’s point of view, engaging in informal contacts with officials, speaking with the press, helping to draft legislation and regulations, inspiring letter-writing campaigns, serving on advisory commissions and boards, and making financial contributions to electoral campaigns. Whereas these methods of influence might be expected to be quite valuable tools of the lobbyist, testifying at hearings ranked above them all. Id. at 150.

31 See infra Part ___.

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members of Congress. Senator George Voinovich expressed one view when Kevin Richardson of the Backstreet Boys testified on mountaintop mining:32 “It’s just a joke to think that this witness can provide members of the United States Senate with information on important geological and water quality issues . . . . We’re either serious about the issues or we’re running a side show.”33 Senator Arlen Specter took a contrary position at a hearing involving actor Michael J. Fox:

> From time to time, questions are raised about celebrities appearing at congressional hearings. In fact, it’s even more than questions. There’s been pretty severe criticism about it. But we make no apologies, because we need public awareness of issues like stem cells, which could cure Parkinson’s or amyotrophic lateral sclerosis or Alzheimer’s. And when public attention is focused on Michael J. Fox because the American people know you, Michael, it is a great use of your talent and celebrity status to let people know what’s going on and get public support for this kind of a measure.34

The differing views appear to represent Senator Voinovich’s belief that celebrity influence subverts or at least detracts from the legislative process and, in contrast, Senator Specter’s insistence that celebrity advocacy makes a natural and positive contribution to policy making. Tellingly, these excerpts represent the apogee of insight into the consequences of a now common congressional practice. A more thoughtful analysis of such an influential force in lawmaking is warranted, and this Article fills the need by assessing the extent to which this form of political participation by celebrity entertainers is consistent with both sound legislative process and fundamental democratic principles. Conclusions drawn here are based in large part on an archival study of celebrity testimony before the U.S. Congress—the first comprehensive empirical and qualitative investigation of celebrity entertainers’ involvement in legislation.35

Part I reveals the core features of celebrity entertainers’ congressional testimony, including how frequently it occurs, which celebrity entertainers testify, the social issues and

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33 Cesar G. Soriano & Jessica Lee, Stars Shine Light on Their Favorite Causes, USA TODAY, Sept. 4, 2002.


35 The methodology for my study is presented in Appendix A, infra.
perspectives they advocate, and the committees before which they appear. Part II considers the motivations underlying celebrity advocacy and analyzes its effects on the legislative process. The psychological underpinnings of celebrity appeal are discussed in order to provide insights into both why celebrity entertainers are afforded a unique voice in the legislative process and the effects of that voice on federal law and policy. The part concludes that, despite some good intentions, celebrity testimony impedes sound legislation and policy making. Part III explores the extent to which celebrity testimony aligns with key democratic ideals and explains why the practice is counterproductive here as well. The Article concludes by briefly considering potential alternatives to celebrity testimony in its current form while acknowledging the systemic forces driving its continuation.

I. CHARACTERISTICS OF CELEBRITY TESTIMONY

Essential to assessing the degree to which celebrity entertainer testimony furthers sound legislative decision making and democratic ideals is an understanding of the main characteristics of celebrity testimony. This part discusses these characteristics, while Appendix B, infra, presents the underlying data in tabular form.

A. Frequency of Celebrity Testimony

During the years 1980 through 2004, the timeframe captured by the study, celebrity entertainers testified before the United States Congress 507 times in front of 539 congressional committees and subcommittees. Accounting for the overall number of congressional hearings

36 See Table 1, Appendix B, infra. These data represent celebrity entertainers who actually testified before Congress, but it is also worth noting that celebrity witnesses and legislators often make reference to the celebrity witnesses’ colleagues. Nanette Fabray, for example, invoked the support of over a half dozen other celebrity entertainers in advocating the establishment of a new institute on hearing impairment within the National Institutes of Health. National Institutes of Health Issues: Hearing Before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, 100th Cong. 27 (1988) (statement of Nanette Fabray). Similarly, when Dean Stockwell and Richard Moll testified in favor of efforts to prevent ozone depletion, the chair of the subcommittee mentioned that he had received letters from around a dozen other celebrities expressing their support. Preventing Ozone Depletion: Hearing Before the Subcomm. on Environmental Protection of the Senate Comm. on Environment and Public Works, 102nd Cong. 3 (1991) (statement of Sen. Baucus, Member, Senate Comm. on Environment and Public Works). The effects of celebrity entertainers on legislative decision making discussed infra thereby extend beyond those celebrities who appear in person before Congress. Given, however, that the greatest impact comes from celebrities’ actual appearances, these are the focus of the data presented in this part.

37 The number of committees and subcommittees involved is greater than the number of celebrity witnesses because some of the hearings at which celebrities testified were held by more than one committee or subcommittee.
held each year, the frequency of these appearances more than doubled between the first five years of the study, 1980/84, and the last five years of the study, 2000/04. Thus, celebrity entertainers were testifying before Congress about social issues unrelated to their professions more than twice as often at the turn of the century as they were in the early 1980s.

Although there is no clear explanation for this increase, some possible explanations are an increased number of celebrity entertainers turned social advocates; the idea of relying on celebrity entertainers to influence legislation and public policy having become more acceptable; and an increasing number of legislators and their staffs recognizing the effectiveness of calling celebrity entertainer witnesses. In the last case, this recognition could spur legislators to resort to celebrity witnesses in order to compete with other legislators using these witnesses to draw attention to their hearings.

A frequently espoused opinion is that celebrities are more likely to engage in social advocacy when politicians are low in credibility. A complementary view is that legislators would be expected to rely more on celebrities, who are popular with the public, when the legislators have low credibility. The theorized link between legislator credibility and celebrity advocacy received some, but not complete, support in the study. Legislator credibility remained fairly stable from 1980 to 2004 while celebrity testimony more than doubled during the same time period, and upswings and downturns in legislator credibility during these years did not always result in a corresponding inverse change in celebrity entertainer appearances before Congress. Consequently, the frequency with which celebrity entertainers testified before

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38 E.g., RONALD BROWNSTEIN, THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION 8 (1992) (“[T]he growing political aggressiveness of celebrities is a barometer of the extent to which politicians—battered by public disillusion over the Vietnam War, Watergate, and a host of successor scandals—have lost credibility in the past few decades.”); Marc Lacey, Helping Stars Shine in Another Universe, L.A. TIMES, Feb. 23, 1996 (“With more and more people turned off to politicians . . . celebrities, with their instant name recognition and huge followings, [are] the natural ones to fill the void.”).

39 See note ___ and accompanying text.

40 In public opinion polls conducted in 1985, 1990, 1995, 2000 and 2005, for example, participants were asked how often they could trust the government in Washington to do what was right. In two polls conducted in each of these years, the following percentages of people replied “just about always” or “most of the time.” The results of two polls are reported for each year because polls administered within a given year often result in divergent responses, and considering more than one poll per year thus means that conclusions can be made with greater confidence. 1985: 49%/37%, 1990: 39%/25%, 1995: 25%/23%, 2000: 42%/30%, 2005: 32%/30%. CBS NEWS/N.Y. TIMES, Nov. 1985; ABC NEWS/WASH. POST, Mar. 1985; ABC NEWS/WASH. POST, Jan. 1990; CBS NEWS/N.Y. TIMES, Oct. 1990; ABC NEWS/WASH. POST, Nov. 1995; GALLUP ORG., Aug. 1995; GALLUP ORG., July 2000; ABC NEWS/WASH. POST, Mar.-Apr. 2000; CBS NEWS/N.Y. TIMES, Dec. 2005; L.A. TIMES, Jan. 2005.
Congress appears to be attributable to factors other than legislator credibility, although legislator credibility may play some role.

Whether the upward trend in the frequency of celebrity entertainer witnesses will continue or, rather, celebrity testimony has reached its crescendo, is an open question. Some evidence to support the idea that celebrity testimony has peaked is found in the fact that the frequency of celebrity appearances steadily increased from 1980/84 to 1995/99 and then dropped somewhat from 1995/99 to 2000/04. While this drop could be the beginning of a long-term downward trend in celebrity testimony, it seems unlikely for two reasons. Celebrity entertainers appear to be engaging in equal or greater amounts of social advocacy than they have in the past, and none of the main interested parties—celebrities, legislators or advocacy organizations—has expressed doubt in the effectiveness of celebrity testimony. It is also possible, of course, that the 1995/99 to 2000/04 downswing was merely a brief aberration in an otherwise ever increasing number of celebrity entertainer witnesses, but this seems unlikely. Rather, a more likely explanation for the drop in celebrity testimony from 1995/99 to 2000/04 is that the phenomenon has reached an equilibrium—celebrity witnesses are now heard at a frequency beyond which there would be public backlash and decreased novelty associated with celebrities’ presence at the hearings and below which legislators, celebrities and advocacy organizations would not be taking full advantage of celebrity influence.

B. Categories of Celebrity Witnesses

The celebrity witnesses who testified before Congress between 1980 and 2004 represent many kinds of celebrity, but the vast majority fall into three categories—actors and directors, sports-related celebrities, and musicians. By far, the largest category is comprised of actors and directors, or more precisely actors, who comprised 216 of the 220 celebrities in this category. The second most populous category consists of 133 celebrities in sports-related positions, including professional athletes, Olympic medalists and sportscasters. These two categories

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41 This data is presented in Table 2, Appendix B, infra.

42 The actors and directors include such persons as Ben Affleck, Lou Diamond Phillips, Christopher Reeve, Julia Roberts, Steven Spielberg, and Joanne Woodward.

43 Examples are Muhammad Ali, Lance Armstrong, Bobby Dandridge, Steve Garvey, Florence Griffith-Joyner, and Lynn Swann.
combined account for over two-thirds of the celebrity entertainers who testified before Congress between 1980 and 2004. A distant third category is 33 musicians, predominantly lead singers. These three categories combined account for just over three-quarters of the celebrity witnesses. The relatively small number of remaining celebrity witnesses represented various other types of entertainer: beauty pageant winner, newscaster, best-selling author, television or radio show host, comedian, model, documentary or reality show participant, and a Muppet. Aside from these celebrity witnesses, who were well-known for only one form of entertainment, other celebrity witnesses had achieved fame in multiple areas of entertainment. Most of these eclectic celebrities were, in part, actors, sports-related celebrities, or musicians, and they thus expand the extent to which these three types of celebrity represent all of the celebrities who testified before Congress from 1980-2004.

The preponderance of these three types of celebrities appears to be attributable to a variety of factors. Actors and musicians have long viewed themselves as social critics, often engaging in social and political commentary within their professional performances. It is thus unsurprising that they are inclined to participate in social issues in their personal lives as well, particularly when advocacy organizations and laypeople rely on their advocacy efforts and policymakers are receptive to them. Actors and musicians also tend to be talented performers and to enjoy performing before live audiences and cameras. Congressional hearing rooms provide a forum for them to capitalize on these characteristics, as they generally brim with legislators and

44 These include Tony Bennett, Bono, Jimmy Buffet, Whitney Houston, Elton John, Dionne Warwick, and Stevie Wonder.

45 The numbers of witnesses falling in these main types of celebrity remained stable over time, such that actors were always the most plentiful, followed by sports-related celebrities and then musicians. See Table 3, Appendix B, infra.

46 Examples include: Heather French (beauty pageant winner); Willard Scott (newscaster); Erma Bombeck and Danielle Steele (authors); Bob Barker and Art Linkletter (TV/radio show hosts); Paula Poundstone (comedian); Christie Brinkley (model); and Pedro Zamora (reality show participant). The Muppet was Elmo from Sesame Street.

47 Examples include Lynda Carter (beauty pageant winner/actor), Jane Curtin (comedian/actor), John Denver (musician/actor), Bob Saget (comedian/talk show host/actor), Arnold Schwarzenegger (athlete/actor), Brooke Shields (model/actor), and Oprah Winfrey (television show host/actor).

48 Seventy-one (88.7%) of the 80 witnesses in this category are actors, nine (11.2%) are sports-related, and 26 (32.5%) are musicians.

49 See infra note ____ and accompanying text.
their staffs, members of the public, and journalists when celebrities testify.\textsuperscript{50} Moreover, Hollywood agents often encourage actors to engage in social advocacy for the career benefits it can bestow,\textsuperscript{51} and professional athletic organizations often require, or at least strongly encourage, their players to engage in community service.\textsuperscript{52}

\textbf{C. Types of Hearings and Social Issues Addressed}

Congressional hearings are generally classified into one of four categories: legislative, oversight, investigative and confirmation.\textsuperscript{53} Of the 507 celebrity entertainers who testified before Congress from 1980-2004, none appeared at a confirmation hearing and only one testified during an investigative hearing. The remaining 506 celebrities testified during legislative and oversight hearings. Given that legislators frequently engage in some degree of oversight when considering existing or pending legislation, the distinction between these categories is more apparent than real in many cases. For example, when considering whether a change in policy is warranted, Congress generally assesses how the reigning policy has been implemented; and when deciding whether to appropriate funds to a program, Congress often inquires into how wisely this program has used prior appropriations. Celebrity entertainer testimony at legislative and oversight hearings was therefore combined in the study.

At the hearings, celebrities addressed a broad range of social issues, but focused on two: health and crime. Almost two-thirds (64.5\%) of the celebrities testified on health-related topics, \textsuperscript{50} See infra note ___ and accompanying text.\textsuperscript{51} See infra note ___ and accompanying text.

\textsuperscript{52} See e.g., Kathy Baabiak and Richard Wolfe, More Than Just a Game? Corporate Social Responsibility and Super Bowl XL, 15 SPORT MARKETING Q. 214, 215-16 (2006) (reporting that virtually all professional sports teams have community outreach involving athletes); Basketball League Supports Education, Health-Related Causes in Global Initiative, OBESITY, FITNESS & WELLNESS WEEK, Nov. 19, 2005 (“All corporations have a social responsibility to contribute to the health, welfare and advancement of the communities in which they operate, but professional sports leagues carry a special obligation. The remarkable celebrity that NBA players hold empowers them to effect change.”) (quoting NBA Commissioner David Stern).

\textsuperscript{53} Judy Schneider & Michael L. Kömpel, Congressional Deskbook 2005-2007 (109th Congress) § 8.40 (2005). During legislative hearings, legislators seek facts and differing perspectives on existing or contemplated legislation. In oversight hearings, legislators attempt to ensure that previously passed legislation is carried out as Congress intended. Investigative hearings are normally precipitated by evidence or allegations of wrongdoing by specific individuals. Finally, confirmation hearings involve testimony of presidential nominees and other witnesses when Senate confirmation of the nominee is required. \textit{Id.} These descriptions are incomplete, as will become evident in Part II, \textit{infra}, but they suffice at this point to differentiate among the types of hearings in which celebrity witnesses could have participated.
including scleroderma, polycystic kidney disease, organ donation, Alzheimer’s, lupus, autism, and Medicare. Just over 20% of the celebrities testified on crime-related topics, such as gun control, the war on drugs, forensic laboratories, and the Racketeer Influenced and Corrupt Organization Act (RICO). The remaining testimony addressed diverse topics, including foreign affairs (e.g., poverty in Africa, religious discrimination in Europe, human rights in El Salvador); the environment (e.g., mountaintop mining, exploratory drilling in the outer continental shelf, logging, ozone depletion); labor (e.g., funding for firefighters, the nursing shortage); families (e.g., child care, tax credits for adoptive parents); homelessness, public housing and hunger (e.g., food distribution, inter-city public housing); disability (e.g., closed captioning and decoder circuitry, benefits of technology in overcoming disabilities); education (e.g., funding for public education, excellence in teaching); civil rights (e.g., Martin Luther King, Jr. federal holiday, hardships and injustices experienced by World War II relocation camp residents); animal rights (e.g., endangered species); veterans (e.g., visitors education center at Vietnam veterans memorial); volunteerism (e.g., immunity against civil liability); and many others.  

The vast majority of the celebrity entertainer witnesses espoused either liberal or bipartisan political ideologies on these issues. Liberal viewpoints emerged in, for example, testimony that favored animal rights, protecting the environment, crime and substance abuse prevention among youth, and providing aid to the homeless. Bipartisan views manifested mainly in support for appropriations for various public health concerns. That the political orientation expressed in celebrities’ testimony leans toward the liberal side of the spectrum is unsurprising, given that most of the celebrity witnesses were actors, and Hollywood is known for its staunchly liberal bent. The same tends to hold true for the third most populous category of celebrities:

54 A complete list of the issues on which celebrities testified is presented in Table 5, Appendix B, infra.

55 Admittedly, the boundaries of political ideologies are subject to debate. Liberalism “has different meanings depending on one’s position in the political spectrum.” KATHLEEN THOMPSON HILL & GERALD N. HILL, THE FACTS ON FILE DICTIONARY OF AMERICAN POLITICS 172 (2001). Likewise, “the term ‘conservative’ has no precise meaning.” JACK C. PLANO & MILTON GREENBERG, THE AMERICAN POLITICAL DICTIONARY 7 (9th ed. 1993). But in the United States, at least, the terms are generally associated with certain political positions consistently assumed by Democrats and Republicans.

56 See e.g., Geraldine Baum, Livin’ la Vida Dubya: Performers and Celebrities Lined up for the President-Elect’s Inaugural Party Are a Real Mixed Bag, L.A. TIMES, Jan. 19, 2001 (“It’s easier to declare yourself a gay, drug-addicted kleptomaniac than to call yourself a conservative in Hollywood . . . . Booking entertainment for a Republican inaugural is like trying to push a wet mattress up a spiral staircase.”) (quoting Michael Levine, a publicist).
musicians.\footnote{See e.g., Mike Baker, \textit{Obama Campaign Uses Star Power to Court Volunteers}, ASSOC. PRESS, Oct. 30, 2008 (“We were making a list of who are some celebrity singers who could come out and help us and, gosh, for the life of us, the pickings were slim there.”) (quoting Republican vice presidential candidate Sarah Palin); Sarah Wheaton, \textit{Theme Songs and Others}, N.Y. TIMES, Feb. 16, 2008 (reporting that John Mellencamp asked the McCain campaign to stop using “Our Country” and “Pink Houses,” and that he permitted Hillary Rodham Clinton to use “American Girl”).} Athletes may gravitate toward comparatively moderate or conservative views as a general matter,\footnote{See e.g., Adrew Gottesman, \textit{Starting Left, Going Right: As Their Incomes Rise, Athletes Turn Conservative}, CHI. TRIB., Aug. 25, 1996.} but this tendency rarely manifested in their congressional testimony. Rather, sports-related celebrities testified mainly in support of funding for health disorders and community character- and skills-building programs for youth.\footnote{The committee data is presented in Table 4, Appendix B, infra.}

D. Committees Before Which Celebrities Testified

The 507 celebrity entertainer witnesses appeared before the vast majority of congressional committees, but most frequently before a select few: Senate Appropriations; House Appropriations; and Senate Health, Education, Labor and Pensions. Of the dozens of congressional committees in existence between 1980 and 2004, these three committees accounted for 41.2\% of all celebrity appearances. In contrast, several committees heard no celebrity testimony during the 25-year period, and the remaining committees fell between these two extremes.\footnote{See supra note ____ and accompanying text.}

The distribution of celebrity witnesses among congressional committees appears to have two primary causes. Celebrity entertainers frequently advocate for health-related issues, which fall within the jurisdiction of the Senate Health, Education, Labor and Pensions committee. This focus on health also makes the appropriations committees a natural target audience for celebrity testimony, which often involves a request for federal funding for research on particular health disorders.\footnote{\textit{Id}.} Moreover, advocacy organizations are well aware that the appropriations committees are the most direct source of potential funding for their issues. If support for these
issues can be garnered within the appropriations committees, there is a high likelihood that at least some federal funding will be directed their way.\textsuperscript{62}

II. CAUSES OF CELEBRITY TESTIMONY

The motivations of legislators and celebrity entertainers explain why celebrity testimony has become common and reveal whether it is intended for legitimate and well-conceived legislative purposes. This part first discusses what is perhaps the most prominent motivation of both legislators and celebrities—the influence that celebrity witnesses exert on the legislative process. It then explores the many other less obvious but nonetheless important motivations of celebrities and legislators that underlie celebrity testimony. The part ends by articulating the main psychological underpinnings of celebrity appeal, as they are essential to understanding the motivations just revealed.

A. Celebrity Influence

Celebrity entertainers testify at congressional hearings in large part because they recognize that they possess an unparalleled ability to attract attention to social issues\textsuperscript{63} and that Congress has the power and the means to address the issues with which celebrities affiliate should it choose to do so. Many celebrities are impelled to advocate on behalf of particular issues out of a concern that the issues will otherwise fall by the wayside with substantial negative consequences to society.\textsuperscript{64} More generally, there is a widely shared sense among celebrity entertainer advocates that they would be shirking their patriotic duty if they failed to participate in the policy making process.\textsuperscript{65} The Creative Coalition, for example, was founded in the late

\textsuperscript{62} See infra notes ___ and accompanying text.

\textsuperscript{63} See infra note ___ and accompanying text.

\textsuperscript{64} See infra note ____ and accompanying text. Occasionally, celebrities explicitly place the focus on themselves or a member of their family. \textit{E.g.}, Research on Childhood Diseases by Entrepreneurs Before the Senate Comm. on Small Business, 103rd Cong. 7 (1994) (statement of Boomer Esiason, professional football player and father of a cystic fibrosis patient) (“I want to let you know that anybody in my position, as a parent and as a football player, would also exploit their celebrity to hopefully someday see the end of this particular disease.”). Much more common, however, is the situation in which celebrities, including those personally affected by the issues on which they testify, to focus on the societal benefits of policy changes aligning with their testimony.

\textsuperscript{65} \textit{E.g.}, William Baldwin, \textit{Hollywood, Politics Make Not-So-Strange Bedfellows}, CHI. TRIB., Dec. 12, 1999 (“I’ve always believed that if you’re given a voice, you should use it. To do otherwise is to turn your back on your society
1980s by Christopher Reeve, Susan Sarandon and other members of the Hollywood community on the belief that “the active involvement in our political system of this highly visible industry is important not just to those who participate, but to the nation as a whole.”

While celebrities’ opinions of their pivotal role in social policy may appear to stem from a certain degree of hubris or delusion, their sense of self-importance is continually reinforced by legislators, advocacy organizations, persons directly affected by particular issues, journalists, and the public at large. When celebrities testify before Congress, hearings that would otherwise be sparsely attended attract large audiences and substantial media coverage. Just as importantly, and perhaps as a result of the media coverage, legislators’ attendance at hearings involving celebrity entertainer witnesses is substantially higher than usual. Advocacy organizations have

66) RONALD BROWNSTEIN, THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION 282-83 (1990) (“I felt a responsibility . . . . It is a kind of an ombudsman role: people who don’t have the voice can say something to me, and I can go out and translate it to a crowd and it has some effect . . . . I feel like it is my job, my duty almost, to see that that attention is paid because I have access to the media.”) (quoting actor Mike Farrell); Global Warming and Its Implications for California: Hearing Before the Senate Comm. on Energy and Natural Resources, 101st Cong. 167 (1989) (statement of Robert Redford) (“That is our business, communication.”) (explaining why Hollywood stars are the natural connection among scientists, policy makers, and the public).

67) If you had five minutes with the president 189 (Ron Reagan ed., HarperCollins 2004). See also Showbiz and Politics: Should They Mix? U.S. NEWS & WORLD REP., Apr. 26, 1982 at 78 (“We have just as much right as a plumber, teacher, professor, banker or a journalist to become active. I think that anyone who is a public figure is automatically a role model . . . . We can snort cocaine and shoot heroin and destroy ourselves. We can live in mansions and buy more and more expensive cars and be that kind of role model. We can be indifferent, apathetic, leave-me-alone role models. Or we can be an involved-citizen role model, and I think that no one would disagree with the fact that it is best to be an involved, active citizen.”) (quoting Jane Fonda). It is somewhat surprising that Fonda would make this statement, given her previous debacle while attempting to be an involved citizen, but it demonstrates how firmly many celebrities adhere to the notion that American public policy is better for them having played a role in it.

68) E.g., America’s Families: Conditions, Trends, Hopes and Fears: Hearing Before the House Select Comm. on Children, Youth, and Families, 102nd Cong. 35 (1992) (statement of Rep. Schroeder, Chair, House Select Comm. on Children, Youth, and Families) (“[V]ery rarely does anyone get an audience of congressmen like this. We even had one up here sitting on the floor because we ran out of chairs. That doesn’t happen in congressional hearings. So, I think people really wanted to hear what you said . . . .”) (speaking to actor Jason Zimbler).
absorbed this lesson. According to the President of the National Organization of Rare Diseases, “[n]ormally if you go to testify for funding, there is maybe one congressman there. But if you bring a movie star or a sports figure, all the congressmen show up. It’s very sad.”

As a result, the organizations actively recruit celebrities to represent them on Capitol Hill. Individuals directly affected by particular issues adopt the same approach to influencing policy, often contacting celebrities in the hope of soliciting their involvement.

Beyond the sheer number of legislators, journalists and audience members present, celebrity advocates’ inclination to testify is undoubtedly reinforced by the unusually flattering introductions they receive at congressional hearings. More importantly, legislators repeatedly express their gratitude for the contributions celebrities make by publicly affiliating with social

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69 David Kohn, *Stars’ Latest Roles: Health Advocates: Celebrities Raising Awareness of Diseases*, BALTIMORE SUN, Aug. 13, 2005. See also Bob Dart, *Group Boosts Stars’ Crusades; Cause Celebre LinksCelebrities to Social Issues*, ATLANTA J. & CONST., Aug. 3, 1997 (“In Washington, where dozens of press conferences and congressional hearings compete for coverage every day, ‘the media won’t show up without celebrities’.”) (quoting a founder of Cause Celebre); Faye Fiore, *Casting Celebrities to Make Them a Hit on Political Stage*, L.A. TIMES, Dec. 21, 1997 (“When it comes to the people of the entertainment industry, there is no greater power . . . . There are so many causes and special interests in the country . . . . and there is an awful lot of competition for attention. The right kind of celebrity can set you apart.”) (quoting the Executive Director of the National Safe Kids Campaign).

70 E.g., *Children’s Health: Protecting Our Most Precious Resource: Hearing Before the Subcomm. on Public Health of the Senate Comm. on Health, Education, Labor, and Pensions*, 106th Cong. 36 (statement of actor Anthony Edwards) (“[B]ecause of ‘ER,’ . . . I have been put in a position where hundreds and hundreds of worthy causes attempt to solicit support.”).

71 E.g., *Treatment, Education, and Prevention: Adding to the Arsenal in the War on Drugs: Hearing Before the Senate Comm. on the Judiciary*, 111th Cong. 37 (2001) (statement of actor Carroll O’Connor) (“The loved ones of insensate addicts like my own poor son write to me everyday imploring my help . . . .”); *The Current Status of Farm Programs: Hearing Before the Subcomm. on Agricultural Production and Stabilization of Prices of the Senate Comm. on Agriculture, Nutrition, and Forestry*, 100th Cong. 77 (1987) (statement of John Cougar Mellencamp) (“It seems funny and peculiar that, after my shows and after [Willie Nelson’s] shows, people come up to us. We are singing with bands. We are singers. Why are they coming to us to ask for our advice? It is because they have got nobody to turn to. They feel like this guy is our friend and he is going to try to help us . . . .”).

72 E.g., *Community Home Health Services Act of 1981: Hearing Before the Senate Comm. on Labor and Human Resources*, 97th Cong. 11 (1981) (statement of Sen. Hatch, Chair, Senate Comm. on Labor and Human Resources) (“It is a pleasure and an honor to introduce to this hearing one of the most distinguished Americans ever to testify before the Congress, Miss Helen Hayes.”); *The Rights of America’s Institutionalized Aged: Lost in Confinement: Hearing Before the Subcomm. on Health and Long-Term Care of the House Select Comm. on Aging*, 99th Cong. 23 (1985) (statement of Rep. Pepper, Member, House Select Comm. on Aging) (“Now, ladies and gentlemen, you have the pleasure that you so keenly anticipated. May I present the witness that means so much to us, the Honorable Kirk Douglas.”).
issues, and frequently expound upon the important role that celebrities play in ensuring that the legislative process is properly carried out.

Legislators are so receptive to celebrity entertainer testimony in part because they value the ability of celebrities to attract attention to the legislators’ policy agendas. Legislators

73 While some legislators oppose celebrity entertainer witnesses, the vast majority of their public statements are supportive. Indeed, none of the transcripts from the hearings at which the celebrities testified evidenced an outwardly negative reaction to a celebrity witness, and statements such as that made by Senator Voinovich in the Introduction, supra, are rare. The reasons for this seeming reluctance to speak out against celebrity witnesses in the media may be related to the political risks involved in attacking a popular person (in essence, the reverse of basking in reflected glory, see infra note ___ and accompanying text) or a sympathetic cause. Likewise, within the congressional hearing room, verbally assailing an invited witness may be perceived as a lack of decorum. The criticism of celebrity witnesses referred to by Senator Specter (see supra note ___ and accompanying text) therefore appears to take place mainly behind closed doors.

74 E.g., Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1999: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 105th Cong. 1374 (1998) (statement of Rep. Porter, Chair, House Comm. on Appropriations) (“Let me say that it is, in my judgment, extremely important that people who are well-known to the American people stand up for the things that they believe in and make them known to the public. It captures the public imagination, and we very much appreciate your coming here and spending your valuable time to inform us of your concerns regarding orthopaedic matters . . .?”) (speaking to journalist Hugh Downs); Medical Condition and Fitness for Federal Employment: Hearing Before the Subcomm. on the Civil Service of the House Comm. on Post Office and Civil Service, 101st Cong. 9 (1990) (statement of Rep. Sikorski, Member, House Comm. on Post Office and Civil Service) (“[T]he subcommittee, the Diabetes Association, and Americans, generally, want to thank you for stepping out, using the fame that you properly and rightly deserve and earned to make life a little bit better for other people.”) (speaking to professional football player Wade Wilson); Annual Oversight of Refugee Programs, Policies, and Budget: Hearing Before the Subcomm. on International Operations and Human Rights of the House Comm. on International Relations, 105th Cong. 15-16 (1998) (statement of Rep. Gilman, Chair, House Comm. on International Relations) (“I want to commend Richard Gere for the great work that he’s done, the leadership of his group, and he has reminded the Congress continually of our responsibilities, and we can’t thank you enough for what you’ve been doing over the years.”); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1998: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 100th Cong. 385 (1997) (statement of Rep. Hoyer, Member, House Comm. on Appropriations) (“[T]he fact that you [Ray Charles] brought your talent here to speak on this subject means so very much to so many people who couldn’t get a public hearing, who . . . are not seen or heard. They are somewhat anonymous individuals. The fact you have taken your time to be here really makes an impact in very substantial proportions.”); Promise of the Genomic Revolution: Hearing Before the Subcomm. on Labor, HHS, and Education Appropriations of the Senate Comm. on Appropriations, 107th Cong. 30 (2001) (statement of Sen. Harkin, Member, Senate Comm. on Appropriations) (“We thank you very much, Mr. Affleck, for being here and . . . for being willing to step out in front and to publicize in a very meaningful way what it is we are all about here.”) (speaking to actor Ben Affleck); Parkinson’s Disease Research and Treatment: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education Appropriations of the Senate Comm. on Appropriations, 106th Cong. 29 (1999) (statement of Sen. Wellstone) (“[I]t’s important for people who are so well known nationally to . . . speak out and to say: Look, you know, with the funding, we could . . . find the cure to this disease.”); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1996: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 104th Cong. 483, 491 (1995) (statement of Rep. Porter, Chair, House Comm. on Appropriations) (“I have to say . . . that bringing a member of the Chicago Bears to influence the Chairman is pretty effective . . . . I can’t tell you how important it is for people like yourself . . . who are in the public eye and known, to take a leadership position like this . . . .”) (speaking to Jay Leeuwenburg).
recognize that the media and the public are unlikely to take heed of particular social issues without the enticement of a celebrity entertainer. One representative, for example, acknowledged to actor Kirk Douglas:

Despite all the charm of our distinguished chairman and despite the very important nature of the subject matter we deal with, quite frequently, we have hearings before empty rooms, cameras are not here . . . . [R]porters do not cover our deliberations, but because you are here and you are who you are, there is a great deal of attention . . . .

Of course, policy change, not attention, is the ultimate reason for inviting celebrity entertainer witnesses. Legislators are well aware that the attention these celebrities attract often translates into the passage of legislation through increased public support for celebrity-affiliated issues. While one might expect that legislators would be reticent to admit using celebrities to influence the legislative process, they are often forthcoming about it, which may be a testament to its acceptability. Senator Specter, for example, had the following to say on the topic when he introduced actor Carroll O’Connor:

We now have the extraordinary opportunity to hear one of America’s greatest television, film and Broadway actors, Carroll O’Con nor, who comes to the witness table due to some of his own personal experience in this line. Not only is he a voter, but he has the potential to move a lot of other voters, to put pressure on public policy.

75 The Rights of America’s Institutionalized Aged: Lost in Confinement: Hearing Before the Subcomm. on Health and Long-Term Care of the House Select Comm. on Aging, 99th Cong. 31 (1985) (statement of Rep. Boehlert, Member, House Select Comm. on Aging). See also Jim Puzzanghera, Clooney Puts Star Power to Work, L.A. TIMES, Apr. 28, 2006 (“Whether we like it or not, we are a celebrity-obsessed culture. When we get a motive star involved, people pay more attention.”) (quoting Sen. Barack Obama); Cesar G. Soriano & Jessica Lee, Stars Shine Light on Their Favorite Causes, USA TODAY, Sept. 4, 2002 (“If you want to get attention (for a cause), bring in a star. It’s a win-win situation for politicians and stars alike because inviting a celeb to testify ‘ensures coverage.’”) (quoting Rep. Clay Shaw); Celebrities – They’re Starring at a Capitol Hill Hearing Near You, ORLANDO SENTINEL, Nov. 3, 1985 (“Celebrities can attract the public’s attention to an issue that might otherwise be lost in the thousands of issues that come before Congress.”) (quoting Rep. Wyche Fowler); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1988: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 100th Cong. 384 (1987) (statement of Rep. Early, Member, House Comm. on Appropriations) (“We have had a lot of outstanding witnesses during these hearings and there hasn’t been one media person here, Mr. [Ray] Charles. They are here because of your celebrity status. Because if the message of these three distinguished doctors is going to get out it takes people like you to give up your time. The committee really appreciates that.”); Id. at 385 (statement of Rep. Conte, Member, House Comm. on Appropriations) (“We have had as many as six Nobel laureates sitting on that side of the table where you are sitting and there wasn’t one member of the press here. Today the room is filled with the press.”) (speaking to Ray Charles).

Thus, members of the public hear that a celebrity entertainer has espoused a particular position before Congress, adopt that position as their own, and voice that newfound position to their elected officials. At times these positions are coming full circle, as they originated with a legislator; at other times, they began with advocacy groups or celebrities who had hoped to gain congressional support for their issues and perspectives.

In addition to influencing legislators through members of the public, celebrity testimony apparently directly persuades legislators to support the policy agenda advocated by the celebrity.

(statement of Sen. Specter, Member, Senate Comm. on Appropriations). See also Reductions in Social Security Benefits Levels: The Notch: Hearing Before the House Select Comm. on Aging, 98th Cong. 50 (1984) (statement of Rep. Roybal, Chair, House Select Comm. on Aging) (“Ms. Van Buren, I would like to thank you for your testimony . . . I don’t know of anyone that I would rather have on our side than Dear Abby.”); Parkinson’s Disease Research: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education Appropriations of the Senate Comm. on Appropriations, 107th Cong. 3 (2002) (statement of Sen. Specter, Member, Senate Comm. on Appropriations) (“[W]e’re especially grateful to Muhammad Ali and Michael J. Fox, who, when they come here, attract a lot of attention, because there is so much admiration for what they have done. That kind of attention stimulates public response to our call to influence senators to allow us to continue the indispensable research to cure Parkinson’s and many other maladies.”); Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations for Fiscal Year 1987: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the Senate Comm. on Appropriations, 99th Cong. 16 (1986) (statement of Sen. Specter, Member, Senate Comm. on Appropriations) (speaking to Elizabeth Taylor) (“I would like to join my colleagues in thanking you for your appearance here. Public attention is very frequently translated into public support and judged by the way these hearings are usually attended, I think you will gain a lot of support for the consideration which you have raised today. I just want to thank you. I have listened carefully. I intend to support the objectives which you have articulated.”); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1993: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 102nd Cong. 228 (1992) (statement of Rep. Porter, Member, House Comm. on Appropriations) (“[W]hen a person of your stature and leadership stands forth for a cause that she believes in and commits to it, comes here and talks to us and talks to the American people, that is what makes a difference in public policy.”) (speaking to Mary Tyler Moore); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1992: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 102nd Cong. 1063 (1991) (statement of Rep. Natcher, Chair, House Comm. on Appropriations) (“We hear a lot of witnesses. But when people like you, that are well-known, appear, it helps us. It helps us with our request for additional funds.”) (speaking to Gene Wilder); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1999: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 105th Cong. 1376 (1998) (statement of Rep. Porter, Member, House Comm. on Appropriations) (“We can’t tell you how much we appreciate your coming here to highlight this for us. I think it makes all the difference with the American people; after all, the policies that are done in Washington are done in response to what the American people want us to do, and if they believe that this is a high priority, it will find its way at the highest priority in our deliberations.”) (speaking to journalist Hugh Downs); Michelle Mittelstadt, Celebrities Use Star Power to Sway Policy on Capitol Hill, DALLAS MORNING NEWS, May 20, 2000 (“This is a hearing that probably would have gone largely unnoticed if it weren’t for the presence of a celebrity . . . . It draws a lot of attention and that’s what we need. That’s the secret of moving good legislation.”) (quoting Rep. Clay Shaw commenting on Clint Eastwood’s appearance).
This route of influence is acknowledged, for example, in a representative’s comment to actor Mary Tyler Moore:

“This committee has a very unique opportunity, by virtue of being an Appropriations Committee, to put money into various programs. Unfortunately, there just isn’t enough money to put in all the programs we would like, but it helps us to understand the priorities when a person of your stature comes here and gives us the type of eloquent testimony you have given us this morning . . . .”

As a result of these public-mediated and direct influences, Congress sometimes sets the nation’s policy agenda and allocates federal funds in particular ways because celebrity entertainers have requested that certain social issues and perspectives take priority. 78

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78 E.g., Parkinson’s Disease Research: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education Appropriations of the Senate Comm. on Appropriations, 107th Cong. 4 (2002) (statement of Sen. Specter, Member, Senate Comm. on Appropriations) (“[W]e thank Michael J. Fox for all that he has done. He’s been in this room on many occasions, and his efforts have been very instrumental in leading this subcommittee to move ahead with the funding for the National Institutes of Health.”); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1992: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 102nd Cong. 1065 (1991) (statement of Rep. Mink) (“[Y]our being here today means everything to bringing this matter into its proper focus and getting the Congress to give us the money to save the lives . . . .”) (speaking to Gene Wilder).

Besides these general pronouncements of the substantial influence that celebrity entertainers exert on congressional decision making are specific instances in which celebrity testimony is documented as having resulted in decisions aligning with celebrities’ testimony. For example, after Michael J. Fox testified about his personal experiences with Parkinson’s disease, Congress encouraged the National Institutes of Health (NIH) to find more effective treatments for the disease, and research funding for Parkinson’s rose from approximately $25 million to $300 million. Jube Shiver, Celebrities Capitalize on Star Power in D.C., L.A. TIMES, Jan. 22, 2006. Likewise, the year after Jason Alexander, Dana Delaney and Bob Saget testified in favor of scleroderma research funding, NIH granted $3.5 million to the University of Texas Health Science Center to establish the first research center specializing in scleroderma. Mark Erber & Lisa Derrick, Star Sickness: Celebrities Speaking Out About Their Afflictions Can Raise Awareness and Money, http://www.salon.com/health/feature/1999/11/29/celeb_disease (Nov. 29, 1999). See also Juvenile Diabetes: Examining the Personal Toll on Families, Financial Costs to the Federal Health Care System, and Research Progress Toward a Cure: Hearing Before the Senate Comm. on Governmental Affairs, 108th Cong. 14 (statement of Sen. Collins, Chair, Senate Comm. on Governmental Affairs) (“[I]t’s been my great pleasure to work very closely with [Mary Tyler Moore] during the last few years. Together, we have worked to almost triple funding for the disease, since 1996 . . . . So it’s a great pleasure to welcome you back to testify today . . . . Because of your eloquent testimony and your leadership and advocacy year after year, we have been able to make a real difference in funding research for diabetes.”); Kathleen Doheny, Seeing Stars: Health-related Causes and Products are at the Fore of the World of Promotions. And the Fight Over Which Celeb Speaks for What is a Fierce One, L.A. TIMES, Jan. 12, 1998 (“It’s no accident that Alzheimer’s disease received 65% more in research funds for fiscal year 1991, after Fabares testified before a joint subcommittee on aging.”) (quoting the executive director of the Los Angeles Alzheimer’s Association).
Despite these realities, a common view is that celebrities merely use their notoriety to bring attention to worthy issues and perspectives and then leave to the policy experts difficult decisions regarding how those issues should be handled. A Columbia TriStar senior vice president who recruited Lou Diamond Phillips to testify in support of health care benefits for Filipino World War II veterans, for example, adheres to the philosophy that legislators “are smart men and women who are not going to approve or disapprove a policy simply because a famous person is in the room.”

Two misconceptions are evident in this claim. First, it is simply inaccurate to assert that celebrities merely draw attention to social issues. Only two of the 507 celebrity witnesses who testified between 1980 and 2004 merely raised awareness of a social issue during their congressional testimony. An additional eight celebrities stopped at merely expressing their general position on the issue. Fully 497 of the 507 celebrity entertainers who testified before Congress either proposed a solution to the issue about which they were testifying, or endorsed or opposed a solution that the federal government was contemplating. In addition, 391 (77.1%) of the celebrity testimonies cited statistics or other research findings in their testimony. Thus, while on occasion celebrity witnesses presented themselves as novices on the issues, either inadvertently or by design, much more often they presented themselves as experts with considered opinions on legislative approaches to public policy.

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79 Cesar G. Soriano & Jessica Lee, Stars Shine Light on Their Favorite Causes, USA TODAY, Sept. 4, 2002. See also Bob Tourtellote, Pitt, Clooney Plug “Ocean’s” and Talk Darfur, REUTERS, May 24, 2007 (“We’re not politicians. We’re not able to make decisions. We’re not able to do anything except bring attention to something . . . .”) (quoting George Clooney when he advocated support for Darfur refugees).

80 Of course, this information sometimes lacks face validity, as when Marilu Henner testified that she was in “the 104th percentile for a woman my age.” Dietary Supplements: Nature’s Answer to Cost Effective Preventative Medicine: Hearing Before the Subcomm. on Human Rights and Wellness of the House Comm. on Government Reform, 108th Cong. 63 (2004) (statement of Marilu Henner). But more often it appeared accurate.

81 A prime, early example is model/actor Lauren Hutton’s testimony in support of funding for the National Institute of Neurological and Communication Disorders and Stroke:

[T]he NINCDS, which I can barely remember and cannot pronounce altogether, is this sort of catchall basket for a lot of very important things, for neurological research and communicative disorders, research, and that also in there was something that I have been very interested in for a long time, the research for the brain. It seems to me that maybe we would not have to vote on things like MX missiles if money went into research for the brain, because maybe we would have a different brain. Maybe we would not need clubs to bash each other with if we found out what it means to hate, to fear, to love . . . . So I thought maybe if I could put on my best blouse and come down here, maybe people would think about just rearranging priorities . . . . It seems to me it is real important, and we
Even if, hypothetically, celebrity witnesses merely raised awareness of specific issues, the distinction between awareness and influence is easily overstated. By bringing these issues to the attention of Congress, celebrities necessarily relegate other issues to a lower status. Legislators have limited time and attention, and every subject they consider leaves many others neglected. Celebrities divert legislative resources and attention to their issues at the expense of other issues of which they are unaware or about which they care less. This is, indeed, precisely why most of them appear before Congress. The phenomenon is evidenced when legislators mention that celebrity affiliations with issues give those issues priority status on the policy scene. It is further illustrated in Senator Harkins’ statement to Ben Affleck: “I was not aware of [ataxia telangiectasia] until you came here today. Believe me, I am now aware, and I am going to be asking more and more questions of NIH of what they are doing to make sure that we get more research into this area.” Moreover, even if legislators are aware of the issues and perspectives about which celebrity entertainers testify, celebrity testimony tends to render them more salient than other issues and perspectives Congress might consider. Because policy makers are faced with a multitude of complex social issues and have finite time and resources with

ought to think about it. Half a billion dollars is not a lot of money, and they are not even asking for that.

Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1984: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 98th Cong. 154 (1983) (statement of Lauren Hutton). Celebrities, advocacy organizations and legislators appear to have taken steps to prevent this type of embarrassing situation from recurring, as the transcripts generally conveyed coherency and basic knowledge of the issues advocated.

Schlozman and Tierney make a similar point with regard to access and influence in response to business lobbyists’ claims that they seek only the former: “Reasonable arguments can ordinarily be made on more than one side of a political issue. A policymaker who hears from only one side—or who hears much more from one side than the other—is likely to be persuaded by the arguments and information to which he or she is exposed.” KAY L. SCHLOZMAN & JOHN T. TIERNEY, ORGANIZED INTERESTS AND AMERICAN DEMOCRACY 165 (1986). See e.g., Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1996: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 104th Cong. 228 (1995) (statement of Rep. Porter, Chair, House Comm. on Appropriations) (speaking to professional golfer Terry-Jo Myers) (“I think it is really a very, very helpful thing for people like yourself, who are in the public eye, to highlight the problems of diseases to the committee and to the general public. And it provides the kind of leadership and attention often that we need in lives filled with too much competing for attention.”).

See supra note ____ and accompanying text.

which to handle them, any particular issue that attracts their attention is more likely to be addressed than are other issues. Finally, as mentioned above, celebrities who bring attention to particular social issues and perspectives alter the policy landscape indirectly by causing members of the public to view those issues and perspectives as important and worthy of congressional action. These responses to celebrity testimony undermine the idea that it can be used merely to draw attention to social issues without influencing public policy, even if celebrities were to refrain from offering opinions on appropriate legislative responses to the issues.

B. Additional Celebrity Motivations

Celebrity entertainers are motivated to participate in social advocacy for several other reasons as well. One appears to be a desire to make a serious contribution to society, either to compensate for a perceived lack of social or moral meaning in their entertainment work or to complement their professional contributions to society. In both instances, celebrities seek personal fulfillment through social advocacy of issues unrelated to the entertainment industry. Second, celebrities sometimes feel a need to repay the society that has given them fame and fortune. Because they tend to wield more influence with the public than do politicians or other

85 See supra note ____ and accompanying text.

86 E.g., Jonathan Curiel. Star Power: When Celebrities Support Causes, Who Really Winds Up Benefitting?, SAN FRAN. CHRON., June 5, 2005 (“Just being an actress doesn’t help me sleep well at night. When I do something for other people, then I feel my life has value.”) (quoting Angelina Jolie).

87 E.g., Cher Pushing Safer Military Helmets, ASSOC. PRESS, June 21, 2006 (“To be able to use your celebrity for something that you really think is worthwhile is so rewarding. It just makes you feel like this is the right thing to do.”) (quoting musician Cher); Michelle Mittelstadt, Celebrities Use Star Power to Sway Policy on Capitol Hill, DALLAS MORNING NEWS, May 20, 2000 (“Deservedly so or not, for whatever reason there’s a mystique with celebrity. And if you can use that mystique, that interest, that fascination for good, it is nothing but a blessing.”) (quoting actor Blair Underwood).

88 E.g., Amyotrophic Lateral Sclerosis: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, and Education, and Related Agencies of the Senate Comm. on Appropriations, 106th Cong. 30 (2000) (statement of Steve Garvey) (“[T]o be able to take the recognition from [professional baseball] and stand in front or sit in front of a subcommittee or thousands of people in front of television cameras and be able to speak what you truly believe in with your heart and your soul and to be able to introduce people like [childhood friend with amyotrophic lateral sclerosis] and his wife and the other patients here today, it is a wonderful opportunity to give back.”); The Rights of America’s Institutionalized Aged: Lost in Confinement: Hearing Before the Subcomm. on Health and Long-Term Care of the House Select Comm. on Aging, 99th Cong. 23-24 (1985) (statement of actor Kirk Douglas) (“Well we all know that for many people, the last of life is not always the best, but I believe that people, like myself and many others, who have benefited by our way of life and perhaps have . . . been more fortunate than others, have an obligation to try to help others less fortunate, and for that reason . . . I want to join . . . all the . . . members of this committee, I want to join your crusade in trying to eradicate this national disgrace.”).
acknowledged leaders and authorities, they believe they can contribute to society by leading the public in the appropriate direction on various matters of social policy. Third, celebrities frequently engage in social advocacy in order to attract positive publicity for themselves. The entertainment industry is cluttered with a myriad of current and potential stars vying for the public’s attention. Celebrities therefore affiliate with social issues in order to shine the spotlight not only on the issues but also on themselves, as social advocacy provides the grist for public appearances in the talk show circuit and other fora. Fourth, some celebrities engage in social activism as a means to exert control over the surfeit of attention they receive from fans and the media. Although celebrities need to retain a connection with the public—indeed, the level of media attention they attract may be a barometer of their celebrity status—unyielding paparazzi and devoted fans are overwhelming at times. Celebrities manage these personal invasions by using their celebrity status to direct attention at social issues of importance to them. Finally, social advocacy provides celebrity entertainers the opportunity to interact with some of the (other) most powerful people in America. Similar to many Americans, celebrities experience a

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89 E.g., Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1996: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 104th Cong. 646-647 (1995) (statement of Arnold Schwarzenegger) (“[W]hen you get to a certain place in sports or in acting or as an entertainer and as a star, one has a tremendous amount of power of influence over our youth. And I want to make sure that I use this power . . . to tell the kids stay away from drugs, stay away from the violence, stay away from gangs and do something positive with yourself . . . . [B]ecause they listen more to me than sometimes to their teacher or maybe to a political leader . . . . I have gotten so much out of this country . . . so I want to put . . . into this country what I have gotten out of it.”).

90 Constance Casey, Cause Celebre: Broker Links Stars with Charities, STAR-LEDGER, Jan. 23, 2000 (Celebrity entertainers “really need the philanthropic aspect of their lives in order to break out and create something unique about themselves. You can only talk about what kind of dress they wore to the Emmys for so long.”) (citing the president of Celebrity Connection); Dirk Smillie, Activism is Entertainers’ New Role, CHRISTIAN SCI. MONITOR, Oct. 16, 1998 (“When a celebrity hires a publicist, one of the first questions that publicist asks is, ‘What causes do you want to identify yourself with?’ Being active in a cause is becoming a standard part of the career package of a lot of entertainers.”) (citing the president of Celebrity Source); Kathleen Doheny, Seeing Stars: Health-related Causes and Products are at the Fore of the World of Promotions. And the Fight Over Which Celeb Speaks for What Is a Fierce One, L.A. TIMES, Jan. 12, 1998 (“For a celebrity, picking the right cause ‘is as important as picking the right agent. It helps them get booked on talk shows and to get them into magazine articles.’”) (citing the president of Celebrity Connection).

91 RONALD BROWNSTEIN, THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION 295-96 (1990) (“[W]hen you walk out and get busted by photographers, like the hundreds of them at the Academy Awards, you literally feel like you’re being shot at . . . . Somehow it is a little less painful when it’s for a reason, a good cause.”) (quoting actor Rob Lowe); Sean Smith, Brad Pitt, NEWSWEEK, July 3-10, 2006 (“It’s the first time I’ve actually felt like we [he and Angelina Jolie] have some degree of control over it. I can’t describe what an immense relief it is for me.”) (Brad Pitt on luring journalists to Namibia, a place that the actor believed should have the world’s attention).
certain degree of reverence for their political leaders and feel honored to be among them on Capitol Hill.  

C. Additional Legislator Motivations

Legislators seemingly invite celebrity entertainers to testify in part for the opportunity to associate publicly with successful persons. By having their photographs taken with celebrities or being quoted in the news alongside celebrities, legislators seek to share the celebrity aura and thereby enhance their public image. People often strategically or intuitively affiliate with prestigious individuals for the social benefits that may result, as the affiliation is more easily accomplished than changes that render them objectively worthy of enhanced status within the social realm. It may only be natural that politicians, who rely on their public image for professional status and longevity, would employ the technique. To illustrate, the Chair of the House Committee on Appropriations asked Tony Randall to sit next to him during an appropriations hearing segment on myasthenia gravis disease, although he did not ask any of the other four panelists, all of whom were medical doctors, to do so. Similarly, a lobbyist was “amazed to see members literally pushing interns and staff members out of the way to get their

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93 E.g., Robert B. Cialdini et al., Basking in Reflected Glory: Three (Football) Field Studies, 34 J. PERSONALITY SOC. PSYCHOL. 366 (1976) (finding that college students were more likely to wear clothing representing their football team and to use the term “we” when referring to the team when the team had won its previous game); Filip Boen et al., Politics and Basking-in-Reflected Glory: A Field Study in Flanders, 24 BASIC & APPLIED SOC. PSYCHOL. 205 (2002) (finding that homeowners were more likely to continue to display post-election signs endorsing political parties that had received large numbers of votes in the election).

94 It is particularly so when politicians are held in comparatively low regard on dimensions such as trust. Public opinion polls reveal legislators’ inferior standing with the public on stem cell research, for example. When asked the degree to which they trusted information provided by Michael J. Fox, Mary Tyler Moore, Christopher Reeve, and members of Congress, approximately three-quarters of the public trusted each of the celebrity entertainers whereas only 41% trusted legislators. OPINION RESEARCH CORP., June 2004; CENTER FOR PUBLIC POLICY, VA. COMMONWEALTH U., Aug.-Sept. 2001. Thus, respondents reported placing greater trust in celebrity entertainers than in Members of Congress on a complex social issue at the forefront of the nation’s policy agenda.

pictures taken with [John Travolta].” His surprise would have been tempered had he understood that one reason legislators invite celebrity entertainers to testify is the opportunity it provides these lawmakers to bask in the reflected glory of the celebrities.

Legislators also often invite celebrity entertainers to testify in their capacities as devoted fans of the celebrities. By offering celebrities the opportunity to participate formally in the lawmaking process, legislators are able to spend time with the adored celebrities and watch them perform in person. One congressman, for example, says of musician Ray Charles’ appearance: “This is the first time in my life I have been within six feet of him. It means a great deal to me to just get close to him and touch his garment a little bit.” Another gushed to actor Jane Seymour:

[Let me just say how much we appreciate you being here. I especially appreciate you being here because I am one of your biggest fans. I watched you in East of Eden and I thought you did extremely well in that, and I saw you in ‘Somewhere in Time,’ which is a very romantic movie. I saw your picture on the wall in that movie theatre and just swooned. So I just want you to know you have a big fan here in the chairman and . . . [a]lthough we usually limit testimony to 5 minutes, you can have all the time you want.]

Similar expressions of adulation are commonplace. Congressional staff are likewise prone to these feelings. When Bono appeared on the Hill, for example, Senator Durbin

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“was amazed at ‘how many members of my staff had a newfound interest in the Global AIDS initiative.’”

These persons, who play a central role in organizing congressional hearings, also support legislators’ inclusion of revered celebrity entertainers as witnesses.

Beyond being fans, legislators sometimes share a sense of camaraderie with celebrity entertainers. They spend time together outside of the formal congressional setting and develop valued friendships.

These contacts render the celebrities more

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100 Donna Cassata, Rock Star Turns Celebrity Into Political Clout, PITTSBURGH POST-GAZETTE, June 12, 2005.

101 See e.g., Global Warming and Its Implications for California: Hearing Before the Senate Comm. on Energy and Natural Resources, 101st Cong. 162 (1989) (statement of Sen. Wirth, Member, Senate Comm. on Energy and Natural Resources) (“We had dinner together in Denver about six months ago and we were looking at various joint agendas that we might take on and I asked Bob if he would like to come by and share some thoughts with us today, and he very kindly said that he would.”) (speaking of actor Robert Redford); Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1991: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1991: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations, 101st Cong. 446 (1990) (statement of Rep. Conte, Member, House Comm. on Appropriations) (“I want to welcome my dear and beloved friend, Tony Randall, to our committee. We have all, as the chairman said, respected your work in the arts and your special dedication to health. You and I have teamed up together on previous occasions. Maybe we should get Neil Simon to write a new Odd Couple series starring you and me.”); Dietary Supplements: Nature’s Answer to Cost Effective Preventative Medicine: Hearing Before the Subcomm. on Human Rights and Wellness of the House Comm. on Government Reform, 108th Cong. 78 (2004) (statement of Rep. Burton, Member, House Comm. on Government Reform) (mentioning that Jane Seymour is a very good friend and that he will lunch with her and her husband, actor James Keach, the following day.)
familiar and generally more liked and trusted than the average citizen, expert, or other person who could be called to testify in lieu of the celebrity. In addition, legislators may initially learn about or pursue particular social issues because celebrities are affiliated. In these situations, celebrity entertainers may be salient in legislators’ minds and perceived as desirable witnesses.

Finally, legislators may be motivated to hear celebrity testimony from entertainers who have supported their political careers. Hillary Clinton’s senatorial campaign, for example, was backed by Barbara Streisand, Diana Ross, Stevie Wonder, Whoopi Goldberg, Cher, John Ritter, Angie Dickinson, Jon Voight, Dave Winfield, John Travolta, Carol Burnett and Steve Allen, among others. This is not meant to imply that Senator Clinton or other legislators would necessarily engage in explicit quid pro quos with celebrities, but there may nonetheless be normative pressures at play that would cause some legislators to be more inclined to invite celebrities to testify than might otherwise be the case. Extensive research has documented the powerful social norm of reciprocity, through which humans feel obligated to reciprocate benefits received from others. In inviting celebrity entertainers to testify, legislators may satisfy an obligation to reciprocate benefits the celebrities have previously bestowed on them. Moreover, they may increase the likelihood that they will receive future benefits from the celebrities.

Denver for many years, while Senator Garn states that he and his family had dinner with John Denver the night before the hearing. Both reminisce about times shared with the singer.)

102 Of course, celebrities are likely to be familiar to legislators even in the absence of these personal contacts, see infra note ___ and accompanying text, but the contacts would strengthen the degree of familiarity. For the effects of familiarity on liking and trust, see ROBERT B. CIALDINI, INFLUENCE: SCIENCE AND PRACTICE 141-72 (5th ed. 2008).

103 E.g., Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations for 1992: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, Education, and Related Agencies of the House Comm. on Appropriations, 102nd Cong. 1064 (1991) (statement of Rep. Mink) (“I am thrilled to have your presence here, because basically it is what you have done in bringing this issue out to the public that brought it to my attention and to others in my constituency, which led me to introduce my bill when I came to Congress in January.”) (spoken to Gene Wilder). See also supra note ___ and accompanying text.


105 See CIALDINI, supra note ___ at 22-26.
D. The Psychology of Celebrity Appeal

To understand the many motivations underlying celebrity entertainer testimony, including its powerful influence in the legislative process, it is necessary to consider why people react differently to celebrity entertainers than to other members of society. Part of the explanation lies in the fact that, historically, the persons with whom we interacted on a regular basis were social intimates such as friends and relatives. Given that the interests of these “in-group members” tended to align with our own, it was advantageous to take cues from their behavior and to heed their advice. This much remains true today, but modern technology has added a quasi-hallucinogenic element to the social environment that sometimes causes us to consider persons with whom we have never had personal contact to be our social intimates. Television, movies and other media provide frequent unidirectional, or parasocial, “interactions” between the public and celebrity entertainers, when the public sees celebrity entertainers perform their professional roles and when the public encounters stories about celebrity entertainers in the news.106 The

106 See e.g., Marshall McLuhan, Understanding Media: The Extensions of Man 285 (1964) (“The business of the . . . the film-maker is to transfer the reader or viewer from one world, his own, to another, the world created by . . . film.”). The mainstream news media—let alone the industry built specially around reporting celebrity news of the . . . the film-maker is to transfer the reader or viewer from one world, his own, to another, the world created generally would not know about them unless they were members of the celebrities’ social network. Although the examples could be multiplied ad nauseam, a few include: Christina Aguilera Injures Arm at LA Home, ASSOC. PRESS, July 15, 2005 (reporting that the singer cut her arm picking up broken glass); Jessica Simpson Hospitalized Over the Weekend, ASSOC. PRESS, Mar. 31, 2008 (reporting that the singer and actor was recovering from a minor kidney infection); Neil Patrick Harris Says He is Gay, ASSOC. PRESS, Nov. 3, 2006; Katie Holmes Converting to Scientology, ASSOC. PRESS, June 13, 2005 (reporting that Holmes was embracing Tom Cruise’s “religion”); Lance Armstrong, Sheryl Crow Split Up, REUTERS, Feb. 3, 2006; Jennifer Aniston Says She’s Ready to Date, ASSOC. PRESS, Sept. 19, 2005 (reporting that the actress was doing well following the end of her relationship with Brad Pitt); Sandy Cohen, Baldwin, Basinger Quibble Over Custody, ASSOC. PRESS, Dec. 13, 2005 (reporting on the couple’s ongoing custody battle over their daughter); Pamela Anderson Buys Las Vegas Condo Unit, ASSOC. PRESS, Mar. 20, 2006 (noting that the actress had purchased a penthouse unit and that actors Tobey Maguire and Leonardo DiCaprio also had purchased units in the development); Former “American Idol” Singer Clay Aiken Involved in Spat with Woman on Airplane, ASSOC. PRESS, July 8, 2007 (reporting that the singer and a woman had an altercation because his foot was on her armrest); DiCaprio Hit with Bottle at Party, ASSOC. PRESS, June 18, 2005; “Bachelor” Contestant Arrested for Hitting Man, ASSOC. PRESS, Nov. 24, 2007; Packers’ Johnson Faces Marijuana Charge, ASSOC. PRESS, May 23, 2003; Chewbacca Actor to Become an American, ASSOC. PRESS, Oct. 12, 2005 (reporting that the “Star Wars” actor was becoming a naturalized citizen); De Niro Weeps at Dad’s Painting Exhibit, ASSOC. PRESS, June 19, 2005; Michael Jackson Says He Will Not Attend Father’s Birthday Party in Berlin, ASSOC. PRESS, July 21, 2005; Ross Sneyd, Bullock Works Counter at Sister’s Bakery, ASSOC. PRESS, Aug. 2, 2005 (reporting that the actress waited on customers at a pastry shop owned by her sister and brother-in-law); Probst Volunteers at Main Soup Kitchen, ASSOC. PRESS, Dec. 27, 2006 (reporting that the host of “Survivor” and his girlfriend, a former contestant on the reality show, served Christmas dinner at a soup kitchen); Beckham Gets Traffic Ticket in Hollywood, ASSOC. PRESS, Apr. 10, 2008 (reporting that David Beckham received a citation for a minor offense); Hilton’s Lost Chihuahua Turns Up, ASSOC. PRESS, Aug. 19, 2004 (reporting that Paris Hilton’s dog had been found but that no details were available as how it escaped or under what circumstances it was returned).
public quite often comes to view celebrity entertainers as social intimates and places more importance on their opinions and their well-being than non-celebrity strangers.\textsuperscript{107} The misperception results because some aspects of our social environment change more rapidly than we evolve. As a result, we are not adapted to the current social environment but rather to a previous environment, sometimes referred to as the environment of evolutionary adaptedness.\textsuperscript{108} Modern technology’s conveyance of images and information are relatively new introductions to the social environment and ones to which humans have not yet entirely adapted.

The feelings resulting from parasocial interactions in turn cause the public to be more interested in and supportive of social issues with which celebrities are affiliated than other social issues. This process clearly operates in the context of congressional hearings. Many legislators feel sufficiently close to celebrities to call them by their first names, suggesting that the legislators consider the celebrities to be members of their in-group.\textsuperscript{109} Legislators also recognize that the public has a strong bond with celebrity entertainers generated by parasocial relationships. This is evident, for example, in Senator Specter’s comment to actors Michael J. Fox, Gina Gershon, and Mary Tyler Moore: “We very much appreciate your coming in . . . . [W]hen people understand the impact of these illnesses . . . on people they know, there tends to be a greater public awareness and more public support.”\textsuperscript{110} Celebrity witnesses likewise are aware of their special connection with the public:

\textsuperscript{107} Charlotte J. S. DeBacker et al., \textit{Celebrities: From Teachers to Friends: A Test of Two Hypotheses on the Adaptiveness of Celebrity Gossip}, 18 HUM. NATURE 334, 340 (2007) (When we see celebrity entertainers in the media, “our brain processes this information as an encounter with a real person. If this happens regularly, as is the case with celebrities who are always in the news, our brain starts accumulating these encounters and makes us (falsely) believe that these people are part of our social networks. . . .”) (citing Jerome Barkow, \textit{Beneath New Culture is Old Psychology: Gossip and Social Stratification, in The Adapted Mind: Evolutionary Psychology and the Generation of Culture} 627-37 (Jerome H. Barkow, Leda Cosmides & John Tooby, eds., 1992).


\textsuperscript{109} E.g., \textit{NASA Space Program: Hearing Before the Subcomm. on Department of Housing and Urban Development and Subcomm. on Department of Defense of the Senate Committee on Appropriations}, 99th Cong. 148 (1986) (statement of Sen. Lautenberg, Member, Senate Committee on Appropriations) (“Mr. Denver, John . . . you are a household name, and it is very hard to call you Mr. Denver . . . I will call you John, if I might.”); \textit{The Rights of America’s Institutionalized Aged: Lost in Confinement: Hearing Before the Subcomm. on Health and Long-Term Care of the House Select Comm. on Aging}, 99th Cong. 25-26 (1985) (statement of Rep. Oakar, Member, House Select Comm. on Aging) (“Mr. Douglas presented an outstanding statement, and we are very grateful to you, Mr. Douglas. I feel as if we can all call you Kirk because so many of us have been fans of yours for so many years.”).

So what does qualify me to be at this table? The answer is simple. I’m one of a million involuntary experts on Parkinson’s disease in the United States battling its destructive nature as we wait for a cure. . . . I’m also here because I’m a guy with PD who happens to be on TV. Because of that, many people have felt comfortable reaching out to me.111

Members of the public sometimes identify so strongly with celebrities’ public personas that they lose their grasp on the distinction between reality and illusion. Sports journalist and author Dick Schaap explains that: “When I was working on a book with Peter Falk and he was playing a lawyer at the time on television, we had people turn themselves into him while we were on the streets . . . .”112 Similarly, Robert Young, who played Marcus Welby, M.D. on the television series of that name, received tens of thousands of letters from viewers seeking his medical advice.113 And it is common for television networks to be “besieged with flowers and letters from viewers” when a character in a series suffers misfortune.114 Parasocial relationships create a powerful force that can be tapped for political capital. Legislators invoke celebrities’ fictitious characters at hearings, sometimes playfully, sometimes strategically. When David Hyde Pierce testified before the House Appropriations Committee, he was welcomed to the

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112 Amyotrophic Lateral Sclerosis: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education of the Senate Comm. on Aging and the Subcomm. on Aging of the Senate Comm. on Labor and Human Resources, 101st Cong. 67 (1990) (statement of Sen. Metzenbaum, Member, Senate Comm. on Labor and Human Resources) (“Ms. [Shelley] Fabares, welcome. It is significant and meaningful to people across the country when prominent figures such as you and Ms. [Angie] Dickinson come before a congressional committee and share your experiences. We know it’s difficult, but we also know that it has a personal appeal and a personal kind of understanding that this can impact anybody, everybody.”).

113 DAVID GILES, ILLUSIONS OF IMMORTALITY: A PSYCHOLOGY OF FAME AND CELEBRITY 64 (2000).

114 Id.
witness table as Dr. Crane, Pierce’s character from the television series Frasier.\textsuperscript{115} When Charlton Heston appeared before the Senate Judiciary Committee, a member jested: “I am also very appreciative, Mr. Chairman, that you did not schedule this hearing on Monday, since in spite of the strength of my views on [gun control], I would have felt uncomfortable questioning Moses on Rosh Hashanah.”\textsuperscript{116} Celebrity witnesses likewise refer to the fictitious characters by which the public knows them. Arnold Schwarzenegger ended one of his congressional testimonies with a nod to his famous line from \textit{The Terminator}: “And remember, when it is time for the committee to consider funding for after-school programs in the next budget cycle, you can count on one thing: I’ll be back.”\textsuperscript{117} Another time he ended with: “In short, I am here to help you terminate the problem.”\textsuperscript{118} These references to the characters by which the public knows the celebrities may heighten the celebrities’ influence on the legislative process by emphasizing the parasocial relationship between the public and the legislators, and the actor.

A complementary explanation for celebrity entertainers’ appeal with legislators and the public is the tendency of humans to take social cues from high-status individuals. Theoretically, we could model our behaviors after anyone with whom we come into contact or learn about vicariously. By taking note of high-status persons, however, we discover what characteristics are rewarded in our culture; and by emulating these persons, we increase the likelihood of elevating


\textsuperscript{116} \textit{Whose Right to Keep and Bear Arms? The Second Amendment as a Source of Individual Rights: Hearing Before the Subcomm. on the Constitution, Federalism, and Property Rights of the Senate Comm. on the Judiciary}, 105th Cong. 36 (1998) (statement of Sen. Torricelli, Member, Senate Comm. on the Judiciary). \textit{See also Energy and Water Development Appropriations for 1994: Hearing Before the Subcomm. on Energy and Water Development of the House Comm. on Appropriations}, 103rd Cong. 2656 (1993) (statement of Rep. Bevill, Chair, House Comm. on Appropriations and Harry Hamlin) (“We are pleased to have you with us Mr. Hamlin and are certainly looking forward to your testimony, and I am one of your admirers, being a country lawyer. I didn’t win all of my cases like you did.”); \textit{The Treatment of Religious Minorities in Western Europe: Hearing Before the House Comm. on International Relations}, 106th Cong. 34 (2000) (statement of Rep. Gilman, Chair, House Comm. on International Relations) (“We will now proceed with our final witness, Ms. Catherine Bell, known for her television series of \textit{JAG}. As a former Marine Corps attorney, I am sure you don’t hesitate to give us straight testimony today.”).


\textsuperscript{118} \textit{Special Olympics Report: Hearing Before the Subcomm. on Departments of Labor, Health and Human Services, and Education, and Related Agencies of the Senate Comm. on Appropriations}, 107th Cong. 79 (2001) (statement of Arnold Schwarzenegger).
our status in society and receiving the rewards that accompany this elevated status.\textsuperscript{119} Given that it can be difficult to identify which characteristics cause people to be of high status, we may mimic any or all characteristics of celebrities rather than copy only those that caused their elevated social position.\textsuperscript{120} As a result, celebrity entertainers, who excel in their professions due to their artistic skills or for other reasons such as clever image management, are often considered authorities on policy issues outside the scope of their professions.\textsuperscript{121} Legislators’ introductions of celebrity witnesses in Congress show this process at work in the policy making arena. Invited to testify in support of federal funding for Paget’s disease, for example, Dominic DiMaggio was introduced as “[o]ne of baseball’s greats, having spent 10 seasons and over 13 years with the Boston Red Sox, he still holds the all-time Red Sox record for hitting in 34 consecutive games.”\textsuperscript{122} Implicit in this introduction is the idea that DiMaggio’s excellence in professional baseball qualifies him to provide guidance on the allocation of federal funding for health disorders.\textsuperscript{123} Legislators also directly acknowledge that celebrity entertainers’ success in their


\textsuperscript{120} Id. at 184-85. This more blunt approach to fan emulation of celebrity entertainers may also result from the perception that the celebrities possess mystical qualities. For example, one researcher concludes that fans collect celebrity memorabilia because they “hope to possess some of the magical properties of the star.” JIM FOWLES, \textit{STARSTRUCK: CELEBRITY PERFORMERS AND THE AMERICAN PUBLIC} 183 (1992). See also Grant McCracken, \textit{Who Is the Celebrity Endorser? Cultural Foundations of the Endorsement Process}, 16 \textit{J. Consumer Psychology} 310, 314 (1989) (possiting that celebrity endorsers of commercial products are effective because people purchase them “not only as bundles of utility with which to serve functions and satisfy needs, but also as bundles of meaning with which to fashion who they are and the world in which they live.”). Adopting celebrity entertainers’ views on social issues may serve a similar function.

\textsuperscript{121} A similar way of thinking about this process is that celebrity entertainers’ professional status generates a “halo effect” that causes the public to perceive celebrities’ attributes (e.g., their knowledge or sincerity) more positively than would be the case if they were not celebrities. \textit{E.g.,} Richard E. Nisbett & Timothy DeCamp Wilson, \textit{The Halo Effect: Evidence for Unconscious Alteration of Judgments}, 35 \textit{J. Person. & Soc. Psychology} 250 (1977); Christopher G. Wetzel, \textit{The Halo Effect Revisited: Forewarned Is Not Forearmed}, 17 \textit{J. Exp. Soc. Psychology} 427 (1981).

\textsuperscript{122} \textit{Osteoporosis: Prevention, Education, and Research: Hearing Before the Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies of the Senate Committee on Appropriations}, 105th Cong. 22 (1998) (statement of Sen. Specter, Member, Senate Comm. on Appropriations).

\textsuperscript{123} See also \textit{Stem Cell Research, Part 3: Hearing Before the Subcommittee on Labor, Health and Human Services, and Education Appropriations of the Senate Committee on Appropriations}, 106th Cong. 116 (2000) (statement of Sen. Specter, Member, Senate Comm. on Appropriations) (“We now turn to Mr. Michael J. Fox, who has had a spectacular career, first as Alex P. Keaton on the television series, “Family Ties,” later in a number of movies, including “Back to the Future,” and, most recently, on television again in the highly acclaimed “Spin City.” This past week, Mr. Fox won an Emmy award for best actor in a comedy series for his work in “Spin City.”); \textit{Amyotrophic Lateral Sclerosis: Hearing Before the Subcommittee on Labor, Health and Human Services, and Education Appropriations of the Senate Committee on Appropriations}, 106th Cong. 116 (2000) (statement of Sen. Specter, Member, Senate Comm. on Appropriations) (“We now turn to Mr. Michael J. Fox, who has had a spectacular career, first as Alex P. Keaton on the television series, “Family Ties,” later in a number of movies, including “Back to the Future,” and, most recently, on television again in the highly acclaimed “Spin City.” This past week, Mr. Fox won an Emmy award for best actor in a comedy series for his work in “Spin City.”).
industries grants them a leadership role in the policy arena. Senator Specter, for example, mentioned that Muhammad Ali and Michael J. Fox influence legislative decisions because they are so admired for their acting and boxing accomplishments, respectively. Likewise, a legislator opined that Mary Tyler Moore’s “stature,” which stems from her acting career, causes her to be a powerful force in Congress. In these instances, legislators extol celebrity entertainers’ professional achievements as justification for their opinions carrying special weight with respect to the social issues they advocate.

A particularly intriguing situation arises when celebrity witnesses discuss issues on which their screen character possesses expertise. This fictional expertise may carry over into the congressional realm, granting them an air of authority based on their characters’ professional credentials. Jack Klugman, for example, quoted extensively from a *Quincy* episode on orphan diseases in his testimony at a hearing on this topic. And William Petersen, who plays Dr. Gil Grissom, a forensic entomologist on *CSI*, testified in support of legislation to fund forensic laboratories around the country. These testimonies highlight the possibility that legislators

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124 *Parkinson’s Disease Research: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education Appropriations of the Senate Comm. on Appropriations*, 107th Cong. 3 (2002) (statement of Sen. Specter, Member, Senate Comm. on Appropriations).


126 *See also Promise of the Genomic Revolution: Hearing Before the Subcomm. on Labor, Health and Human Services, and Education Appropriations of the Senate Comm. on Appropriations*, 107th Cong. 29 (2001) (statement of Sen. Harkin, Member, Senate Comm. on Appropriations) (reporting that he has “the highest respect for those who have attained a position of celebrity status in our society because of their abilities in other areas and who take the time and the effort to get involved in bringing to the public conscience what we are doing here.”).


128 *DNA Crime Labs: The Paul Coverdell National Forensic Sciences Improvement Act: Hearing Before the Senate Comm. on the Judiciary*, 107th Cong. 18-19 (2001) (statement of William Petersen). *See also Children’s Health: Protecting Our Most Precious Resource: Hearing Before the Subcomm. on Public Health of the Senate Comm. on Health, Education, Labor, and Pensions*, 106th Cong. 36 (statement of Anthony Edwards) (“Fortunately, the difference between myself and Senator Frist is that my ‘patients’ can actually be written out for the day, and I can see them tomorrow, where I will be able to save them . . . so I can be here to be with you all.” (explaining his ability
sometimes mistake the celebrities for authorities on the topics they address in their testimony or, more likely, intentionally present the celebrities as false authorities. The possibility of celebrities’ statements having a particularly powerful impact when they invoke fictional characters that possess expertise on the issues under consideration may explain some political acts that might otherwise appear absurd or surreal. Senator Hillary Rodham Clinton and Representative John McHugh, for example, wrote a letter to the West Wing’s Deputy White House Chief of Staff opposing a potential closing of a military base in New York that was discussed on the television show. Clinton and McHugh may have refuted the policy position taken in the show because they recognized that it could gain momentum in government decision making if they failed to address it. Congressional testimony by such “experts” has the potential to produce a similarly powerful influence within the legislative process.

Beyond the human tendencies to establish bonds with celebrity entertainers and to take social cues from them, celebrity entertainers have public appeal for another reason. Most people prefer entertainment over serious intellectual discussion, and by definition celebrity entertainers are entertaining to large segments of the public. The entertainment connection can manifest in even the most unexpected circumstances. For example, a woman who served with Oprah Winfrey on a jury in a murder trial described Oprah’s presence as follows: “It was fun; it was like being on her show.” Celebrity entertainers often introduce a similar, lighthearted element to congressional hearings or move the audience, legislators and member of the public alike, with dramatic performances. Their congressional testimony tends to be unusually compelling because of their oratorical skills. According to Jack Valenti, long-standing president of the Motion Picture Association of America: “Most people come in and duck their heads and read their testimony and leave no lasting impression” whereas “actors can give Oscar-winning

to take time away from “practicing medicine” on ER to join Congress). The comparison to Senator Frist stems from the fact that he holds a real medical degree.


130 This preference is the impetus behind the infotainment movement, for example, which conveys serious information in an entertaining manner. See e.g., Patricia Moy, Michael A. Xenos & Verena K. Hess, *Communication and Citizenship: Mapping the Political Effects of Infotainment*, 8 MASS COMM. & SOC.’Y 111, 113 (2005).

performances.”

Other types of celebrity entertainer, particularly those who feel at home on stage, are equally captivating. Senator Garn, for example, was deeply touched by John Denver’s testimony on the value of space exploration and his lyrical tribute to the U.S. space program and the Challenger astronauts: “John, we will simply close with your beautiful presentation. I hope that I have a big handkerchief with me. There will be no more words spoken and the hearing will be adjourned at the conclusion of your presentation.” These powerful emotional responses to entertainers’ performances are enjoyed by audiences in congressional hearing rooms in much the same way that they are savored in movie theatres and arenas around the country.

III. **Celebrity Testimony, Congressional Decision Making, and Democratic Ideals**

These psychological underpinnings of celebrity appeal help to explain the characteristics and purpose of celebrity entertainer testimony, and the influence it exerts on the legislative process. But they do not explain how celebrity testimony affects the overarching policy goal of rational lawmaking. In spite of the enthusiasm that many legislators possess for celebrity involvement in the legislative process, or possibly because of it, there are sound reasons to doubt its purported contributions to the effectiveness of the legislative branch at best serving public needs. Moreover, although celebrity testimony may exert some positive effects on the democratic process, on balance it would appear to thwart the fundamental democratic ideals it implicates.

**A. Celebrity Testimony and Rational Lawmaking**

A natural starting point is assessing the degree to which celebrity entertainer testimony aligns with the acknowledged purposes of congressional hearings. Through hearings, legislators

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133 NASA Space Program: Hearing Before the Subcomm. on Department of Housing and Urban Development and Subcomm. on Department of Defense of the Senate Committee on Appropriations, 99th Cong. 154 (1986) (statement of Sen. Garn, Member, Senate Committee on Appropriations). *See also Proposals for Martin Luther King, Jr., National Holiday: Hearing Before the Subcomm. on Census and Population of the House Comm. on Post Office and Civil Service, 97th Cong. 48 (1982) (statement of Rep. Conyers) (“You say what we can’t put into feelings in terms of legislation number H.R. 1, 2, and 3, and therefore be it resolved, and the kind of stilted tools and instruments that we must use. You give it a form. You bring to it a vision. You inspire us and our citizens to do the best that we can and so I am deeply indebted to you and I know many other Members of Congress feel the same way.”) (speaking to musician Stevie Wonder).
learn about social issues and potential government responses to them, promote particular issues and generate public support for and opposition to their preferred responses, allow citizens an opportunity to express their views, and attract attention to themselves and their professional efforts. Celebrity entertainer witnesses may further most, if not all, of these purposes. Celebrities, often in association with advocacy groups, bring social issues to the attention of Congress and offer suggested responses to these issues. These issues and responses usually differ from those that would be voiced by business lobbyists and thus may represent a segment of the general population that otherwise might not have a voice before Congress. While celebrities may displace non-celebrity citizens from the witness list, this is not a given—for example, a hearing could be conducted with one fewer witness if the celebrity were omitted—and many non-celebrities are apparently delighted to have celebrity entertainers represent them in the legislative process. In addition, celebrity entertainer witnesses most certainly aid congressional efforts to publicize issues and sway public opinion on potential congressional responses. Indeed, they are markedly more effective at drawing attention to congressional hearings, with its ensuing influences, than any other segment of society. Finally, celebrity entertainers who testify before Congress just as certainly call attention to legislators and their policy work. The celebrities have substantial fan bases that learn about legislators’ activities as a result of the celebrities’ congressional testimony, and these fans may view the legislators in a more positive light due to their public affiliations with the celebrities.

137 GREEN, supra note ___ at 63.
138 See supra note ____ and accompanying text.
139 See supra note ____ and accompanying text.
140 See supra note ____ and accompanying text.
141 See supra note ____ and accompanying text.
142 See supra note ____ and accompanying text.
Granted that celebrity entertainer witnesses may further the purposes of congressional hearings, it is also important to consider whether they strengthen or undermine the legislative process as a whole. At this macro level, the effects of celebrity witnesses are dubious. Their participation in the congressional process appears, for example, to divert legislators’ attention from equally or more compelling issues and from alternative solutions that are not presented by the celebrities. Whether someone external to Congress, such as an advocacy organization or the celebrity, initiates the celebrity’s appearance or a legislator does so, distraction of policy makers is often the result. Many more legislators and members of the general public learn of the issue, and legislators’ attention is directed at that issue rather than at the panoply of other policy issues the legislators could consider. Moreover, legislators often appear to adopt celebrities’ perspectives on the issues rather than seriously considering alternative views. Celebrity testimony may thus overpower experts and laypersons advocating for federal action on other issues or espousing differing views on the issues celebrities address.\(^\text{143}\) Thus, the prevalent view, that Americans should be grateful to celebrities who participate in crafting social policy,\(^\text{144}\) overlooks the fact that celebrities’ involvement in social issues raises distributive and procedural justice concerns regarding the government’s allocation of funds and other policy making. At different points in time, particular issues tend to draw celebrity attention. In the mid-1990s, for example, a public relations representative for an advocacy organization lamented that AIDS and breast cancer were such popular causes among celebrities that it was difficult to find a celebrity willing to advocate for other causes.\(^\text{145}\) The disproportionate power of celebrity entertainer testimony may thus direct citizens’ and legislators’ attention away from issues and policy positions that would better serve the electorate. One respected bioethicist has suggested that this

\(^{143}\) That is, although legislators invite celebrities to testify in part to draw attention to the testimony of other congressional witnesses, the media and other persons present appear to be drawn to the celebrities’ testimony with minimal transfer of this attention to the remaining witnesses. See supra note ___.

\(^{144}\) E.g., Senator Boycotts Celebrity Testimony, GLOBE & MAIL, June 7, 2002 (quoting Rep. Steny Hoyer commenting on Julia Roberts’ testimony) (“We should be glad that there are celebrities out there who care enough to use their fame to shine the spotlight for a day on an obscure disease and the children that it afflicts”). See also supra notes ___ and accompanying text.

dilemma would be best addressed by an increased presence of celebrities in policy making.\footnote{Arthur Caplan, Cause Celebre: Why Every Disease Needs A Celebrity, bioethics.net, Aug. 30, 2002. According to Caplan, celebrities who speak out on behalf of a disease “should be applauded . . . . They are most certainly doing the right thing. The problem is simply that there are not enough celebrities doing what Lewis, Roberts and Fox do. Some diseases . . . have no celebrities willing to go to the mat for them. Some ailments are just too stigmatized or uncool to attract celebrity support.” Id.} Given the other concerns generated by celebrity entertainer involvement in the legislative process discussed in this Article, this approach would seem unwise.

Celebrity entertainer testimony also would appear to decrease the likelihood that legislative decisions are based on sound policy analysis. The public likely lends its support to the issues and solutions that celebrities advocate in their congressional testimony while lacking a clear understanding of either. A handful of members of the public may be inspired to study thoroughly the intricacies of these issues and solutions and the place that they hold within the broader policy context of the United States, but it is doubtful that most undertake this task before expressing their support for the celebrities’ views to their legislators. Christopher Reeve’s advocacy for stem cell research has not inspired an army of public citizens to develop expertise in biotechnology and health policy. Richard Gere’s testimony on Tibetan independence has not caused a widespread increase in citizens’ understanding of Chinese and Tibetan history and the international law relating to the right of self-determination of peoples. On the contrary, research consistently finds that Americans’ policy opinions are rather vacuous,\footnote{See e.g., JOHN R. HIBBING & ELIZABETH THEISS-MORSE, STEALTH DEMOCRACY: AMERICAN’S BELIEFS ABOUT HOW GOVERNMENT SHOULD WORK 30-31 (2002).} which renders them “more susceptible to political propaganda and less receptive to relevant new information.”\footnote{MICHAEL X. DELLI CARPINI AND SCOTT KEETER, WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS 265 (1996).} This political mindset enhances the likelihood that celebrity testimony will motivate citizens to act based on emotion or other celebrity appeal, not careful thought.\footnote{An incident involving comedian Ellen DeGeneres illustrates the ability of celebrities to generate emotion within their fans that overpowers social policy and reason. DeGeneres and her partner, actress Portia de Rossi, adopted a puppy from a rescue organization. After concluding that the puppy was not a good fit for their household, DeGeneres gave him to her hairdresser’s family, in violation of an agreement stating that if de Rossi and DeGeneres were unable to keep the puppy, they would return it to the rescue organization. These clauses are commonly used by rescue organizations to help ensure that adopted animals remain in approved households. When the organization picked up the puppy from the hairdresser’s house, DeGeneres made an emotional plea on her television show for his return to the hairdresser’s family. Iggy, THE ELLEN DEGENERES SHOW, Oct. 16, 2007 (providing a transcript of the plea). As a result, the director of the organization received numerous arson and death threats from devoted DeGeneres fans. Sarah Hall, Ellen’s Rescue Agency Dogged by Death Threats, E!ONLINE, Oct. 18, 2007 (reporting} Consequently, public
support for the positions advocated in celebrity testimony—which is often substantial and therefore influential with legislators—would appear to be an artificial and ill-founded foundation on which to base policy decisions. A similar problematic influence affects legislators. Despite assertions to the contrary, legislators would not be expected to somehow be immune to celebrity appeal, and clearly they are not. Celebrity entertainer witnesses therefore are likely to guide legislators into addressing social issues and adopting perspectives on social policy that would not otherwise be the case.

These points gain in importance when one considers that celebrities tend to affiliate with causes for haphazard reasons. For example, celebrities sometimes affiliate with an issue because their agents recommend it or because other celebrities have already affiliated with that issue, rather than because they have determined, after serious research and contemplation, that the specific issue or view they have chosen to promote merits greater legislative attention than it is currently receiving. Likewise, celebrity entertainers are sometimes sincerely touched by the social issues they encounter in their acting roles or personal experiences but lack the broader perspective needed to ensure that more important issues do not go unaddressed, or even that the proposals they support adequately address the issues. Obviously, other witnesses may be equally myopic with regard to the issues they address, but most of them exert much less influence on public opinion and congressional decision making. It is precisely the combination of exorbitant influence with lack of expertise and broad perspective that makes celebrities a uniquely chaotic force in the legislative process. While formal education is not the \textit{sine qua non} of high caliber.

that the Pasadena Police Department was investigating calls to one of the rescue owners “from several angry persons who threatened her life and her property.”). A long line of research also has demonstrated that people who are not engaged with an issue tend to make decisions based on factors other than a thorough consideration of the available information. In one study, researchers presented participants with magazine advertisements featuring either strong or weak arguments for a product—a disposable razor—and an endorsement by either a sports celebrity or an average citizen. Participants who were motivated to learn about the product based their attitudes toward the product on the arguments rather than on the presence or absence of a celebrity endorser. Participants who were not motivated to learn about the product, in contrast, were more influenced by the presence or absence of the celebrity endorser than the arguments. Richard E. Petty et al., \textit{Central and Peripheral Routes to Advertising Effectiveness: The Moderating Role of Involvement}, 10 J. CONSUMER RES. 135 (1983). Celebrities may have a similar impact in the policy arena given citizens’ generally lackluster approach to social issues.

\footnote{E.g., \textit{Showbiz and Politics: Should They Mix?} U.S. NEWS & WORLD REP., Apr. 26, 1982 (“You get a lot more press coverage when you have a big-name star. They don’t have more influence than the average person with a member, but they do have more influence with public opinion in general, and that, in turn, influences the member.”) (quoting Rep. Walter Jones).}

\footnote{See \textit{supra} notes ___ and accompanying text.}
testimony, it is nonetheless an important factor when evaluating witness’ qualifications, and particularly the qualifications of unusually influential witnesses. Only two of the 507 celebrities had received formal education on the issue(s) about which they testified, as documented either in the congressional transcripts or publicly available information on the celebrities.\textsuperscript{152} Beyond lacking formal education in the specific issues on which they testified, there was no evidence that the celebrity witnesses had received similar training in policy analysis.

It could be argued that celebrity testimony is more legitimate when celebrities have direct personal connections to the issues they address in their testimony (than when they are no more connected to the issues than is the average American).\textsuperscript{153} It is important, however, to consider the conditions under which they are called to testify. When one takes into account that only a miniscule percentage of non-celebrities who are directly affected by issues are invited to testify before Congress about their experiences with and perspectives on the issues, it is evident that celebrity witnesses who are directly affected by issues are afforded preferential treatment by Congress and/or are playing a similar role to that played by celebrity witnesses not directly affected by the issues.

Finally, one may question whether legislators are proceeding with the country’s best interests in mind when they draw attention to themselves and their work through the reflected glory of celebrity entertainers rather than the quality of the work itself. While the entertainment

\textsuperscript{152} These two celebrities were Miss America Kaye Rafko and comedian/actor/host Bill Cosby. Rafko, who testified on a nursing shortage, was a registered nurse. More of a stretch, Cosby holds a doctorate in education and testified on the impact of the Reagan Administration’s budget cuts on social service programs for children, focusing mainly on his own childhood.

\textsuperscript{153} Of the 507 celebrities who testified during the timeframe of the study, 283 (55.8\%) had a direct connection to the issues they addressed, defined as the celebrity or a close family member being personally impacted by the issue and this impact differing from that experienced by society at large. For example, Michael J. Fox and Muhammad Ali testified in favor of increased federal funding for Parkinson’s research after having been diagnosed with the disease; Jason Alexander advocated for increased federal funding for scleroderma research after his sister contracted the disease; Audrey Hepburn testified for increased funding for UNICEF famine relief efforts after having received UNICEF aid as a child, Scientologist John Travolta testified in favor of a resolution addressing perceived religious discrimination directed at the Church of Scientology, and Carole King testified in favor of wilderness preservation efforts near her residence. On the other hand, the following are examples of celebrities who were classified as not having a direct connection to the issues on which they testified: Richard Moll favoring reduced global ozone depletion, Julia Roberts advocating for federal funding of Rett Syndrome research after meeting a young girl who suffered from the disease, Elizabeth Taylor advocating for increased federal funding for HIV/AIDS research and prevention and treatment services after some of her friends were infected, Gretchen Wyler testifying in favor of safeguards against the mistreatment of animals in laboratories, John Andretti opposing flag desecration, and Bono supporting increased foreign assistance to developing countries.
industry may often reward image over substance, that practice should not carry over into the congressional realm.

B. Celebrity Testimony and Democratic Ideals

Celebrity entertainers’ formal participation in the legislative process may also be assessed in light of fundamental democratic ideals. Celebrity testimony at congressional hearings may be viewed as a means by which to encourage the generally apathetic public to become avid consumers of political and social information and active participants in the policy making process. \(^{154}\) Interested parties, including advocacy organizations and Congress, use celebrity entertainers to entice people to become politically active. \(^{155}\) At the very least, celebrity involvement may be thought to increase citizen interest in and knowledge about the particular issues with which celebrities have affiliated. Moreover, it is possible that this interest may spread to other issues, creating a yet more socially involved citizenry. Again, the flaw in that argument is that the public adheres to the position espoused by the celebrity mainly if not merely because the celebrity spoke publicly in favor of it rather than because an informed, rational evaluation supports that position. \(^{156}\) A superficially engaged public is not an informed public, and the former should not be mistaken for the latter. Formally including celebrity entertainers in

\(^{154}\) See e.g., JOHN R. HIBBING & ELIZABETH THEISS-MORSE, STEALTH DEMOCRACY: AMERICAN’S BELIEFS ABOUT HOW GOVERNMENT SHOULD WORK 1-2 (2002) (discussing research findings that Americans have little desire to participate in political decisions, generally do not possess strong opinions on social issues, and prefer to engage in “nonpolitical pursuits”). One plausible explanation for this political apathy focuses on the appearance of the telegraph and subsequent mass communication technologies, all of which severely lowered the degree to which information is intended to be used versus merely enjoyed. NEIL POSTMAN, AMUSING OURSELVES TO DEATH: PUBLIC DISCOURSE IN THE AGE OF SHOW BUSINESS 69 (1985). According to this theory, telegraphy legitimized the idea that “the value of information need not be tied to any function it might serve in social and political decision-making and action, but may attach merely to its novelty, interest, and curiosity.” POSTMAN at 65. Subsequently developed media have enhanced this mindset, and over time a significant portion of the public has become more engrossed in trivialities than serious subjects. This theory aligns with the entertainment component of celebrity appeal discussed \textit{supra}, at note ___ and accompanying text. A possible complementary explanation for Americans’ generally limited interest in social issues is information overload. In a complex society, citizens may opt to pay little attention to matters they perceive as lacking a clear connection to their daily lives. When their immediate responsibilities are fulfilled, Americans gravitate toward leisure activities rather than intellectual endeavors such as social policy. A recent study, for example, found that whereas only one in 1,000 participants could name the rights granted by the First Amendment, one in five could name all five members of \textit{The Simpsons}’ namesake family. The study also found that more participants could name the three judges on \textit{American Idol} than could name three First Amendment protections. Anna Johnson, \textit{Study: Few Americans Know 1st Amendment}, ASSOC. PRESS, Mar. 1, 2006. Thus, popular culture seems to be a more powerful draw than even the most fundamental underpinnings of American law.

\(^{155}\) See \textit{supra} note ____ and accompanying text.

\(^{156}\) See \textit{supra} note ____ and accompanying text.
the legislative process as witnesses at congressional hearings undermines the democratic ideal of
citizen representation in its intended sense. It also is not at all clear that people who become
engaged in a social issue because a revered celebrity entertainer is affiliated with the issue
become more civically oriented. If this were the case, one might expect a noticeably larger
contingency of socially engaged Americans attributable to the many celebrities who have
become social advocates since the 1980s. Yet citizens remain collectively unknowledgeable
about and uninterested in social policy.

That legislators call celebrity witnesses and support the positions taken in celebrity
testimony because they succumb to celebrity appeal is also problematic. Ideally, legislators in a
democracy would refrain from more often attending or giving greater weight to the opinions of
celebrity entertainers than to the opinions of average citizens, and certainly would not prefer
celebrity entertainers’ convictions over the conclusions of bona fide experts. They also would
not renege on their professional responsibilities and shift the power to shape social policy to
celebrities, as illustrated in the following statement by a representative:

I think what you are doing by getting some attention and some focus is . . . what
this country is all about, is that it is the country of the people and by the people.
And those of us you have elected up here, we are simply your hired men. You
are the ones that can make the difference and you are the ones that can make a
change, whatever that change might be. 157

The principle of majority rule is thwarted when celebrity entertainers, although representing the
interests of some segments of society, dominate in the policy arena. Their participation raises
particularly serious procedural and distributive justice concerns insofar as the issues and
perspectives with which they affiliate gain policy makers’ attention for reasons other than
substance.

Celebrity testimony embodies the “pseudo-event” described by Daniel Boorstin.
According to Boorstin, pseudo-events are: 1) planned, 2) designed to be newsworthy and widely
distributed, 3) intriguing to the audience, which might question the motives behind the event, and

157 Reorganization of the U.S. Department of Agriculture: Hearing Before the Subcomm. on Department Operations
(speaking to Willie Nelson).
4) designed to create a self-fulfilling prophecy. They “tend to be more interesting and more attractive than spontaneous events” and “to drive all other kinds of events out of our consciousness, or at least to overshadow them.” His concern is that, contrary to the ideals underlying the First Amendment’s guarantee of free expression, the citizenry is “informed” by a marketplace of ideas cluttered with competing pseudo-events at the expense of meaningful social discourse. The celebrity-testimony genre of pseudo-event, besides being distracting and perhaps compounding the factors that result in public disengagement from social discourse, may be detrimental for another reason as well. It may further blur the increasingly gossamer distinctions between: 1) types of celebrity in America—those looked to for their talent or image within the entertainment industry and those appointed or elected to provide leadership on complex and varied social issues, 2) entertainment and politics, and 3) fiction and reality. As politicians adapt to the public’s desire for minimal substantive discussion and try to appeal to citizens via other routes provided by the mass media—including appearances on talk shows such as *Oprah*, *The Colbert Report* and *The Tonight Show*—these distinctions break down. Formally integrating celebrity entertainers into the lawmaking process as congressional witnesses can only

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158 Daniel J. Boorstin, *The Image: A Guide to Pseudo-Events in America* 11-12 (1961). By self-fulfilling prophecy, Boorstin means that the issues are presented as unusually important and thereby become so in the eyes of the audience members. While the main audience for celebrity testimony may be citizens, an additional audience is fellow legislators. Oddly enough, legislators appear to mistake, at times, the attention that celebrity entertainers draw to a social issue for public interest in and support of that social issue. Consider, for example, Senator Landrieu’s statement to Ben Affleck when he testified on ataxia-telangiectasia: “Let me begin by thanking you for your focus on this important work. I can see from the numbers of people here and from the numbers of people who are tuned into this hearing that it is a vitally important issue for our Nation.” *Promise of the Genomic Revolution: Hearing Before the Subcomm. on Labor, HHS, and Education Appropriations of the Senate Comm. on Appropriations*, 107th Cong. 42 (2001) (statement of Sen. Landrieu, Member, Senate Comm. on Appropriations).

159 Boorstin, *supra* note ___ at 37.

160 Id. at 35.

161 Postman draws upon the writings of George Orwell and Aldous Huxley to frame the concern as follows:

What Orwell feared were those who would ban books. What Huxley feared was that there would be no reason to ban a book, for there would be no one who wanted to read one. Orwell feared those who would deprive us of information. Huxley feared those who would give us so much that we would be reduced to passivity and egoism. Orwell feared the truth would be concealed from us. Huxley feared the truth would be drowned in a sea of irrelevance. Orwell feared we would become a captive culture. Huxley feared we would become a trivial culture . . . .

magnify the effects. It may cause the public to feel validated in taking policy advice from
celebrity entertainers, and it may bolster celebrities’ confidence that they can and should play an
integral role in public policy discussions despite their total or near total lack of qualifications.\textsuperscript{162}

Perhaps the most positive statement that can be made in favor celebrity entertainer
testimony is that it may diminish power disparities in government decision making by
counterbalancing influences exerted by business lobbyists.\textsuperscript{163} In other words, celebrities, with
their preponderantly liberal and moderate views,\textsuperscript{164} may magnify voices that would otherwise go
unheard and that may balance out the influences of corporate lobbyists who tend to skew policy
making toward the interests of economically potent groups.\textsuperscript{165} This appears to explain why,
according to Michael J. Fox, other Parkinson’s patients do not “mind that I get more attention
than they do. They simply say that if I get a shot at this microphone that I start talking, so here I
am again.”\textsuperscript{166} It may also explain Senator Voinovich’s opposition to Kevin Richardson’s

\textsuperscript{162}E.g., RONALD BROWNSTEIN, THE POWER AND THE GLITTER: THE HOLLYWOOD-WASHINGTON CONNECTION 236
(1992) (“As politics came to be seen as more packaged, slicker, more like acting, many stars felt less anxiety about
using their celebrity as a political tool. Since politicians were openly, willingly, embracing the actor’s tools—
artifice, image, fame—the star activists were less hesitant to apply the same assets to their own causes.”); Id. at 9
(1992) (quoting Ron Silver, President, Creative Coalition):

No one politician is trained to make the thousands of decisions politicians are
called on to make . . . . When you watch two congressmen debating the nuclear
freeze [on television], they are going to be in the same position as Charlton
Heston or Richard Dreyfuss or anyone else. The question is not who is going to
be more expert, or who has more information, the question is going to be which
one is more effective communicating, emotionally.

\textsuperscript{163}See supra Part ____.

\textsuperscript{164}See supra Part ____.

\textsuperscript{165}See e.g., Bernard Weinraub, HOLLYWOOD TAKES POLITICS SERIOUSLY, BUT WANTS A LITTLE RESPECT, N.Y. TIMES, June
28, 1992 (“[T]he Hollywood liberal community can afford to take absolutist positions on issues precisely because
they aren’t politicians . . . . I think they are a group of really privileged wealthy people who can take an honest
position and put it on the line to these candidates.”) (quoting Margery Tabankin, executive director of the
Hollywood Women’s Political Committee).

\textsuperscript{166}Stem Cell Research, Part 3: Hearing Before the Subcomm. on Labor, Health and Human Services, and
Education Appropriations of the Senate Comm. on Appropriations, 106th Cong. 117 (2000) (statement of Michael J.
Fox). The degree to which celebrities actually represent large portions of the citizenry, and particularly those on
whom the hearing is supposed to be focused, depends on the quality of the match between the issue and the content
of the celebrities’ testimony. For example, at a hearing on women’s health issues, Rod Steiger testified on his own
experiences with mental illness. Afterward, when Senator Specter asked Steiger about his performance in
“Oklahoma,” one audience member was unable to contain her frustration: “Excuse me. I apologize for being rude, I
really do. But what does this have to do with women’s health? You know, you have almost made a mockery out of
the diseases that we suffer from by going through this. I am sorry. I do not mean to be rude, but ask about our
health.” WOMEN’S HEALTH ISSUES: HEARING BEFORE THE SUBCOMM. OF THE SENATE COMM. ON APPROPRIATIONS, 104th
testimony,\textsuperscript{167} the senator received substantial financial support from the coal industry at the time he disparaged the musician’s testimony on mountain top mining.\textsuperscript{168} Some of the causes that celebrity entertainers represent may benefit big business, but these benefits are secondary, just as any benefits to the public resulting from traditional lobbying interests are ancillary. Celebrities’ primary concerns are traditionally underrepresented segments of the public and the public at large. Thus, although celebrity testimony may run contrary to the democratic ideal that any given individual citizen should not exert an inordinately strong influence on the lawmaking process, it appears to neutralize to some degree other individuals and groups wielding substantial power within the political system. Countering one inappropriately powerful influence with another, however, is certainly not the most direct path to realizing democratic values such as treating the needs of all citizens with equal consideration and maximizing societal prosperity through equal opportunity for all.

Given that celebrity entertainer testimony is a transparent influence on the legislative process, it could be viewed as less damaging to democratic ideals than \textit{sub rosa} influences. It is precisely the public nature of the phenomenon, however, that renders it so effective at introducing irrelevant variables into public policy decisions. The democratic ideal of government transparency rests on the premise that the government will be held accountable for flawed decision processes and their outcomes of which the citizenry becomes aware, and celebrity testimony would appear to fall squarely in both of these categories.

CONCLUSION

The negative consequences of celebrity testimony suggest that it may be worthwhile to consider whether Congress could reasonably limit it in some way. One option would be for legislators to refrain altogether from inviting celebrity entertainers to testify at congressional hearings. Celebrities would be relegated to influencing social discourse and public policy

\textsuperscript{167} See \textit{supra} note ____ and accompanying text.

\textsuperscript{168} Center for Responsive Politics, http://www.opensecrets.org/industries/recips.php?ind=E1210&cycle=2002&recipdetail=A&mem=Y&sortorder=U (reporting that Voinovich received $32,700 from the coal mining industry during the 2001-02 election cycle, the timeframe within which Richardson testified).
through less formal channels, such as direct communications with the public and private fundraising. Although this approach would certainly address concerns associated with celebrity testimony, the resulting attenuation of the many benefits to legislators make it an unlikely reform. Individual legislators will hesitate to exercise restraint in inviting celebrity witnesses if their colleagues are extending invitations, such that there would need to be general agreement within Congress against celebrity testimony. While Republicans may be more than willing to adhere to a universal ban because of the liberal bent of most celebrity entertainers, Democrats are unlikely to sign away this social capital that so often inures to their personal benefit and that of the issues and perspectives they support. Moreover, given the many and varying motivations of legislators in hearing celebrity testimony, there may not be agreement in favor of precluding celebrities from testifying even among Republicans. Perhaps most importantly, this approach would categorically preclude celebrity entertainers from participating in the federal policy making process merely because of their celebrity status. While it may be inappropriate to call celebrity witnesses to testify on social policy issues generally, it may be equally objectionable to preclude them from testifying entirely because they are celebrities.

A second option would be for Congress to invite celebrity entertainers to testify only on issues that directly affect them. It may be difficult, however, for Members of Congress to define “direct impact” satisfactorily. One potential definition of “direct impact” is, of course, offered supra in Part III.A. Whereas this definition is helpful for objectively classifying celebrity testimony for purposes of this research, it and other apparently clear definitions of direct impact may be interpreted in various ways in Congress, ultimately rendering the concept unmeaningful. Moreover, limiting celebrities to those issues that directly impact them would greatly reduce their effectiveness in counterbalancing traditional lobbying interests.

A third option would be for Congress to invite celebrity entertainers to testify on any social issue, but to limit celebrities to bringing attention to issues. The present study found that virtually all celebrity witnesses did more than bring attention to issues in their testimony; they also proposed solutions, endorsed or opposed contemplated solutions, or combined these approaches. If the main purpose of celebrity testimony, as frequently claimed, is to alert legislators and the public to particular social issues and then to leave potential solutions to the experts, then limiting celebrities witnesses to a brief factual statement on the issue should suffice. However, the thinness of the distinction between merely bringing awareness to an issue and
influencing the public’s and Congress’ views on that issue means that celebrity witnesses likely would continue to exert a substantial influence on policy regardless of whether they directly advocated for change. This approach would, however, limit their testimony to issues rather than solutions, which could decrease their influence on public policy when issues may be addressed in alternative ways—for example, how to address homelessness or crime—as opposed to issues that call for more dichotomous decisions such as whether to allocate research for certain medical disorders.

While the latter two alternative approaches—limiting celebrities to testifying only when they are directly impacted by issues and limiting the content of their testimony to bringing attention to these issues—could, particularly in combination, improve on the current situation, Congress has little incentive to implement either. The predominant view in Congress is that celebrity entertainers have a positive impact on social policy. Celebrity advocates are also staunch adherents of this view and can be expected to continue pressing for congressional action on the issues they deem a priority. Perhaps because legislators value celebrity entertainers’ influence on the legislative process, not to mention the accompanying personal perquisites for legislators, they generally perceive criticism of celebrity testimony as an unfair attempt to curtail celebrities’ participation in social discourse.\(^\text{169}\) And perhaps most importantly, the media are unlikely to curtail their coverage of celebrity entertainer testimony given that celebrity stories require minimal effort to write and the public readily consumes them.\(^\text{170}\) The media are relied

\(^{169}\) E.g., Women’s Health Issues: Hearing Before the Subcomm. of the Senate Comm. on Appropriations, 104th Cong. 161 (1996) (statement of Sen. Boxer) (“[I]f anyone ever says to anyone who happens to be in the business of entertainment, acting, directing, that that means you give up your right to participate in the debate, I just think you look them in the eye and you say, I am proud to do whatever I can to make this country better.”) (speaking to actor Rod Steiger). Of course, this view overlooks the fact that celebrity entertainers are not invited to testify because they “happen” to in show business. Rather, they are invited “because” they are in show business, and the odds of them being called to testify if they were not celebrity entertainers would be close to zero.

\(^{170}\) This form of journalism has been severely criticized. According to noted journalist Carl Bernstein, for example, since at least the late 1970’s, journalists “have been moving away from real journalism toward the creation of a sleazy info-tainment culture . . . . In this new culture of journalistic titillation, we teach our readers and our viewers that the trivial is significant, that the lurid and the loopy are more important than real news.” Carl Bernstein, The Idiot Culture, NEW REPUBLIC, June 8, 1992, at 24-25. See also NEIL POSTMAN, AMUSING OURSELVES TO DEATH: PUBLIC DISCOURSE IN THE AGE OF SHOW BUSINESS 107-108 (1985) (“And in saying that the television news show entertains but does not inform, I am saying something far more serious than that we are being deprived of authentic information. I am saying that we are losing our sense of what it means to be well informed.”). But it nonetheless continues unabated. As just one more recent example, the press reported the following when Cher attended a hearing before a House Armed Services subcommittee: “The subject was whether to modify helmets for soldiers in Iraq, but all eyes were on Cher . . . . [The singer], wearing a white lace top under a black pant suit, looked solemn as
upon to foster transparency in government by informing citizens on important social issues so that they may participate in the democratic process, but journalists have lost sight of this central function, being blinded by glitterati. While a significant change in behavior by any one of these key players—the public, legislators, celebrities or the media—could potentially alter the incentive structure underlying celebrity entertainers’ participation in the legislative process, a more likely scenario is that it will continue to be an integral part of American lawmaking. Whatever the prospects for near-term action, the negative effects of celebrity entertainer testimony on rational lawmaking and democratic ideals are sufficiently evident.

she sat behind the group’s founder, Dr. Bob Meaders, while he testified.” Cher Attends Hearing on Effectiveness of Soldiers’ Helmets, ASSOC. PRESS, June 15, 2006.
APPENDIX A: STUDY METHODOLOGY

The first part of the study entailed manually searching hard-copy versions of the Congressional Information Service’s (CIS) Annual Abstracts for the names of individual celebrity entertainers who testified before Congress during the years 1980-2004. Searching the bound volumes was necessary to identify the entire population of celebrity entertainer witnesses, given that electronic databases of congressional testimony do not consistently label congressional witnesses in a way that permits all celebrity entertainer witnesses to be found using keyword searches. Many celebrity entertainers who testify before Congress are either labeled with a title not related to their profession (e.g., as activists or representatives of organizations) or are not labeled at all (i.e., only their names appear in the electronic database).

The 1980-2004 timeframe provides an opportunity to explore trends in celebrity testimony through recent decades. It also captures what is likely the most meaningful period of celebrity testimony before Congress, as it was in the 1980’s that celebrity entertainers became firmly enmeshed in American social policy and politics. Given that CIS sometimes does not report a witness’ testimony until a few years after it occurs, the 1980-2007 volumes were searched in order to capture celebrity testimony that occurred during the years of interest but was reported subsequently.

In conducting these searches, “celebrity entertainer” was defined as “a person who is well-known by a substantial portion of the American public for his or her work in the entertainment industry.” This definition draws from the Oxford English Dictionary’s (OED) definitions of “celebrity” and “entertainer”: the OED defines a “celebrity” as a person “much extolled or talked about,” a person of “famousness” or “notoriety”; and it defines “entertainer” as someone who “furnishes amusement.” The definition also aligns with Daniel Boorstín’s classic, if circular, exposition—“The celebrity is a person who is known for his well-knownness”—applied to entertainment-oriented professions. The “entertainment industry” was initially deemed to include actors and directors, professional athletes and Olympic medalists, professional athletes and Olympic medalists,

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171 See supra note ___.

172 OXFORD ENGLISH DICTIONARY ONLINE (2d ed. 1989).

musicians, beauty pageant winners, subjects of documentaries, participants in reality television shows, television and radio show hosts, comedians, supermodels, authors and newscasters. While searching the CIS volumes for celebrities in these categories, a Muppet was uncovered and also included in the study.

Witnesses listed in the CIS hardbound volumes who could possibly be celebrity entertainers were searched on Google. If these searches failed to identify the person as a celebrity entertainer, the person was not included in the study, as it is presumed that celebrity entertainers have at least some presence on the Internet. Identification of the celebrities took on average 25 hours for each of the 28 CIS volumes.

During this phase of the study, steps were taken to preclude an overly expansive view of the phenomenon. Because the study focuses on federal policy making, it includes only celebrity entertainers of national or international renown; local and regional celebrities are omitted. Instances in which celebrity entertainers testified on topics directly relevant to their professions also are excluded. Finally, celebrity entertainers who held a popularly elected political position of mayor or higher when they testified are not included in the study, following the logic that these persons were elected by the public to provide their perspectives on, and make decisions concerning, social issues and are thus distinct from other celebrity entertainers operating in the federal policy arena.

The second phase of the study involved a content analysis of the 507 congressional transcripts recording celebrity entertainers’ testimony. This process ensured that the persons who testified were actually celebrity entertainers as opposed to persons who merely possessed names identical to those of celebrity entertainers. In addition, it revealed the characteristics of celebrity entertainers congressional testimony presented in Part I, supra.

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174 For example, only winners of Miss America and Miss Universe pageants and only nationally syndicated newscasters are included.

175 For example, professional boxers testifying on government regulation of professional boxing, musicians testifying on intellectual property issues regarding artistic works and actors testifying in support of funding for the arts and humanities are excluded. Celebrity entertainers who were members of another profession relevant to the topic addressed by their testimony likewise are omitted; these include author/attorney Scott Turow testifying on capital punishment and actor/investment analyst Wayne Rogers testifying on the banking industry.

176 These persons include professional wrestler Jesse Ventura testifying as governor of Minnesota, musician Sonny Bono testifying as mayor of Palm Springs, California, and professional basketball player Bill Bradley testifying as U.S. Senator from New Jersey.
The final phase of the study drew upon several types of secondary sources, including popular media coverage of celebrity entertainer testimony, behavioral science theory, and prior qualitative studies of celebrities’ involvement in political and social affairs. These sources supplemented the empirical data to provide a stronger foundation from which to consider celebrity testimony’s influence on the legislative process and its alignment with fundamental democratic principles.
## Appendix B: Tabulated Data

### Table 1. Frequency of Celebrity Testimony over Time

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Number of Celebrity Appearances</th>
<th>Pages of Reported Hearings</th>
<th>Pages per Celebrity Appearance</th>
<th>Change in Appearances by 5-Year Time Period</th>
<th>Change in Appearances 1980/84 to 2000/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-84</td>
<td>68</td>
<td>4761</td>
<td>70.0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1985-89</td>
<td>108</td>
<td>4562</td>
<td>42.2</td>
<td>+65.9%</td>
<td>--</td>
</tr>
<tr>
<td>1990-94</td>
<td>131</td>
<td>4336</td>
<td>33.1</td>
<td>+27.5%</td>
<td>--</td>
</tr>
<tr>
<td>1995-99</td>
<td>114</td>
<td>3067</td>
<td>26.9</td>
<td>+23.0%</td>
<td>--</td>
</tr>
<tr>
<td>2000-04</td>
<td>86</td>
<td>2812</td>
<td>32.7</td>
<td>-17.7%</td>
<td>+114.1%</td>
</tr>
</tbody>
</table>

### Table 2. Category of Celebrity

<table>
<thead>
<tr>
<th>Category of Celebrity</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actor or Director</td>
<td>220 (43.4%)</td>
</tr>
<tr>
<td>Professional Athlete/Olympic Medalist/Sportscaster/ Sports Author</td>
<td>133 (26.2%)</td>
</tr>
<tr>
<td>Musician</td>
<td>33 (6.5%)</td>
</tr>
<tr>
<td>Beauty Pageant Winner</td>
<td>13 (2.6%)</td>
</tr>
<tr>
<td>Newscaster</td>
<td>10 (2.0%)</td>
</tr>
<tr>
<td>Author</td>
<td>6 (1.2%)</td>
</tr>
<tr>
<td>TV or Radio Show Host</td>
<td>4 (&lt;1.0%)</td>
</tr>
<tr>
<td>Comedian</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Model</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Documentary or Reality Show Participant</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Muppet</td>
<td>1 (&lt;1.0%)</td>
</tr>
<tr>
<td>Two or More of the Above</td>
<td>80 (15.8%)</td>
</tr>
</tbody>
</table>

177 Dividing the number of pages in the CIS volumes (a proxy for the overall number of witnesses who appeared before congressional hearings during the years captured by the study) by the number of celebrity appearances produces a more informative measure of the frequency of celebrity testimony. Without this calculation, changes in the number of celebrity appearances over time could be attributable merely to fluctuations in the overall number of congressional witnesses.

178 Two checks on the data were conducted to ensure that changes in the frequency of celebrity testimony over time were not attributable to extraneous factors. First, the formatting of the Congressional Information Service volumes (e.g., type size, margin size) remained consistent over time. Moreover, CIS reported all published congressional hearings during each of the years under study. Email from Priscilla McIntosh, LexisNexis Academic & Library Solutions, to Beth DiFelice, Assistant Director & Head of Public Services, Ross-Blakely Law Library, Sandra Day O’Connor College of Law, Arizona State University, Sept. 3, 2008 (on file with author).
Table 3. Category of Celebrity over Time

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Actor</td>
<td>32</td>
<td>54</td>
<td>56</td>
<td>42</td>
<td>36</td>
</tr>
<tr>
<td>Athlete</td>
<td>16</td>
<td>27</td>
<td>33</td>
<td>39</td>
<td>18</td>
</tr>
<tr>
<td>Musician</td>
<td>5</td>
<td>7</td>
<td>8</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

Table 4. Committees Before Which Celebrity Entertainers Testified

<table>
<thead>
<tr>
<th>Congressional Committee</th>
<th>Celebrity Appearances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate</td>
<td></td>
</tr>
<tr>
<td>Appropriations (S) (1980-2004)</td>
<td>85 (15.8%)</td>
</tr>
<tr>
<td>Health, Education, Labor and Pensions (S) (1999-2004)</td>
<td>63 (11.7%)</td>
</tr>
<tr>
<td>Labor and Human Resources (1980-1998)</td>
<td></td>
</tr>
<tr>
<td>Judiciary (S) (1980-2004)</td>
<td>19 (3.5%)</td>
</tr>
<tr>
<td>Governmental Affairs (S) (1980-2004)</td>
<td>13 (2.4%)</td>
</tr>
<tr>
<td>Special Aging (T) (1980-2004)</td>
<td>12 (2.2%)</td>
</tr>
<tr>
<td>Energy and Natural Resources (S) (1980-2004)</td>
<td>10 (1.9%)</td>
</tr>
<tr>
<td>Environment and Public Works (S) (1980-2004)</td>
<td>9 (1.7%)</td>
</tr>
<tr>
<td>Commerce, Science and Transportation (S) (1980-2004)</td>
<td>6 (1.1%)</td>
</tr>
<tr>
<td>Indian Affairs (S) (1984-2004)</td>
<td>5 (&lt;1.0%)</td>
</tr>
<tr>
<td>Banking, Housing and Urban Affairs (S) (1980-2004)</td>
<td>4 (&lt;1.0%)</td>
</tr>
<tr>
<td>Finance (S) (1980-2004)</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Foreign Relations (S) (1980-2004)</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Agriculture, Nutrition and Forestry (S) (1980-2004)</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Small Business and Entrepreneurship (S) (2001-2004)</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Select Small Business (1980)</td>
<td></td>
</tr>
<tr>
<td>Armed Services (S) (1980-2004)</td>
<td>0</td>
</tr>
<tr>
<td>Budget (S) (1980-2004)</td>
<td>0</td>
</tr>
</tbody>
</table>

179 Table 3 includes all standing committees that existed in the 1980-2004 time period, with the years they existed in parentheses. “Standing Committees of Congress: 1789 to Present,” Richard J. McKinney, Federal Reserve Board (July 2008), http://www.llsdc.org/attachments/wysiwyg/544/Standing-Cmtes.pdf. Comparable information for temporary committees—such as investigative, select and special committees—and commissions is unavailable. Email from Richard McKinney, Assistant Law Librarian, Federal Reserve Board, to Beth DiFelice, Assistant Director & Head of Public Services, Ross-Blakely Law Library, Sandra Day O’Connor College of Law, Arizona State University, Sept. 4, 2008 (on file with author). Consequently, only those temporary committees and commissions before which celebrity entertainers testified are included in the table. The standing committees are marked “(S),” and the temporary committees are marked “(T).”

180 When a committee was known by multiple names during the years covered by the study, each name is listed. Celebrity testimony before a subcommittee is reported as the committee under which the subcommittee fell (147 celebrity testimonies took place before committees, and 392 were before subcommittees).
<table>
<thead>
<tr>
<th>Committee/Naming Authority (S) (1980-2004)</th>
<th>Count</th>
</tr>
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<tbody>
<tr>
<td>Rules and Administration (S) (1980-2004)</td>
<td>0</td>
</tr>
<tr>
<td>Veterans’ Affairs (S) (1980-2004)</td>
<td>0</td>
</tr>
<tr>
<td><strong>House</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriations (S) (1980-2004)</td>
<td>74 (13.7%)</td>
</tr>
<tr>
<td>Government Reform and Oversight (S) (1995-2004)</td>
<td>28 (5.2%)</td>
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<tr>
<td>Post Office and Civil Service (1980-1994)</td>
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</tr>
<tr>
<td>Select Aging (T) (1980-1993)</td>
<td>26 (4.8%)</td>
</tr>
<tr>
<td>Education and the Workforce (S) (1999-2004)</td>
<td>20 (3.7%)</td>
</tr>
<tr>
<td>Economic and Educational Opportunities (1995-1998)</td>
<td></td>
</tr>
<tr>
<td>International Relations (S) (1995-2004)</td>
<td>19 (3.5%)</td>
</tr>
<tr>
<td>Foreign Affairs (1980-1994)</td>
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<tr>
<td>Resources (S) (1995-2004)</td>
<td>16 (3.0%)</td>
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<tr>
<td>Natural Resources (1993-1994)</td>
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<tr>
<td>Interior and Insular Affairs (1980-1992)</td>
<td></td>
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<tr>
<td>Judiciary (S) (1980-2004)</td>
<td>15 (2.8%)</td>
</tr>
<tr>
<td>Select Child, Youth and Families (T) (1983-1993)</td>
<td>10 (1.9%)</td>
</tr>
<tr>
<td>Select Narcotics Abuse and Control (T) (1980-1993)</td>
<td>10 (1.9%)</td>
</tr>
<tr>
<td>Agriculture (S) (1980-2004)</td>
<td>8 (1.5%)</td>
</tr>
<tr>
<td>Ways and Means (S) (1980-2004)</td>
<td>7 (1.3%)</td>
</tr>
<tr>
<td>Financial Services (S) (1999-2004)</td>
<td>6 (1.1%)</td>
</tr>
<tr>
<td>Budget (S) (1980-2004)</td>
<td>5 (&lt;1.0%)</td>
</tr>
<tr>
<td>Science (S) (1995-2004)</td>
<td>5 (&lt;1.0%)</td>
</tr>
<tr>
<td>Science, Space and Technology (1987-1994)</td>
<td></td>
</tr>
<tr>
<td>Science and Technology (1980-1986)</td>
<td></td>
</tr>
<tr>
<td>Veterans’ Affairs (S) (1980-2004)</td>
<td>5 (&lt;1.0%)</td>
</tr>
<tr>
<td>Select Hunger (T) (1984-1993)</td>
<td>3 (&lt;1.0%)</td>
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<tr>
<td>Merchant Marine and Fisheries (S) (1980-1994)</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Small Business (S) (1980-2004)</td>
<td>1 (&lt;1.0%)</td>
</tr>
<tr>
<td>Transportation and Infrastructure (S) (1995-2004)</td>
<td>1 (&lt;1.0%)</td>
</tr>
<tr>
<td>House Administration (S) (1980-1994; 1999-2004)</td>
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<tr>
<td>Permanent Select Intelligence (S) (1980-2004)</td>
<td>0</td>
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<tr>
<td>Rules (S) (1980-2004)</td>
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</tr>
<tr>
<td>Standards and Official Conduct (S) (1980-2004)</td>
<td>0</td>
</tr>
</tbody>
</table>

56
### Joint

<table>
<thead>
<tr>
<th>Topic</th>
<th>Number of Celebrities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comm’n on Security and Cooperation in Europe (T) (1980-2004)</td>
<td>4 (&lt;1.0%)</td>
</tr>
<tr>
<td>Economic (S) (1980-2004)</td>
<td>1 (&lt;1.0%)</td>
</tr>
<tr>
<td>Library of Congress (S) (1999-2004)</td>
<td>0</td>
</tr>
<tr>
<td>Library (1980-1998)</td>
<td>0</td>
</tr>
<tr>
<td>Printing (S) (1980-2004)</td>
<td>0</td>
</tr>
<tr>
<td>Taxation (S) (1980-2004)</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 5. Issues Addressed by Celebrities

<table>
<thead>
<tr>
<th>Issues Addressed</th>
<th>Number of Celebrities181</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>327 (64.5%)</td>
</tr>
<tr>
<td>Crime</td>
<td>105 (20.7%)</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>40 (7.9%)</td>
</tr>
<tr>
<td>Environment</td>
<td>30 (5.9%)</td>
</tr>
<tr>
<td>Labor</td>
<td>22 (4.3%)</td>
</tr>
<tr>
<td>Families</td>
<td>19 (3.7%)</td>
</tr>
<tr>
<td>Homelessness, Public Housing and Hunger</td>
<td>19 (3.7%)</td>
</tr>
<tr>
<td>Disability</td>
<td>14 (2.8%)</td>
</tr>
<tr>
<td>Education</td>
<td>14 (2.8%)</td>
</tr>
<tr>
<td>Civil Rights</td>
<td>12 (2.4%)</td>
</tr>
<tr>
<td>Animal Rights</td>
<td>9 (1.8%)</td>
</tr>
<tr>
<td>Veterans</td>
<td>7 (1.4%)</td>
</tr>
<tr>
<td>Volunteerism</td>
<td>6 (1.2%)</td>
</tr>
<tr>
<td>Flag Desecration</td>
<td>5 (&lt;1.0%)</td>
</tr>
<tr>
<td>Energy</td>
<td>4 (&lt;1.0%)</td>
</tr>
<tr>
<td>Outer Space</td>
<td>4 (&lt;1.0%)</td>
</tr>
<tr>
<td>Literacy</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Status of Children in United States</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Young-Old Relations</td>
<td>3 (&lt;1.0%)</td>
</tr>
<tr>
<td>Freedom of Information</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>Social Security</td>
<td>2 (&lt;1.0%)</td>
</tr>
<tr>
<td>English as Official Language</td>
<td>1 (&lt;1.0%)</td>
</tr>
<tr>
<td>Golf as Character Education</td>
<td>1 (&lt;1.0%)</td>
</tr>
</tbody>
</table>

181 The frequencies total more than 507, and their corresponding percentages total more than 100%, because testimony that addressed multiple topics is classified as each of the topics.