

# Part II

## A Civics Review

In just a few minutes that woman on the subway had reminded me what good advocacy is all about: speaking up and seizing opportunities – in this case with one of the most powerful groups of all, the voters.

Every time I tell this story, listeners make up their own variations: one woman uses trips to the grocery store with her son to talk with him – and simultaneously educate other shoppers – about third-world issues; another now routinely lobbies other voters at her exercise class. And two men report they have turned the corridors of their office building into classes on child abuse policies. Two home care workers who live near their state capital say they use any free time between appointments to ride the elevators and discuss their current concerns. Grocery store lines, long waits at stoplights, waiting to get into a movie... anywhere there is a captive audience, the advocacy possibilities are endless.

As my friend on the subway made so clear, you don't have to be an expert to make a difference, and you don't have to go to Washington, DC or your state Capitol to lobby. Good advocates make opportunities wherever they go. But your group's ef-

fectiveness (and ability to do more than just raise an issue) will often depend on getting directly involved in the policy process, and for that it is important to be reminded how the process works.

Unless you happen to live in a state capital or work in a government job, it's easy to forget the things we all learned in social studies class. But policy advocacy efforts often depend on understanding how federal, state, and local governments work. By getting involved you are likely to become a better, more knowledgeable citizen and voter.

There are always new faces to learn, and from time to time the details change, but the basics have not changed since whenever you last had to learn them. And the best news is that there are points of influence at every level of government. "All politics is local" – that is, politics at any level has local consequences. And with your elected officials at every level, you have "the butter," the ability to wield some influence. Best of all, the techniques you learn by dealing with local school boards or city council members are the same techniques you will use in dealing with state legislators or U.S. senators.

## The System

There are three branches of government: a *Legislative* branch, which enacts laws; an *Executive* branch which carries out laws; and a *Judicial* branch, which interprets laws (and resolves any conflicts between the other two branches).

### Legislative

Congress is the federal legislative body; it consists of the Senate and House of Representatives, has a large staff (about 17,000 people), and meets year-



round. Every state has two U.S. senators and at least one representative (roughly one Representative for every 650,000 people).

State legislatures also consist of a Senate and House (in every state but Nebraska) though the lower House is sometimes called the Assembly; many state legislatures have little or no staff, and most meet for a limited number of days each year (nine are in session all year; a few only meet every other year).

City and County Councils are the most common form of local legislature. Some states have regional bodies as well (e.g., responsible for transportation or energy).

Anyone living in one of the 50 states is represented by: two U.S. senators and one U.S. representative in the federal Congress; one senator and one or more representatives in their state legislature; plus City and County Council members at the local level. We get to vote for all of them, and we have the right to indicate how we wish to be represented by all of them.

## Executive



The federal executive branch consists of the President and Vice President, 14 Cabinet-level departments (for example, the Department of Education), 29 Agencies (for example, the Central Intelligence Agency) and 11 independent regulatory commissions (like the Federal Trade Commission). About 2.6 million civilian and military employees work for the executive branch of the federal government.

Each state executive branch is headed by a governor and lieutenant governor, with various Cabinet-level departments (like a Department of Health); many also have independent agencies, boards, or commissions (e.g., for Higher Education or some time-limited issue).

Each local executive branch is typically headed by a Mayor, County Executive, and/or town manager, along with various local agencies (e.g., a County

Department of Public Health, a Transit Authority, city police and fire departments) to complete the picture. (Some local bodies, such as school boards and city councils, may perform legislative functions also.)

At every level, executive branch agencies use rule-making or regulatory functions to spell out in regulations the details by which the laws passed by the legislative branch will be carried out. Rule-making responsibilities are typically housed in each executive branch agency. The regulatory agencies also have powers of enforcement for existing laws and regulations. For example, the Environmental Protection Agency enforces clean air standards and state Public Utility Commissions set rates for utilities.

## Judicial



The federal judiciary consists of the Supreme Court, the U.S. Court of Appeals, and the U.S. District Court. Federal judges are appointed.

States also have trial courts and appellate courts, including the equivalent of a Supreme Court. The names of these courts vary greatly from state to state. State court judges may be appointed or elected.

At the local level there are Municipal Courts, plus Justice of the Peace Courts and Small Claims Courts.

The beauty of our system of government is that ultimately **we** – not some agency or official – **are the government**. And each of the branches, at every level, is susceptible to citizen influence to a greater or lesser degree.

All three branches of government, at every level, are directly accountable to us, the citizens. We just have to vote to have a voice. In addition we can use the media to expose problems, serve on advisory groups or as members of good government organizations, sponsor candidate forums, communicate with our elected officials, be good citizens – in short, we just have to be involved.

# Influencing the System



## The Legislative Branch

The ways in which citizens can influence legislative branch activity are almost limitless. Some of the many things citizens can do include:

- Suggest ideas for laws and draft them;
- Build public support and educate others about an issue;
- Draw attention to proposed laws by working with the media;
- Testify as to the merits of bills you care about;
- Analyze budgets and offer alternatives; and
- Lobby for or against passage of various bills and budget items.

Some situations offer special opportunities. For example, the fact that most state legislators have little or no paid staff makes them heavily reliant on citizens to offer ideas for legislation, provide the research, and even identify potential witnesses for hearings. In effect, citizens can act as “staff” for the legislators (some actually work in their legislators’ offices as volunteers). At the national level, where there is paid staff, meeting with staff can often be as good as (or sometimes better than) meeting with their bosses. All can use the help of good advocates.

Advocacy groups have a special role to play. For example, they can bring up issues that would otherwise get missed (like the lack of services for emotionally troubled youth). Advocates can assure that those directly affected (in this case, the families of troubled teens) do not find themselves waging lonely

battles for better policies, and can spread the word to likely allies. And advocates can push the limits of a debate, thus insuring that something more than the easy, politically popular causes get attention.

Sometimes advocates build on past victories. On the federal level, a series of stunning legislative victories has been won by advocates for people with disabilities (who used all of these techniques – drafting laws, testifying, using media, staging protests, lobbying for passage). In 1975 they won passage of the Education for all Handicapped Children Act requiring free, appropriate public education for any child with a disability. Then, after years of struggle, the disability advocates convinced the Congress and the President that it was in the national interest to go a step farther. In 1990 they won passage of the ADA – the Americans with Disabilities Act. That law extends the protections of the Civil Rights Act to everyone with physical or mental disabilities by ensuring equal access to employment, state and local government programs, and the benefits of life enjoyed by all Americans.

A few years later they built on the heightened visibility won through the ADA fight to win improvements affecting the law dealing with education of children with disabilities, now called Individuals with Disabilities Education Act. Together these laws are transforming the lives of millions of Americans with disabilities, and everyone who shares their communities.

Those laws did not come from some senator, representative, or well-paid lobbyist; they sprang directly from the mouths, pens, fact sheets, lives, and lobbying of countless people with disabilities, their families, friends, and advocates. When each of those bills was signed by a President, it marked one more victory – won not by some wealthy, insider elite, but by ordinary citizens, including those most directly affected.



## The Executive Branch

Citizens can influence executive branch policy in many ways. They can:

- Monitor program operation or serve as volunteers;
- Serve on agency advisory bodies;
- File comments on the regulations that govern how laws/programs are implemented;
- Call public attention to proposed regulations;
- Ask their elected representatives to monitor programs and comment on draft regulations;
- Challenge policies or regulations in the courts whenever they prove inconsistent with the law; or
- Participate in the decision-making process of an agency.

Policy advocates play a critical role when they work to influence the *regulations* that carry out laws. It is an activity that has proven to be increasingly important.

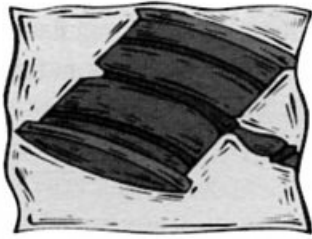
Laws are often written in language that is deliberately vague. So, after a law is passed, the relevant executive branch agency has to draw up regulations – which are the rules that actually govern day-to-day operation of the programs. Thanks to the Administrative Procedure Act (APA), every proposed federal regulation has to be published in a document called the *Federal Register* (which is available in every government depository library, many local public libraries, and on-line at <http://www.nara.gov>). Citi-

zens must be given an opportunity to comment on the government-proposed regulations before they are finalized. (Similar processes and publications exist in most states, though not every state has a law like the APA.) The opportunity to comment can be a formidable power, especially since once they are issued in **final form, regulations have the force of law.**

The Federal Election Commission (FEC) provides a case in point. In 1999 the FEC was considering new regulations that would govern campaign activity on the Internet, including the efforts of nonprofit groups and individual volunteers. They issued a Notice of Inquiry, requesting comments on a wide range of issues. Many nonprofits were concerned that applying federal election law, which was written with traditional broadcast media in mind, would stifle citizen use of the Internet. They sent out alerts explaining the issues and providing information about how to comment, to groups all over the country. As a result, the FEC received more than 1,300 comments on its proposal! This was unheard of in an agency where a dozen comments would be considered a good response. The comments came from all kinds of groups and their members. As a result, the FEC decided to take a hands-off approach to the Internet, and limited regulation of Internet campaigning to a narrow scope of activities.

Citizen groups can also insure that programs operate as they should on an on-going basis by serving on advisory groups, monitoring programs, and issuing public reports. The day-to-day quality of nursing homes, job training programs, public art, or school meals in many communities is directly related to the presence (or absence) of citizens who monitor their operation and publicize their findings. Even something as wide-ranging as the “Stop Sprawl” movement is made up of ordinary citizens, people willing to pay attention to the details of zoning proceedings.





## The Judiciary

The judiciary is less open to citizen influence, but even it offers opportunities. Citizens can:

- Participate in Friend-of-the-Court (Amicus) briefs;
- File, threaten, or cooperate in a lawsuit;
- Take part in an appeals process; and
- Serve as a Court Appointed Special Advocate (CASA), Guardian Ad Litem – or similar program associated with the courts.

The Judiciary is rightly thought of as the branch of government least susceptible to citizen influence, but that is true chiefly in terms of traditional lobbying. We cannot (and should not) try to lobby judges. But that is not the only way for citizens to have an impact through the courts. Lawsuits, complaints, and Friend-of-the-Court briefs are all useful tools.

A *lawsuit* forced the Social Security Administration to include autism, mental impairments, and other severe disabilities in children as grounds for Supplemental Security Income eligibility. Because advocates spoke up and refused to be brushed aside (the effort took seven years), over half-a-million children from families with modest incomes now get help.

At the local level, sometimes the *threat of a lawsuit* is enough to get action – for example, from a school district that is dragging its feet under IDEA (the Individuals with Disabilities Education Act) and refusing to mainstream children with disabilities.

Or, citizens can file *complaints* if they believe a law is being ignored. Citizen complaints have resulted in better action on child/adult abuse reports, more thorough investigations by nursing home licensing bodies, and increased access to public transportation for people with physical limitations. This has worked for environmental groups if they find agencies delaying implementation of regulations or misconstruing the intent of the law.

Sometimes the best vehicle for judicial participation is by filing, or agreeing to sign onto, a *Friend-of-the-Court brief* which lays out the views of people with direct knowledge of the impact a court decision is likely to have. For example, courts at all levels want to get a broad spectrum of public opinion on the right-to-die issue from religious, consumer, and advocacy organizations – particularly as more cases involving the terminally ill and people in “a persistent vegetative state” move through the courts.

And advocates can help others go through an *administrative appeals process* whenever they feel a benefit has been unfairly denied by the wording or application of the relevant regulations. Appeals of benefit denials are won far more often when a claimant is accompanied by a knowledgeable advocate. And while it is possible to get help from a legal services or legal aid office, the advocate in an appeal need not be a lawyer or even a paralegal – knowledgeable advocates come from many backgrounds.

# Do Not Forget Local Government

Perhaps the most overlooked target for influence is local government. Citizens who remember to write or call their state or federal representatives often forget to use the influence they have in their local communities – even though it probably is greatest there. Consider all of the ways in which schools, hospitals, the arts, and social agencies get public support: e.g., through tax breaks, gifts, in-kind support, tax-exempt donations, and special zoning provisions. You can use that support as leverage whenever a tax-supported institution fails to meet the needs of citizens. And the results can be dramatic.

Anti-hunger advocates in Pittsburgh persuaded their city government to create a food policy commission. The Commission took up such issues as how to keep grocery stores in low-income neighborhoods, and whether public transportation routes are convenient to the grocery stores. Creating the Commission required educating both the public and elected officials alike, and took time, but the results in greater access were worth it.

One clear advantage of working locally is that frequently the advocacy issues may spring up, and get settled, fast. After the Monroe (Indiana) County Council voted 4-3 to cut funding for the Stonebelt Center for the Disabled (a facility for people with developmental disabilities), a phone call alerting friends of the Center helped turn the issue around. Once alerted, family, friends, clients, and professionals familiar with the Center's work decided to ask that the vote be reconsidered. It took only 40-50 people showing up at the next Council meeting a few weeks later, but many of them – clients included – spoke up. Council members were so impressed that by the end of the evening they voted unanimously to rescind their earlier cuts.

A consumer group in Florida was equally effective. When they learned that a nearby hospital wanted to build a new clinic, they pressured their local health agency to hold public hearings on the hospital's request – and then provided evidence that the hospital had been turning away low-income patients. Thanks to the public hearing, attention was focused on the problem, the hospital agreed to change its policies, and the clinic got built.

## Basic Tools

There are three basic ways to communicate your views: you can *write*, you can *call*, or you can *visit*. And there are always three audiences for your letters, calls and visits. The first is *policy makers and their staff*; the second audience is *other voters*; and the third is the *media*. As noted in Part I, to have a three-legged stool firmly in place, all three are important.

### 1. Writing a Legislator or Policy Maker

Politicians and other decision-makers pay attention to their mail. Most offices keep a running tally of the **regular mail** coming in; it helps them know what their constituents care about. Responding to concerned citizens is good politics and crucial to survival. Every letter counts, but a personal letter is always more effective than a form letter or petition. After the terrorist attacks on September 11, 2001, many senators and representatives began advising

constituents to use regular mail for the district offices back in the home state, and e-mail or fax for communication with their offices in Washington, DC. A quick phone call or e-mail will let you know what method your U.S. senators and representative prefer.

Most state legislators (and some on the national scene) say *10-15 letters* on a single issue will get their attention. To a part-time legislator with little or no paid staff, three or four dozen letters loom very large. The same is true for agency officials, county commissioners, and city council members. However, a single fax machine may be shared by several state or local officials – so once again it pays to ask whether that is a good way to communicate.

*E-mail* is a bit of a special case. In 2001, Congress received over 117 million e-mail messages, compared to 80 million in 2000. On an average day during the first session of the 107th Congress, the House received over 230,000 messages, and the Senate received over 88,009 messages. Volume on that scale is difficult to manage – let alone respond to. State and local officials may have even less ability to deal with e-mail. That may be one reason many have turned to web services to get some control over e-mail – screening out spam and junk mail, and limiting easy access to people from the home state.

Two practical pieces of advice should be followed. First, keep in mind that elected officials are like any other group: some are comfortable with e-mail, others are not. Just ask the people you wish to contact whether they like getting e-mail – if they say “no,” do not use it. Second, if they say “yes,” always include your real name and home address. Catchy e-mail monikers (like “fun gal” or “tough guy”) may be cute, but they don’t convey whether you are a constituent. Since elected officials always try to respond to constituents, your home address is essential.

Also keep in mind that legislators who use laptops get e-mail messages with no intermediary. Regular mail goes to an aide to be opened (and sometimes summarized); e-mails often go directly to the legislator.

Letters/e-mails to policy makers (all levels) should:

- Be concise, informed, and polite (do not threaten, do not be rude);
- Be brief (1-2 pages, a few paragraphs) and legible;
- State your purpose in the first paragraph; and
- Include your full name and home address.

If your letter is about a bill, budget item, or specific policy:

- Cite the bill, policy, or budget item (by name or number if you know it, or just stated clearly if you do not); if you plan to mention two issues/bills – state that up front;
- Say whether you support or oppose it, and briefly why;
- Be factual and speak from your own experience or knowledge; and
- Ask for their views on the issue or bill.

Your letters do not need to be on fancy stationery or written in technical, legal language. At a time when mass-produced letters are common, handwritten or personalized notes, whether mailed, e-mailed or faxed, are often the most powerful. A rough letter, any letter, is always better than no letter at all.



## 2. Calling a Legislator or Policy Maker

Politicians and decision-makers also pay attention when citizens take the trouble to call and convey their views, and the same general rules apply. Let them know concisely: who you are, what you are calling about, and what you want from them (e.g., support for a bill, opposition to a budget cut, action on a proposal). If there is a message machine, state who you are, what you want them to support or reject, and then spell out your name and address. Delaware Governor Ruth Ann Minner re-

flects a view represented in surveys, namely that elected officials like phone conversations because they provide instant feedback. And, she adds, always follow a phone call with a note. That way, if the elected official did not have a pen and paper handy, they will have a record of your call – and either way you get a second chance to make your point.

Some states have toll-free lines into their Capitol while the legislature is in session. Operators help callers identify their senator and representative, as well as bill numbers. With a single toll-free call – usually requiring just a couple of minutes – messages can be sent to senator, representative, and/or governor. (If your state does not have a toll-free line to the Capitol, advocating for one and involving high school students in the effort would be a great project.)

**Note:** Calls are an especially good task for the politically shy because as often as not, calls are answered by a receptionist, operator, or machine. Callers just need to leave a brief message, name, address, and/or phone number. No questions are asked, no positions are challenged.

### **3. Visiting a Legislator or Policy Maker**

Elected officials can be visited on the job (in Washington, D.C., the State Capitol, in City or County Council chambers), back home in their local offices, or whenever they are engaged in public business (e.g., at a rally or parade, at a fundraiser or speech appearance, in the statehouse corridors, or at a town hall meeting). When the legislature is in session, about the only occasions that are “off limits” are those which are obviously personal or family occasions. The wife of one former governor still speaks with feeling about the people who would approach her husband at family funerals and other personal events; that is NOT an effective way to lobby.

Often you will only get a few minutes to make your point, so it helps to have ready a short, 90-second version of what you want to say (something

you can say in the time it takes to shake hands or walk someone to the elevator). And it is always smart to use that 90-second version first thing; if there is time, follow that with more details – like the impact in the legislator’s district, or a more elaborate version of your message.

A visit to a policy maker should always include five things:

- Who you are and where you live (so they know you have the butter);

*I’m Kim Q Citizen, and I live in your district...*

- Any group you belong to which is working on the issue, and the number involved (more butter);

*I belong to the 350-member Association of Pizza Lovers...*

- What you came to talk about – in just a phrase or a few words;

*I came to talk about House Bill 1234 – to require public programs to serve pizza three times a week. This bill is supported by a broad coalition of pizza makers, tomato growers, sausage producers, and the local Weight Watchers....*

- What you want them to do (please VOTE FOR... please OPPOSE...).

*We would like you to vote YES when the bill comes before your Committee....*

- Something in writing – a fact sheet or brief explanation of how the issue is important to their legislative or congressional district – with your name, address, phone number and e-mail address.

*Just in case we get interrupted, let me give you this brief Fact Sheet. It has basic information,*



and tells how you can contact us if you have any questions or would like our help.

If there is more time, paint a brief word picture of the people who will be affected by their decision, and tell them how you mean to share the results of this meeting with others (e.g., by reporting on it in your congregation newsletter, at a PTA or other meeting). Whenever possible, schedule an appointment in advance, and always thank them for their time or any recent actions of which you approve.

However you go about it, it helps to remember two things:

One: Just ask! Policy makers will not think you rude for stating what you want, and may think it odd if you do not. Part of their job is *to be asked*, and part of our job is *to ask*. In a representative democracy like ours, we have to tell our elected representatives how we wish to be represented.

Two: You cannot be persuasive if you are not understood. If you have any doubt of being understood, avoid jargon, technical terms, or initials (e.g., SCAN means Student Counseling and Assistance Network to some, but to others it is a Scandinavian furniture store); be prepared to go over the basics if necessary.

## Special Tips for the Legislative Process

Very few of the bills introduced in any body become law. In the U.S. Congress as well as most states, only about 10-20 percent of the bills introduced become law. A 1980 study by Ronald Dear and Rino Patti of the bills introduced over several years in the Washington state legislature yielded seven tactics that were likely to improve a bill's chances of success. The bills that made it out of committee and onto the floor tended to share the following characteristics:

**Early Introduction.** If your state allows bills to be pre-filed before the session formally begins, that is a good time to get your bill introduced. It means there will be more time for legislators to consider it, hold hearings on it, build support for it, raise and answer questions about it.

**Multiple Sponsors.** A bill that has several sponsors from the outset tends to look more like a winner. Bills with only one sponsor, by contrast, are sometimes assumed to be introduced just to please a constituent or do somebody a favor – but not as a

serious legislative proposal. Multiple sponsors increase credibility, and also the number of advocates working for its success.

**Bipartisan Sponsorship.** It is always essential to have sponsors from the party in the majority, but unless one party overwhelmingly dominates the legislature, it helps a bill's credibility and chances if its sponsors come from both parties. (On the national level, and anywhere that margins are close or party discipline is unreliable, bipartisan sponsorship is essential.)

**Influential Sponsors.** The job of getting a bill through hearings and out to the floor will be much easier if the Chair or highest ranking minority members of the relevant subcommittees and committees are sponsors of the bill. If they, or highly respected senior members of the body, become sponsors and use their influence on its behalf, that is half the battle.

**Support of Governor and Relevant Executive Agency.** Since the executive branch will have to administer the resulting program or enforce a law,

their support or opposition often influences legislators. (In any case, the executive branch tends to have data, information, expertise, and enforcement authority). If support is out of the question, the next best option is executive branch neutrality. The worst posture is outright opposition.

**Open Hearings.** Hearings are a good opportunity to make a public record, bring an issue before the public, get questions and points of opposition out in the open and dealt with, and to give the advocacy groups a rallying point. It is best to get a hearing scheduled well before the date of a vote so there is more time for changes to be made, and the outcome is less fixed.

**Amendments.** Some advocates think their proposal has to be enacted exactly as they conceived it. That rarely happens. In fact, bills that are not amended tend to die. That is because everyone who amends a proposal has to be familiar with it and develops a bit of ownership, a stake in its future. (There are exceptions, e.g., “killer amendments” specifically designed to kill a bill.) Be ready to quickly assess an amendment and decide if you support or oppose it. Encourage amendments; often they will increase your bill’s chances of success.

Ultimately, even these seven tactics are no guarantee of success. Bills are more likely to pass if they involve low costs, noncontroversial beneficiaries and purposes, and little significant change. Bills to create “National Tuna Week,” or name a building, have an easier time than bills to provide comprehensive health coverage or human services to low-income families. Knowing the process will not insure victory, but not knowing it makes it hard to even be a player.

Just keep reminding yourself: laws will be passed with you or without you. The choice is yours.

## Ways to Be Heard



While it is true that any *individual* can be involved in the policy process, it is often easier for *groups* to have a significant impact. That is simply because of the numbers they represent (all that “butter”), and the signal they send that citizens are working for the critical 51 percent it takes to win.

Here are the ways to be heard:

### 1. Testimony

A legislative committee that is holding hearings can schedule 10 witnesses who represent only themselves. Or, it can schedule 10 witnesses who represent five organizations plus five coalitions – with a combined membership of several thousand voters. Since the same amount of time is involved for the legislators and the process, there is good reason for them to invite groups rather than individuals to participate.

**Providing testimony** can be a useful way to take part in the process.

Testimony helps shape the debate on an issue.

Testimony provides a written record of the various views on an issue.

Testimony offers a legitimate way to educate the public on an issue, using the media.

Testimony forces groups to clarify their views and present a unified position of support or opposition.

Testimony presented at events covered by Cable Access TV or other media reach a broader audience.

In order to testify at a public hearing, you may need to contact the staff of the legislative committee and ask to be considered as a witness. Or, you may just need to arrive early and sign up – that is more

commonly the case in part-time or local legislatures. Sometimes staff will want a brief synopsis of your views and whom you represent, as well as any personal stake you have in the outcome.

**Note:** Preparing and presenting testimony is NOT considered lobbying by the Internal Revenue Service if you have a letter from the Committee Chair requesting the testimony and you are a nonprofit electing to come under 501(h). (See Appendix for information on 501(h) organizations.)

### **Effective testimony includes:**

- An easily understood, jargon-free, 5-10 minute statement (3-5 minutes at the city or county council level), focused on the issue before the committee;
- The basic facts, including whom you represent and your involvement in the issue;
- A clear statement of your points of agreement or disagreement with what is being discussed (the bill or budget item);
- Changes you would like made;
- Real examples of who will be affected by the matter being discussed, and how (concurrent media work can be especially effective here); and
- A rebuttal of the opposition's main argument(s).

Not only can testimony be used to educate the media and the decision makers, it can also be used to educate your own members, and to help clarify your position vis-à-vis other groups in the community.

When actually presenting testimony, it is essential to be ready with a short summary (with just a few highlights), because Committee hearings are often interrupted or cut short. That's also a reason for bringing copies of your written statement to distribute to the legislators. Know the material so well that you can look Committee members in the eye rather than staring at your paper as you read. Since legislators/council members may ask questions, it helps to have

answers to the most likely questions prepared (and rehearsed) in advance. In some cases you can tell friendly staff some questions you would like to be asked.

## **2. Lobbying is another good way to be involved**

Lobbying may be thought of as the province of cigar-chomping wheeler-dealers doling out cash, but in reality it is a more open, established part of the process. Whereas advocacy just means speaking up, lobbying (which is one form of advocacy) concerns *communication with an elected official (or their staff), which conveys a position on a pending piece of legislation*. It is how everyone from paid professionals to average citizens can make their views known to decision-makers about a pending or proposed change in public policy lobbying is a protection written into our Constitution.

It is particularly important that the nonprofit community lobby. Without their presence, the system and its policy products will likely reflect only the interests of those concerned with maximizing profits. That works against many of the activities operated by community and faith-based organizations.

Nonprofits have a right to lobby. It is written into law and regulation. The IRS published a letter in 2001 noting that nonprofits are encouraged to lobby and that it doesn't mean that the organization will face increased chances of being audited (see the IRS letter in the Appendix). Nonprofits should be encouraged to lobby and should understand that they will not be penalized for doing so.

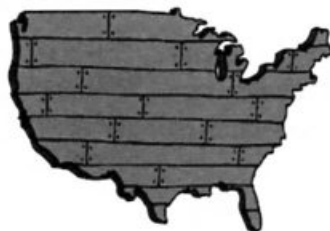
The object of lobbying is to bring to bear whatever power you have to influence legislators' votes, through:

- Information and education (fact sheets, analyses, direct experience, reports);
- Numbers of constituents or people (e.g., in the hearing room, at town hall meetings, writing/calling);

- Use of media (to get attention, make an issue hot, enlist emotions, personalize an issue); and
- Talking (schmoozing, cajoling, discussing, persuading, negotiating).

**Helping in Campaigns:** Groups that are tax-exempt under 501(c)(3) of the federal tax code cannot support or oppose candidates for office. However, any individual associated with a group can work for or against candidates on their own time, if they do not use the name or resources of the group. Also these groups are permitted by law to establish other types of nonprofits that are permitted to support or oppose candidates.

The object is not to be liked, but to be respected and heard. At the heart of the process is the percep-



tion of power – who has it, how it is wielded, who wins, who loses. Money is not necessary to convey power; commitment, persistence, voters, the ability to attract the media – all are forms of power available to advocates.

One way to get involved in lobbying is to hire a professional to represent your group (on a part-time contract basis, or full-time as a member of your staff) with the legislature. But even the hired guns need to show that real voters and taxpayers stand behind them. It is increasingly common for legislators and members of Congress to say they will not meet with a lobbyist unless constituents from the district are present, or to always give priority to “real people,” a.k.a. voters, over lobbyists. *Personal lobbying is one of the best ways to be effective in the political arena.*

## KNOW YOUR STATE

Being an effective advocate means different things in different states. Only nine state legislatures are full-time; a few meet every other year. If your state has a very short legislative session (6-12 weeks each year), then it may be critical to have a good, on-going relationship with the people who work in the Governor’s office or executive branch agencies. A mental health advocate in Louisiana said, “I spend very little time at the legislature. If my items are not included in the Governor’s budget, there simply is not time to get them included once the legislature convenes.” To advocates in a state with a year-long legislative session, that approach would not make sense. You need to know the peculiarities of your state. Spending time with more experienced advocates and getting on the mailing list of a good advocacy organization are good ways to learn.

Virtually every governmental entity has a web site that explains how it works and how its staff or elected officials can be contacted. Many are listed in free pamphlets distributed by the League of Women Voters. Two other good sources are: <http://www.ncsl.org> (for the web site of your state legislature); <http://thomas.loc.gov> (legislative information from the Library of Congress); <http://www.house.gov> (for the U.S. Congress); and <http://capwiz.com/ombwatch/officials/state/> (OMB Watch’s contact service).



## Effective lobbying includes:

- Marshalling expertise (including stories of individuals who will be affected);
- Keeping track of relevant legislation;
- Paying attention to Committee votes (which are sometimes NOT published);
- Working with other lobbyists;
- Getting to know the staff (including the secretary's name);
- Educating others (including friendly legislators); and
- Training others how to lobby and get involved.

**Special tips:** Experienced lobbyists add: wear comfortable shoes, and always leave a "paper trail:" something in writing to show that you were there – like a fact sheet or simple note, with your name, address, email address, and/or telephone number.

And NEVER be disappointed at meeting with staff instead of a legislator. They have a lot of influence with their bosses, know the issues, and do much of the work.

## 3. Reaching Other Voters, The Media

Each of these basic tools can easily be adapted to reach those other key audiences: *other voters* and *the media*.

- A letter to your state senator can be re-written as a letter to the editor of your local newspaper. If it is published, you will be reaching other voters; even if it is not published you are calling attention to your issue (and point of view) to the opinion-shapers at the newspaper.
- The same message you convey in a call to your Representative's office can be relayed to the audience of a radio call-in show. You will be reaching other voters via the airwaves, and also alerting the station's programmers of listener interest in your issue.

- The reasons you give a legislator for supporting a bill could be repeated at an adult Sunday school class or PTA meeting... and written up for their newsletters.

In each case you will be informing other voters and the local media. And do not be discouraged if you do not get on the air or in print in the major media. It helps to remember that "the media" are just, "...the means of communicating." That includes countless less formal ways to reach other people: apartment house bulletin boards, congregation or professional newsletters, posters, flyers, skits, bumper stickers....

If your group is new to media work there are two very useful guides:

- "STRATEGIC MEDIA – Designing a Public Interest Campaign," available from the Communications Consortium Media Center in Washington, DC, 202-682 1270; <http://www.ccmc.org>
- "HOW TO TELL AND SELL YOUR STORY," available from the Center for Community Change in Washington, DC, 202-342-0567 or at <http://www.communitychange.org/default.asp>.

Additional help in working with the media is provided in another OMB Watch publication, *More Ideas For Making A Difference*.

## Two Additional Tips

One Texas legislator commented that consciously or not, most legislators are looking for issues that are win-win. By that he meant: the legislator wins when the proposal is introduced, through favorable media attention and the approval of other voters; and then wins again at campaign time, because the supporters of the bill show up to help answer phones, contribute money, put signs on their lawns, and generally help with re-election. (If a nonprofit is classified as a 501(c)(3) by the IRS it cannot take part in campaign activities. But individuals can always be active in

campaigns *as individuals* if they are not representing a 501(c)(3) and not using the group's resources.)

Many issues important to nonprofits, by contrast, are what he described as "lose-lose". By that he meant that when the proposal is introduced the legislator loses because often there is negative (or no) media attention, and the indifference (or disapproval) of other voters. Then at campaign time the legislator loses again because the bill's supporters and beneficiaries are nowhere to be seen. If we want legislators to champion our policies, he was saying, we should work to help make our issues winners at some point. That means we have to get them before the media, expand the voter base (e.g., by voter registration), and be willing to work on the re-election campaigns of legislators who support our issues.

A Michigan state legislator made the same point another way. The decision is easy, he explained, when a legislator is asked to support something that is "good policy/good politics" – like indexing social security benefits. That was the right thing to do, and popular with voters – good policy, and also good politics.

It is equally easy to make a decision not to sup-

port something that is "bad policy/bad politics" – like designating scholarship funds for the Ku Klux Klan. That choice is equally clear.

What makes many nonprofit issues difficult to support, he explained, is that they often represent "good policy/bad politics." They may be the right choice, but they are hard to support because being associated with them has negative political consequences (or no return for the effort). One of our jobs as advocates is to turn our issues into "good policy/good politics."

But getting laws passed is only one part of the process.

#### **4. Commenting on a Regulation**

Once a law is passed, an executive branch agency becomes responsible for carrying it out. Good advocates will birdog a law's implementation just as thoroughly as they did the legislative process.

The first step is usually drafting the regulations to govern the program. For nearly every regulation, a

## **FROM GOOD IDEAS, MORE GROW**

Advocacy ideas pop up, get adopted and adapted, and re-appear in many forms.

Consider this idea that popped up in Oklahoma. One chilly spring day a group of parents and children appeared at their state Capitol, carrying big trash bags. Faces flushed, the children were obviously excited to be there, so a friendly stranger asked what they were doing: "Are you bringing *trash* to the Capitol?" "Oh no," said one of the boys, turning to his father to ask if he could show the lady what was in the bags.

The night before, they had gathered around a table and gone to work. They took brightly colored pieces of paper, folded them in half, and then each half was folded in half again. The bottom two panels were pulled together and stapled at either end, creating a 3-sided paper tent. On one panel were the words: PAY NOW, OR PAY MORE LATER. On the other visible panel were the words: PREVENT CHILD ABUSE. On the bottom panel was their group's name, address, and contact information.

## **From Good Ideas More Grow (con't.)**

Then they divided up, a parent and a child in each pair, and fanned out to visit all the legislators' offices. At every office the child approached the receptionist and asked: "Can I put one of these on your desk?" Without fail, the receptionist's response was positive: "Did you help make that? Well you put that right where EVERYbody can see it!"

Within about an hour, every office in the Oklahoma State Legislature had a brightly colored reminder that if we do not "pay now" to prevent child abuse, we will all "pay later." And Capitol occupants could be heard throughout the day, commenting on the families and their simple message. ("Did you see those children? Now, who could be FOR child abuse?!")

Paper tents are an easy, low-cost way to call attention to an issue, while teaching newcomers that this is their Capitol, a place where any one of any age can help be a voice for those who need one. Although simple, they can even play a role in a sophisticated national campaign.

Hearing about those paper tents inspired a health educator eager to direct some of her state's tobacco settlement dollars toward tobacco cessation. She rounded up more recruits (the widow of a man who died of lung cancer, a public health nurse, a PTA member and some high school students) and together they made the nearly three-hour trip to their Capitol. The night before they used ordinary copy paper, rolled to form paper "cigarettes" (complete with paper ash at one end) for every legislator. Along the sides were key facts about the harm tobacco does to young bodies. The finished "cigarettes" and accompanying Fact Sheets were loaded into trash bags, for easy carrying.

Her report, written to her county's Tobacco Free group, concluded with the following:

"Our mission for the day was to deliver butts and fact sheets to all 147 legislators and Governor, and to meet with as many legislators as possible, including our own (who used to smoke three packs of cigarettes a day)."

"Despite not eating lunch, being on our feet all day, and having only seconds to spare between deliveries, we did MAKE PRESS! A Press Intern for The Herald wrote a story on us! She interviewed each of us and even sat in on one group visit."

"All in all it was a grand success. We learned! We exercised! We met new people! We met with six Senators and four Representatives! We delivered all butts and fact sheets! And best of all, we stressed the importance of tobacco prevention and control in our state! Remember that the session is not over yet! The most challenging part is yet to come...."

**Post-script:** Letters, calls, e-mails, and more visits followed. Together with the efforts of other advocates, they succeeded in winning tobacco settlement dollars for tobacco cessation.

By fall of that same year, these Tobacco Free advocates were already busy hosting meetings in their community and reserving a room in the Capitol for a second annual lobby/education day. Learning about the paper tents had given them the courage to take the first step, which led to next steps, and before long to the kind of solid, effective, year-round advocacy that gets results.

“Notice of Proposed Rulemaking” – NPRM – is published by the responsible government agency so the public can comment.

At the federal level, the NPRM and final regulations, are published in a five-day-a-week publication called the *Federal Register*, which is available in all federal Depository libraries; from the local, regional, or national office of the agency affected; and on the Internet from the National Archives and Records Administration (<http://www.nara.gov>).

States may issue *final* regulations through a governor, lieutenant governor, attorney general, or some other office. States also publish *proposed* regulations, but usually on a monthly or weekly basis. It is important to learn which office publishes *draft* and *final* regulations in your state, and the library or Internet sources for them. A state library or Secretary of State’s office is a good place to start.

But few people are likely to go visit a library or web site every week just to read through the latest government regulations and, even if they did, regulations are sometimes hard to understand. That is another reason for linking up with a good advocacy group. Advocacy groups – state and national – not only get copies of the regulations important to their issues, they analyze them, clarify them, and notify the people on their mailing lists when comment letters are needed. Best of all, they are likely to alert you to key issues to look out for and may offer sample comment letters to get you started. But the basic process is pretty straightforward.

Each Notice of Proposed Rulemaking includes information that makes it easy for citizens to comment: the name of the agency issuing the regulation, a summary of the action being taken, the date by which comment letters are needed, a person and telephone number to contact with any questions, where to address your comments, and an explanation of what the regulation contains.

Then the full text of the proposed regulation follows. (This part maybe less understandable because it is written to meet legal standards.)

## Comment letters should:



- Briefly describe your group, note any expertise you have (personal experience counts), and why you are interested in the proposed regulation;
- Acknowledge points you agree with, and identify points you disagree with; and
- Describe factual situations that would be affected by the regulation, and if possible, suggest alternative language.

Since each letter is counted separately, it is best to ask every member of your group to send one, rather than have a single letter with multiple signatures. Personalizing each letter heightens their impact. It also helps to send a copy of your comment letter to your senators and representatives. Increasingly agencies are taking comments via e-mail.

And if your organization is a 501(c)(3) non-profit organization, work on regulations does *not* count toward the lobbying limits under federal IRS law if the organization elects special rules under 501(h). (However in some states, work on regulations *does* count as lobbying and must be disclosed – although there is no limit placed. Check the rules in your state.)

*Do not forget.* At every step, policy advocacy has a role for everyone: people to write letters, make phone calls, get facts, draft comments, issue reports, work with the media, develop strategy, lobby, discuss, think, show up, care. Some of that is sure to describe you.

Sometimes, local efforts are not enough. Child health offers a good example of an issue that needed a national campaign for success.



# Taking Part in a National Campaign

For years, local child advocates struggled to find health care for children from families with no health coverage. Individual stories would occasionally make the news, inspire sympathy, and generate the needed care, but each individual case took prodigious efforts, and left millions more – nearly 11 million by 1997 – without coverage. Meanwhile, advocates were also working hard to win expanded coverage under Medicaid – a strategy that worked least well for the children in the poorest states, and required massive efforts by groups with tiny staffs and shoe-string budgets.

Frustrated, advocates requested a meeting with President Clinton's health policy staff. In December of 1996, just about the time decisions on the next year's budget were being decided, thirty advocates went to *the White House*. Each represented an organization directly involved in maternal and child health – everyone from the Children's Defense Fund and The Arc to the March of Dimes and Children's Hospitals. Their plea was simple: put money in the budget to cover uninsured children. When the President's budget proposals went to the Congress a few months later, there was some money, but the amount was disappointingly small.

Lacking robust help from the White House, the advocacy groups turned to their *elected officials in the Congress*, and by March two senior U.S. senators had agreed to introduce a bill to create a new Child Health Insurance Program, or CHIP: Republican Orrin Hatch of Utah, and Democrat Ted Kennedy, of Massachusetts. In the House of Representatives another bipartisan pair of champions was found: Republican Nancy Johnson of Connecticut, and Democrat Robert Matsui of California.

Some of the more traditional health groups balked at joining the effort – a few regarded it as a hopeless case, others disagreed over how it might be funded. Ironically, that problem proved to be an advantage

because it forced supporters to look for new allies. Before long they had enlisted groups that cared about children but were not necessarily identified with health (PTA's and school administrators), groups that worked on adult health issues (the American Cancer Society, the American Heart Association), and a growing list of other odd couples (e.g., business groups and sororities, the American Muslim Council and the National Black Police Association). Every week support grew broader and deeper.

In a parallel effort the state Attorneys General of nearly 40 states were already suing the tobacco industry for the costs of tobacco-related medical care, and calling attention to the harm that tobacco does to children's health. That spring, the first big tobacco settlement was reached with the states, and the idea that tobacco was bad for children seemed to be on everyone's lips. Suddenly the idea of funding CHIP with proceeds from a tobacco tax looked winnable.

At the same time advocates worked with the *media*: scheduling meetings with editorial board, giving background information to journalists, writing commentaries that began appearing in local newspapers everywhere, and spreading the word through countless newsletters.

Plus, they used the Internet to activate *grassroots networks* of potential supporters all across the country. (By modern standards this was a primitive Internet organizing effort, with the various campaign partners simply feeding their e-mail address lists to "...this guy at a computer, creating an internet tree..." according to one participant). Ultimately, the Campaign for Child Health Now included over 200 national and state organizations from across the political spectrum and the U.S. – all of them spreading the word and informing their members. They kept the pressure on their members of Congress and the White House.

Two more breakthroughs provided momentum. In June the tobacco industry agreed to a massive \$368 billion, multi-year settlement with the states – at least part of which could be used for child health. A few weeks later the White House and Congressional leaders reached agreement on a budget, including authority for CHIP. Advocates still had to work to make sure the various agreements did not unravel, but by early August of 1997, legislation authorizing CHIP had been passed and signed into law.

It remained for each state legislature to design the version of CHIP that would make the most sense for that state. That fall, just about one year from the initial meeting at the White House, California and Connecticut became two of the earliest states to pass their own enabling legislation, and start drawing on the \$24 billion federal CHIP dollars available to provide health insurance for children from low-earning families. Two years later, Texas was the last state to act, when a reluctant Governor George Bush signed the Texas version of CHIP into law.

Those advocates in the Campaign for Child Health Now did many things right: they pressed ahead when others thought they could not win, they built on already-established relationships with elected officials, they seized opportunities, they organized beyond the usual suspects to create a politically powerful coalition, and they made sure all three legs of the advocacy stool were firmly in place.

Today millions of children have health coverage who would not have it otherwise, and more than a dozen web sites provide up-to-date information for local advocates working to make CHIP available to eligible children in their states.

If you think legislative victories are only won by powerful lobbyists wandering the halls of Congress, writing big campaign checks and throwing lavish parties, think again. The campaign for CHIP is proof once again that our democratic system still works. Those billions in the budget were not a payoff for fancy parties; they are there because of good old-fashioned hard work and grassroots organizing. And everyone who spoke up, wrote a letter, signed a card,

made a call, contributed money, questioned a candidate, or raised the issue at a community event played a part. That is how democracy works.

Before any national campaign is over, it involves everyone from super-sophisticated D.C.-based lobbyists who arrange White House meetings to absolute beginners writing their first letter or making their first phone call. National campaigns do not always win, but in this case they won big-time – and every year children everywhere win again.

As you are by now quite aware, getting a law passed by Congress is only one stage in the process, and it is a process that must be re-engaged every few years, along with annual battles over funding. In the case of CHIP, advocates who worked to get the federal law passed then had to work with their state legislatures for a bill to adapt and carry out the federal law in their own state. After that the actual implementation of the law has to be monitored. Even as this is written, children's advocates are serving on local CHIP committees, planning the next CHIP event, inviting their state legislators and members of Congress to visit their hospitals and clinics to meet with the families helped by CHIP, and keeping one another informed as each new step unfolds.

Being a good citizen is a bit like being a good parent: the job may change, but it never really ends.



## Web Site Links

## Notes:

This chapter mentions child health advocacy. Among the groups providing on-going monitoring and information on child health and other health-related issues are:

Children's Defense Fund

<http://www.childrensdefense.org>

Families USA

<http://www.familiesusa.org>

Henry J. Kaiser Family Foundation

<http://www.kaisernetwork.org>

Robert Wood Johnson Foundation

<http://www.rwjf.org>

Other helpful sites are:

National Conference of State Legislatures (to find the web site for your state legislature)

<http://www.ncsl.org>

U.S. Congress's web site is called Thomas, named for Thomas Jefferson. This site provides information from the Library of Congress on bills including bill sponsors, bill status, Congressional committees, Congressional hearings, individual members – including their committee assignments – and schedules for the House and Senate.

<http://thomas.loc.gov> <http://www.house.gov> (or [www.senate.gov](http://www.senate.gov))

OMB Watch contact service for elected officials and news media.

<http://capwiz.com/ombwatch/officials/state>