



A joint project of the Center for Civil Society Studies at the Johns Hopkins Institute for Policy Studies in cooperation with the Alliance for Children and Families, Alliance for Nonprofit Management, American Association of Homes and Services for the Aging, American Association of Museums, Community Action Partnership, League of American Orchestras, Lutheran Services in America, Michigan Nonprofit Association, the National Council of Nonprofits, and United Neighborhood Centers of America

COMMUNIQUÉ No. 18

REPORT ON THE LISTENING POST PROJECT ROUNDTABLE ON NONPROFIT ADVOCACY AND LOBBYING

Chicago, Illinois

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Background

In 2007, the Johns Hopkins Listening Post Project conducted a survey (“Sounding”) focusing on nonprofit engagement in the public policy process. Undertaken in collaboration with the Center for Lobbying in the Public Interest (CLPI), this Sounding found that, while nonprofits are widely engaged in efforts to influence public policies affecting them and those they serve, they are often constrained in their advocacy efforts by a lack of adequate resources, including tight budgets and limited staff time and expertise.

Following on a 2008 Roundtable at the Aspen Institute in Washington, D.C., the Listening Post Project convened a second Roundtable in April of 2009 at the Donors Forum in Chicago to explore the details and realities of nonprofit involvement in the policy process in greater depth, to identify steps that might be taken to help boost the scope, scale, and effectiveness of nonprofit advocacy, and to consider how a changed political climate may be affecting nonprofit advocacy efforts. The meeting brought together nonprofit advocacy experts, representatives of nonprofit intermediary organizations, and practitioners from nonprofit service organizations of different sizes and fields to share their experiences and ideas for improved policy engagement.

This Communiqué summarizes the major findings that emerged from the session, identifies common experiences and needs from the field, and proposes strategies that could help to strengthen the role and effectiveness of the sector in the policy arena.

Overview of Key Findings

As was the case in the previous Roundtable (see Communiqué No. 13), the participants in Chicago generally agreed with the findings of the 2007 Advocacy Sounding (Communiqué No. 9 “Nonprofit America: A Force for Democracy?”); however, they were able to add some useful insights into the realities of the nonprofit experience. Unlike the first Roundtable, relatively little attention was given to the question of resources and staffing; rather, participants focused on what is available to the sector and how to better leverage those assets to support advocacy efforts. Four themes dominated the discussion:

- 1) Advocacy efforts must directly involve nonprofit organizations themselves;
- 2) Intermediary organizations should play an active role in supporting the advocacy efforts of individual organizations;

- 3) Foundations must be better educated on the need to fund advocacy; and
- 4) The policy community itself needs to be educated and engaged.

The balance of this Communiqué will explore these overarching themes.

1. Advocacy efforts must directly involve nonprofit organizations themselves.

While acknowledging that a lack of resources and the intricacies of direct lobbying limit the advocacy capacity of individual nonprofit organizations, participants pointed out several ways in which existing resources could be leveraged to increase the efficacy of existing advocacy efforts and to expand the role of service providers in the advocacy process.

- a) “Brick wall” stories provide vital ammunition in support of mission-based policy advocacy. Stories of real-world issues that affect constituents and service provision can be the fuel of successful advocacy. These problems, the “brick walls” that service providers encounter in the course of service delivery, are key to establishing mission-based policy priorities, and can be a vital ingredient in the effort to push those policies through the legislative process.

- b) It is vital to engage clients/customers/patrons in the lobbying process. The Listening Post Advocacy Sounding found that 88 percent of organizations involved in the policy process said that clients/customers/patrons were never or rarely involved. As a general rule in lobbying and advocacy, it is engagement by constituents that is key to leveraging the political pressure needed to move policymakers. By involving those they serve in the advocacy process, organizations can bring to bear a great deal of political pressure, as well as underline the legitimacy of the advocate’s voice, by directly demonstrating the synergy between need, potential impact, and policy initiatives. Bringing members of the community into local events to tell their stories can lead to inquiries by policymakers and the media, as well as generate positive exposure for the policy initiatives themselves.

There are several obstacles to full engagement of this vital resource, however. It can often be logistically difficult to engage clients/customers/patrons in advocacy, especially on a national or state level; many lack the means to travel the long distances required, or to take the time away from work and family in order to appear during legislative sessions. One way to address this is for organizations, or more likely umbrella groups such as trade associations and coalitions, to organize in-district “virtual lobby days” with legislators, providing a convenient and readily accessible venue for local engagement in the policy process.

“As an advocate, I lust after the stories you have in the field that are the fuel of successful advocacy. When you are in a direct service practice and you run into brick walls with your clients...it’s so helpful that you perceive that not as a brick wall, but as a policy agenda, and that the stories of running into that brick wall are the powerful anecdotes that will help sell it.”

- John Bouman, Sargent Shriver National Center on Poverty Law

John Bouman, President and Advocacy Director at the Sargent Shriver National Center on Poverty Law, was adamant about the value of these stories that he called the “fuel for successful advocacy.” Therefore, it is vital that direct service organizations be better educated about the policy context in which they operate, and that collecting and communicating their own stories to advocates represents a key way for organizations to work within their existing funding and staffing framework.

Emerging technologies have great potential for engaging constituents in the policy advocacy process. However, service-providing organizations often find that those they serve may not have access to the technology and/or skills to utilize those tools. As a result, it becomes even more vital to bring legislators and other members of the policy community to the clients. One key area for using emerging technologies is in the effort to expand the pool of constituents able to provide support for policy initiatives. E-advocacy allows organizations to go beyond their core

group of constituents. Social networking such as Facebook and Twitter are being used effectively by both service-provider and umbrella organizations to broaden the reach of those organizations to the interested public in general.

- c) Greater involvement by organizations in advocacy will require board support. Chicago participants broadly agreed that they often saw board reluctance to get involved in advocacy. Board members may be reluctant to engage in advocacy efforts because of perceived conflicts of interest, a misunderstanding of the laws and regulations governing advocacy involvement of nonprofits, political pressures and inclinations, or a desire not to alienate funders. As pointed out by Peter Goldberg, CEO of Alliance for Children and Families and Chair of the Listening Post Steering Committee, “The composition of boards has changed very dramatically in the last 15 years. There is much more business involvement in order to go after private and corporate funding, and now it’s causing some potentially serious dilemmas on the advocacy front, because the agencies may want to take advocacy positions with respect to the role of government and government funding that can oftentimes be at variance with the generally held positions of the business community that their board members represent.”

To address these impediments, an effort must be made to educate boards about the link between advocacy and mission success. As one participant put it, “There is just such a disconnect...because the board is a part of the organization, and for that organization to rise they have to have board and staff and client and community all moving in the same direction.”

By virtue of their position and stature, board members themselves can represent a vital resource for gaining access to and building relationships with policymakers; however, the Advocacy Sounding found that only a small percentage of organizations actually engage board members in advocacy efforts. To remedy this situation, it may not be enough to educate board members on the synergy between mission, service delivery, and advocacy; the culture of the board must be made to embrace the function as well. As Mary Hollie, CEO of Lawrence Hall Youth Services pointed out, one way to do this might be to include more public policy specialists and people with experience in legislation or advocacy on the board itself.

- d) Find ways to work within existing means and to make advocacy a more central priority. Several participants point-

ed out that many opportunities and resources for advocacy exist within existing staffing and funded programs. As Christen Wiggins, Director of Innovation, Evaluation, and Public Policy for Neighborhood Housing Services of Chicago, explained, information gleaned from a funded activity can be turned into fuel for advocacy. This “make more with less” strategy requires a staff that is fully engaged in finding ways to use this information to support advocacy efforts, thus maximizing its impact.

“The idea is [that] every single person in the agency is a part of the Advocacy Education Effort.”

- Mary Hollie, Lawrence Hall Youth Services

Existing unrestricted funds are another resource that organizations may not be using as effectively as possible. Are agencies willing to put some of those resources into advocacy as opposed to supplementing the service delivery system? One participant characterized this as a “cultural issue” that nonprofit organizations have to face in order to better allocate funds to support the policy side of their missions. Mary Hollie provided an illustration of what it would look like to bring policy and advocacy into all aspects of an organization, using the example of Lawrence Hall Youth Services: “The idea is [that] every single person in the agency is a part of the Advocacy Education Effort. We talk about it in all our meetings. What’s going on, how is that impacting us, what can you do?” Participants who have engaged in this sort of culture building observed that the process takes time, commitment, and consistency, but can be done with relatively little funding. Even a modest effort such as a voter-registration drive among staff, board members, and clients can be an effective first step.

Another suggestion for increasing awareness of the importance of nonprofit advocacy in mission success was to approach it from an educational standpoint. There has been a tremendous increase in schools of nonprofit management in recent years; bringing a healthy, robust recognition of the legitimacy, value, and possibilities of nonprofit advocacy into those schools should be a priority in educating the nonprofit leaders of tomorrow.

2. Intermediary organizations should play an active role in supporting the advocacy efforts of individual organizations.

Due to logistical, regulatory, and funding realities, most direct service organizations cannot carry out the advocacy function on their own, especially on the federal level. As a result, one of the primary challenges before the nonprofit community is to determine how best to structure the assets that the sector already possesses in the most efficient way to allow for effective advocacy. Intermediaries, coalitions, and trade associations can play an important role in support of policy-based advocacy by combining and leveraging the power of the on-the-ground organizations' stories and client base, and taking the lead in bringing this mission-based advocacy to the national and state levels. Specific recommendations included:

a) Engage member organizations in mission-based advocacy. Coalitions must find a way to encourage and prioritize advocacy involvement by their member organizations by stressing the importance of advocacy in mission success, soliciting and collecting "ammunition" in stories about the on-the-ground experience and providing easy-to-act-on opportunities to engage (such as organizing local lobby days and in-district visits to state and federal legislators), disseminating news about upcoming bills, and engaging member organizations in letter writing campaigns. Coalitions could go so far as to set expectations for some level of mission-based lobbying and/or advocacy involvement as a condition of membership.

At the same time, many organizations join a coalition in order to provide political cover or to disassociate from personal responsibility for advocacy. Coalitions must therefore be willing to take the political risks that their member organizations may not be able to take themselves.

b) Establish ways of obtaining long-term funding. In order to be effective advocates, coalitions and intermediary organizations must find ways of establishing the long-term funding needed to provide the durability that allows them to build the long-term strategies and relationships on which effective advocacy relies. This will require not only more foundation-based funding streams, but also creative thinking about different ways to obtain unrestricted funding that can be used for advocacy and lobbying efforts.

One example of creative funding streams was presented by Joe Brinker, President and COO of Bethesda Health Group: "With the assistance of our state association of not-for-profit senior care providers, a voluntary coalition

was formed including both for-profit and not-for-profit providers who pay \$500 annually to fund it... We called it the Coalition for Quality Senior Care. We've gotten our message out to decision makers by sponsoring educational forums and other events for legislators or committees. This gets us up in front of folks, even if it's for only five to ten minutes, so that we can talk about key issues facing our industry. We've been rather successful addressing specific issues over the past five years, and it's been an innovative and efficient approach to educating legislators on important issues."

Membership fee strategies, fundraisers, and other independently generated funding are ways to bypass foundation reluctance to fund advocacy activities, but they are subject to financial strains on member organizations. The volatility of this sort of funding means that coalitions, like service-providing organizations themselves, must turn to foundations, and that will require an effort to educate foundations about the need for funding for advocacy.

3. Foundations must be educated on the need to fund advocacy.

By its very nature, advocacy requires consistency and long-term commitment, especially on the part of coalition groups, which in turn require multi-year general or advocacy-specific funding. Foundations must be engaged in a more positive discussion about the valid, indeed central, role of advocacy within the nonprofit sector as it relates to service delivery and mission advancement. The Listening Post Advocacy Sounding touched on this issue; as summarized by Lester Salamon, "one of the more distressing findings is the one about philanthropy. Far from being an encouragement of advocacy, it appears that the more agencies are relying on philanthropy, the less likely they are to be involved in advocacy." There are several factors that can contribute to this.

a) Reluctance of foundation boards comes into play. Perceived and real political and/or personal conflicts of interest may hamper foundation boards' willingness to engage in funding advocacy. This is compounded by the fact that boards, and the funding priorities they espouse, can change from year-to-year, resulting in only intermittent funding availability. This creates a dilemma in obtaining the long-term foundation support needed to allow coalitions to engage in involved and ambitious advocacy efforts, which can typically take 3 to 5 years, from identification of problems to actual implementation of funded legislation.

One approach to addressing this issue is to demonstrate the financial advantage to funding advocacy work. Larry Ottinger, President of Center for Lobbying in the Public Interest, raised the example of The George Gund Foundation in Ohio, which for more than a decade has provided grants for public policy infrastructure, including support for new or existing public policy staff positions. Each year, the Gund Foundation gives out more than \$2 million in grants for this kind of policy capacity building and it has “leveraged tens of millions of dollars to preserve or expand benefits to low-income and underserved communities. This is an innovative and replicable model.”

Mr. Ottinger believes that philanthropic associations such as Donors Forum, Council on Foundations, Independent Sector, and other coalition groups and intermediaries can do more to communicate to foundations the need for and value of advocacy funding. At the same time, Mr. Ottinger emphasizes that grantee organizations and coalitions must be sure to ask for the funding and not be afraid to say “this is important to us.” On an organizational level, advocacy funding must be prioritized as an aspect of the organization’s mission, and the budgeting of general funds must reflect that importance.

- b) Create a new metric for quantifying results in advocacy. The push for measurable outcomes on the part of funders means that organizations must find new ways to reflect the value added through advocacy. Participants identified two separate approaches for doing so.

One approach is to better educate funders on the relationship between advocacy and mission success. If, for instance, an organization engages in a lobbying effort to remove a restrictive and costly reporting requirement from a bill and replace it with a straightforward electronic alternative that saves costs in staff time and supplies, it frees up those resources for direct service provision instead of paperwork.

The second approach is to establish a clear standard for measuring advocacy activity. As Gina Guillemette, Director of Policy and Advocacy at the Heartland Alliance for Human Needs and Human Rights, pointed out, the measurable outcomes of advocacy work look different than those resulting from direct service; they can often be as simple as developing relationships with elected officials or being consulted in the writing of legislation. As Laurel O’Sullivan, Senior Director of Public Policy at Donors Forum said, this is a role that can be played by

organizations like hers. Intermediaries between the non-profit sector and the philanthropic sector need to engage funders in a constructive and sustained dialogue on the importance of measuring the “value added” of advocacy, in addition to clarifying the role advocacy plays in making it possible for organizations to achieve their missions on the ground.

4. The policy community itself needs to be better engaged and educated.

Two primary issues regarding the relationship between the nonprofit sector and the policy community were identified by Roundtable participants.

First, regulatory advocacy must be undertaken to address laws restricting the participation of nonprofits in the policy arena. Secondly, they emphasized the importance of building lasting and wide-ranging relationships with policymakers and their staffs at all levels. These relationships open the doors needed to allow all other elements of advocacy to occur.

- a) Current lobbying laws and regulations regarding lobbyists make the job more difficult. Existing legislation has a profound effect on the ability of nonprofits to carry out advocacy efforts on behalf of their clients. Of particular note in this area are restrictions on accepting private funding as a condition for receiving public funding. This closes numerous non-public funding streams, creates confusion, and stymies the efforts of the sector to expand the availability of advocacy funding. Policymakers need to be educated on the impact of these restrictions on the advocacy efforts that are, as outlined above, vital to the success of the missions of many nonprofits.

In addition, a recent development of concern is the institution of the Obama Administration’s “revolving door ban” in sections 2 and 3 of the January 21, 2009 Executive Order “Ethics Commitments by Executive Branch Personnel.” These regulations effectively restrict official involvement in the Administration of many nonprofit policy experts who have the knowledge needed to draft effective legislation and regulations related to charitable missions and the sector. The Revolving Door Ban effectively restricts public-interest lobbyists from working in any executive agency that they lobbied during the previous two years. It also bars public-interest lobbyists entering government from participating in the specific issue area within which they lobbied regardless of whether connected at all to any financial or ethical conflicts of interest.

As a result of these restrictions, nonprofit specialists who have been employed as lobbyists cannot apply their unique expertise and insight into the on-the-ground realities that should be taken into account in drafting regulations that govern the fields that make up the nonprofit sector. This eliminates some of the most qualified candidates in urgently needed areas such as healthcare and child services. It was therefore identified as urgent that the sector rally to make policy makers aware of the impact of this regulation and to work to see that the concerns of 501c3 organizations and the public interest are addressed.

b) Cultivate relationships with policymakers. One theme was repeated throughout the course of the Roundtable discussion. Participants stressed again and again that successful advocacy depends upon building long-term relationships with policymakers and with the policy community in general. Jack Kaplan, Director of Public Policy and Advocacy for United Way of Metropolitan Chicago, summarized the importance of this relationship building: “When you have cultivated those relationships, that’s when you learn about the opportunities [to influence policy] to begin with. Unless the relationships are already in place, you are not going to have the opportunity to engage. You are not going to have an opportunity to influence decisions.” Participants offered several strategies for improving access to the policy community:

- Engage policymakers in organization events. Organizations should make an effort to invite policymakers to attend, or better yet, play a role in, organizational events. This is a strategy often used to establish relationships with and demonstrate value to funders, but organizations tend to overlook extending this approach to legislators and other members of the policy community. This is a prime opportunity to use existing funds, resources, and skills to increase advocacy engagement and efficacy. Organizations have a toolkit of skills and procedures developed in courting funders that can be adapted to engage with policymakers and build ongoing relationships. Coalitions can also play an important role in bringing policymakers to organization events, and equally important, in getting the message out to their member organizations about the value of using these opportunities to both cultivate relationships with individual policymakers and to share the “brick wall” stories that may spur policy initiatives.

- Organize district lobbying days and engage the “gate keepers.” As noted above, it can be difficult for on-the-ground organizations to lobby in the state capital or Washington, D.C. To address this, coalitions and other umbrella groups can help by organizing district lobby days, which bring together representatives of the policy, nonprofit, and constituent communities in convenient locations and at convenient times. Alternatively, individual organizations can approach legislators through district offices. Staying in-district allows organizations to engage their clients/patrons/customers and boards in ways that coalitions may not be able to. It also provides access to the “gate-keepers”—assistants, aides, and secretaries in district and state offices who have a direct line to the legislators and can be invaluable allies in pushing a policy agenda to the forefront or in bringing policymakers to events where advocates can access them. In addition, they are accessible year-round, making them convenient and valuable subjects for long-term relationship building.

Another important resource to keep in mind is community-level advocates and activists. Establishing relationships on the grass-roots level of the policy process brings in a broader constituency and can help gain access to the next level.

- Involve staff and board members in task forces, advisory groups, and committees.

“This is the value added that we bring to a legislator; when we are able to demonstrate impact, we are in the best position to engage ourselves policy-wise.”
- Danielle Hirsch, Chicago Bar Foundation

As the Advocacy Sounding showed, fully 90 percent of organizations engaged in lobbying efforts reported that they had responded to a request for information from a public official; however, Roundtable participants pointed out that those requests often come after the legislation is written when the goal is to “sell” the legislation, not to adapt it to better serve those who will be affected by it. Because many laws regarding service provision are written before engagement with service providers, there is often a “disconnect” between the rules and requirements written into bills and the ability of service providers to conform to those rules; such requirements are often either impossible to implement or overly time-

and money-consuming, stymieing the efficient provision of services. By bringing real-world experience into the picture during the writing of the bills, service organizations can help to avoid this disconnect.

In order to achieve this goal, relationships must be established that create opportunities to get a “seat at the table” during the committee phase of legislation. How does an organization or coalition position itself for such early involvement? As Danielle Hirsch, Director of Advocacy at the Chicago Bar Foundation outlined: “The invitation is often extended if you can add value with data—information feedback around on the ground impact. This is the value added that we bring to a legislator; when we are able to demonstrate impact, we are in the best position to engage ourselves policy-wise.”

Conclusion

While a lack of funding, staff time, and training remain major hurdles in the engagement of nonprofit organizations in advocacy and lobbying, the participants of the Chicago Advocacy Roundtable were able to identify a number of ways that the sector can utilize existing resources to better engage in advocacy efforts. By thinking creatively about what resources are available and how those resources might be more effectively used, organizations and the coalitions that serve them can promote their policy priorities while at the same time seeking ways to open additional funding streams. The Listening Post Project looks forward to further expanding upon these ideas at an upcoming Roundtable in California.

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The views and interpretations expressed here are those of the authors and do not necessarily reflect those of any organizations with which they are affiliated or that support their work.

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