



REAL
CLOUT

REAL CLOUT

The Second Edition

A how-to manual for community-based activists trying to expand healthcare access by changing public policy.

Judith C. Meredith

Catherine M. Dunham



The Access Project is a national research and advocacy organization. It has served as a resource center for local communities working to improve health and healthcare access since 1998 and is a program of Third Sector New England. The Access Project is a research affiliate of the Schneider Institute for Health Policy at Brandeis University's Heller School of Social Policy and Management.

If you have any additional questions, or would like to learn more about our work, please contact us.

The Access Project
Lincoln Plaza
89 South Street, Suite 404
Boston, MA 02111
Phone: 617-654-9911
Fax: 617-654-9922
E-mail: info@accessproject.org
Web site: www.accessproject.org

Catherine M. Dunham, Ed.D.
President

Mark Rukavina, MBA
Executive Director

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Judith C. Meredith Executive Director, The Public Policy Institute

30 Winter St 10th Floor
Boston, MA 02108

617 275 2923 www.realclout.org

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PREFACE

There is a void in the shaping of public policy in this country. It is the voice of real people, grounded in the reality of their lives, their health, and their values.

E. J. Dionne, in his book *Why Americans Hate Politics*, wrote that people have been distanced from public life because of empty and negative partisan battles between majority parties that don't address real problems. The increasing complexity of laws and regulation, the role of money in determining public policy, and the generally uninspiring performance of our elected leaders have widened the gulf.

Now, in a time of prosperity, many Americans can afford to dismiss or disregard government as a necessary but minor player in their lives. This is obviously not true for the more than 60 million people who rely on public programs like Medicare, Medicaid, and Social Security. It is also not true for the nearly 44 million people who have no health insurance and who don't hold much hope for the public process.

This guide is intended to assist you in your entry into the politics of health policy. If you are like a lot of Americans, policy and politics are probably not your first choice for recreational activities. However, the exercise of your civic responsibility is one of the most important activities you will undertake.

We have failed for the past 50 years to comprehensively solve the problem of unequal access to health care in this country. The defeat of the Clinton health bill was not only the latest failure, but it also coincided with a period of particularly regressive budget balancing. It reinforced distrust of government just at a time when economic conditions normally would have yielded some relief for those in need of help.

We have collectively assigned the responsibility for restraining the cost and assuring the quality of care to the market in the hope that capitalism will solve the problems the government has not mustered the fortitude to confront—we have a large, dysfunctional health system that over serves many who are insured and under serves those who are uninsured or otherwise disadvantaged by geography, culture, or language.

The returns on the market are coming in: Pervasive anxiety affects many managed care customers; people are disgusted by the profit-driven system of many healthcare providers; and a growing number of people are uninsured due to fundamental changes in the U.S. job market and rising healthcare costs.

The need for informed public policy to sort out this mess has never been higher. The pressure for reform will increase as baby boomers age and the economy returns to normal cycles.

Devolution has pushed more than federal authority out of Washington. It has also dignified a philosophy of government that assumes that most decisions can be better made closer to the taxpayer. State lawmakers have honored this trend by tossing control and responsibility for the healthcare access issue down the policy chain to counties, local governments, and nonprofit charities. But many communities do not have the resources to either control or solve the issues they have been assigned. The problems are bigger than they are. State and federal governments set insurance rules. The overwhelming majority of financing rules are made far from the communities affected by them. Markets, HMOs, state legislators and regulators, and the Congress make these decisions.

So, where does this leave the issue of limited access to health care? In the laps of consumers, providers, and other civic leaders who care—people such as those who manage the multitude of free clinics and other volunteer efforts that have grown over the past 10 years in response to the growing need for care, or activists who think it is unbecoming for an enlightened, wealthy democratic society to deny people health care. It is neither right nor fair to have quality of health care determined by the accidents of employment or income.

This is some of the thinking that went into the preparation of this guide. We think that real people should have a real impact on reforming the health system, starting with the expansion of access to care for those who need it. We believe that involvement in the public policy process is good for community leaders and good for the public process. Consumer and community participation on this issue is particularly critical. To paraphrase the late Tip O'Neill, Speaker of the U.S. House of Representatives, all health care is local. No more important policies exist than the ones that affect your health. The system must be responsive to local differences. The solution to the distribution of healthcare resources must honor that variability or the problem of access will not be solved.

This guide does not solve the health system dilemma. We believe that the discussion should be restarted with the active participation of those people most invested and involved in the issue—people working on the issue at the local level, exercising their political clout.

Real Clout

Real clout. For this to occur, we need to help community health activists reconnect with the public policy process at the county and state levels. Many gifted providers and savvy consumers do not remember their civics lessons: how laws are created, who writes regulations, what role the courts play, who spends public money, how priorities are decided. It is also important for those of you working within a nonprofit, tax-exempt organization to be diligent about understanding and following the letter and spirit of the federal tax laws governing your ability to participate in the lawmaking process. There are clear restrictions on the use of private foundation funds for this activity. See the Appendix A, for further guidance.

We are here to help. We hope this guide is informative and that it motivates you to take your appropriate role in the health policy process.

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Thank you to all of our colleagues who stepped away from current campaigns to contribute their time, advice, and stories to Real Clout. Your support and encouragement was essential to this project.

Thanks also to The Boston Foundation, which provided Judy Meredith with a grant in 1991 to write a public policy training curriculum for staff, boards, and volunteers of nonprofit agencies and United Ways. This work was the inspiration for this book.

We are extraordinarily grateful:

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... To Rachel Gunther, who deserves credit for all the nitty gritty of assembling sample fact sheets, press releases, and initial stories from the field, as well as designing and maintaining the story and illustration chart for the unruly authors.

... And to Donald Mawson for his good-natured, skillful editing and management of production for this second edition.

INTRODUCTION

Real Clout is a how-to manual for community health activists who must figure out how their state or county governments really work when it comes to health care.

You might be a person who works with sick or injured people or a person who works to prevent people from getting sick or injured. Perhaps you are:

- a provider in a nonprofit health center trying not to get lost in the ever changing Medicaid managed care maze
- an outraged neighbor worried about an unsanitary landfill
- a church leader upset about the closing of a free clinic
- a business owner trying to find affordable health insurance for your employees
- an outreach worker from a community multiservice center for at-risk teens
- a teacher in a Head Start program starting an immunization program for immigrant children
- a union activist organizing low-wage workers without health insurance
- a community organizer mobilizing neighbors to demand better community benefits from a local teaching hospital
- an ordinary person who has become a leader in a community-wide health crusade

Some of you may have tried to increase access to medical care by:

- developing free clinics for people who can't afford health care
- working to get better health coverage for those caught in the web of managed care
- helping medical providers better serve all ethnic and cultural populations in your community
- removing barriers to healthcare access, such as lack of public transportation, lack of child care, or unstable and inflexible jobs

Or, you may have:

- mounted campaigns to remove lead paint and asbestos from low-income housing
- developed public awareness campaigns about seat belts, bicycle helmets, tobacco control, or substance abuse
- spearheaded drives to put hunger and nutrition programs in public schools, establish food banks, or organize shelters for victims of domestic violence
- worked with local businesses to develop job-training programs for welfare recipients or family-friendly employment policies
- worked with organized labor to promote living wages and safe working conditions for newcomers in your community

Approaching State or County Officials

After all this good work in your community at the local level, you find yourself needing to approach state or county officials for one or two reasons.

- Your community has a problem that cannot be fixed at the local level. For example, in your town a new environmental hazard is uncovered, a substance abuse epidemic develops, or there is a growing number of uninsured working families who do not have health care. You've turned over every charitable stone. You've stretched every local institution to the limit. What do you do?

The solution requires your state or county to change the way it funds or manages a specific program, or it requires them to create and fund a new program. You may have to convince state or county officials to interpret existing laws differently. Or you may have to convince them to pass new laws.

- You have to figure out how to keep your community health programs strong as your state or county officials develop policies to manage the newest federal policy that has drastically changed funding streams or more eligibility “guidelines.”
- The solution requires that you identify the state and county officials who are making the funding decisions that affect your community and your agency, and figure out how to influence them.

This book is designed to help you solve exactly these types of problems.

Taking the First Steps

As a community health activist, you probably know more about your state, county, and local government than most citizens do. Those of you who have successfully mounted public health prevention and outreach campaigns are especially well informed. Still, the notion of driving farther, going to another, bigger public building, and talking to a bunch of important politicians and bureaucrats fills you with anxiety and dread. There are so many questions.

- What do you have to do to convince state or county officials to interpret existing regulations differently?
- What do you have to do to convince a state or county official to work with you to design, create, and fund a new program?
- How do you change a law? What do you have to do and when?



What are nice people like us
doing in a place like this?

The IRS has drawn clear rules and restrictions that govern a nonprofit's ability to participate in the legislative process that leads to the creation of new laws. These rules vary depending on whether the nonprofit is a 501(c)(4) or a 501(c)(3). There are no IRS restriction on a nonprofit's ability to participate in other policymaking processes, such as meeting or talking with administrators or participation in the development of policies, programs, or regulations.

- How are budgets created? How can you get your project included in the funding process?
- Can organizations on a shoestring budget accomplish this kind of change?
- Can nonprofits really do this stuff?
- Where do you get honest answers?
- Do you have to hire a high-priced lobbyist?
- Where do you start?

First, you have to have a good answer to the question asked in the cartoon. Read the Appendix to reassure yourself that it's okay for nonprofit organizations to get involved in this

stuff—it's how our Founding Fathers envisioned our system would work. If your lawyer is nervous, tell him or her to consult the listed resources from the Council on Foundations and the Independent Sector. If he or she is still nervous, find another lawyer who's up to the task.

Second, ask yourself these questions to make sure the solution to your problem lies in state or county government:

- Have you exhausted all possible remedies on the local level?
- Are other programs and organizations like yours struggling with the same issue?
- Are you sure your problem can't be traced to an incompetent public employee in your region or maybe even inexperienced staff in your own agency?

If you've done all the research and thinking you need to do, then it's time to get started. Or, as George Wiley said when he organized the National Welfare Rights Organization in the early 1970s, "All we have to do is make a winning plan and make it happen."

Let's start by demystifying the public policy arena you are about to enter.

1. Influencing the public policy process isn't rocket science. You already know how to do it.

The public policy world is a human place. It is inhabited and managed by ambitious, energetic, imperfect human beings (elected officials) who are selected by other busy, distracted, imperfect human beings (us, the voters) every few years to make the rules that govern our lives.

Interpreting and implementing the laws is another group of busy, unappreciated, imperfect human beings (unelected public officials) who create regulations and manage the day-to-day business of running government.

These people all are very much like the ambitious, energetic, unappreciated human beings you encountered in your local healthcare access campaigns aimed at changing the private policies of community institutions. From these experiences, you may already know how to:

- convince the business community to sponsor an anti-drug campaign
- persuade a hospital board to initiate a free family-planning clinic
- organize your neighbors to demand evening and weekend hours at the health center

The organizational and strategic skills you used during your community health campaigns to change private policies are the same ones you will use to change the public policies of your county or state governments.

Public policymakers often think they're more important than private policymakers because they establish the rights and standards for an entire group of citizens. Consequently, they are affected by the same human decision-making dynamics that parents and tribal chiefs encounter. Opinion counts as equal to fact and public opinion is a fact.

This may seem like sloppy thinking, but public policymakers say lack of time and resources prevents them from scientifically testing every new idea or hypothesis. So they rely heavily on public opinion to help them make decisions.

Sloppy or not, this human side of policymaking acts to support representational democracy by making it difficult for elected officials to support a policy against the wishes of a critical mass of voters, however misinformed they may be. Consequently, we all expect our elected policymakers to respect our opinions and treat them like facts, or lose our confidence and possibly our votes.

2. The public policymaking process is pretty simple.

There are basically two ways to make public policy: creating or amending policies or interpreting and implementing policies.

Policymaking in the Administrative Branch

Every state, county, city, and town elects a chief executive who appoints competent (hopefully) administrators to manage public departments and agencies that do everything from repairing roads to running preschool programs.

Every single hour of every single day, these appointed officials make public policy by deciding on an action in response to their bosses' orders, their interpretation of current laws, and the latest demands of citizen groups. In this regard, appointed officials are similar to hospital administrators who initiate a new service based on policy set by the hospital board or providers.

Generally speaking, chief executives and their appointed administrators are the ones you want to go to in order to change the way a health program is funded or administered. (Chapter 3 goes into great detail about how these policymakers make decisions and take action.)

Policymaking in the Legislative Branch

Every state, county, city, and town legislative body organizes itself into a leadership structure, develops rules governing debate and voting procedures, and sets up a meeting schedule. Eventually everybody in the state legislature, county commission, city council, or town meeting gets together in a large room where the members propose changes in the law, argue back and forth, vote, and go on to the next proposal. At some point they finish and go home.

The grand architecture, the arcane rules, the public hearings, the eloquent speeches, and the elaborate debating procedures hide an imperfect institution in which human nature meets ideal policy and creates law, probably not unlike other "imperfect institutions" that you've encountered.

Generally, the legislature must approve new programs or major changes to existing programs that require spending taxpayer dollars. (Chapter 4 goes into elaborate detail about policymaking procedures in the legislative branch of government.)

3. It's not business as usual in the public policy arena anymore, for anybody!

The public policy world is undergoing profound dislocation and disturbances associated with profound change because of:

- new political and procedural ground rules
- new communication tools and methods of information gathering
- new policymaking opportunities at the state and county level caused by devolution

hero opportunity (n) a compelling problem or crisis that provides policymakers with public occasions to propose and champion a solution that brings a measurable difference in the lives of a critical mass of constituents, as in “desperate for hero opportunities.”

New Ground Rules

Term limits, increased public scrutiny, and constant media exposure of traditional fundraising practices have forced the early retirement of powerful public officials. Newly elected reformers have pushed through modifications that make the policymaking process more open and more democratic than ever by limiting both the power of leaders and the influence of special interest groups.

Today, most political observers agree that campaign finance reforms, increased regulation of lobbyists, rules reform, and term limits have opened up the policymaking process. The downside is that the process is messier and

more inefficient than ever.

Still, every state capital, county seat, and city and town hall sits under a cloud of public mistrust as the press continues its scrutiny of powerful incumbents and special interest groups. Surviving public officials must scour the public policy landscape for hero opportunities—compelling, sympathetic issues they can champion and fix—to bring concrete improvements into their constituents' lives.

Nam et ipsa scientia potesta est.

Knowledge is power.

- Francis Bacon, 1561-1626

New Communication and Information

Gathering Tools

The worldwide information revolution has opened up the front doors and even some back rooms where policymakers make important public policy decisions. Online government tracking services—some free on the Internet, others fee-based—provide daily calendars and

journals, the text of proposed bills, and amendments, committee schedules, and recorded votes.

Cable television coverage of hearings, sessions, and committee meetings has made it easy for citizens, reporters, or lobbyists to observe and monitor public officials. Today, low-budget organizations use e-mail, broadcast faxes, and auditorium conference calls to organize and mobilize powerful grassroots networks capable of influencing health policy.

New Policymaking Opportunities

A devil in the name of devolution has changed the direction and flow of the flawed-but-dependable federal funding streams in 1995. Shortly afterwards, the Republican majority in Congress rewrote national policies on poverty, crime, and health care, giving states new powers and responsibilities. They called this process devolution, and used it to transfer much of the power and authority over federal dollars to the states.

Many community health activists initially viewed devolution as evil because it eroded federal standards that guaranteed health care to needy people. Most state, county, and local officials, however, have embraced devolution as a way to throw out cumbersome, inflexible regulations that hobbled their use of federal funds.

Community health activists are still trying to get themselves at the state negotiating table in order to protect services for their clients. They have built and repaired relationships with state bureaucrats and civil servants whom they had heretofore ignored or bypassed when dealing with their favorite member of Congress. (We suspect there is a movie in the making here, perhaps called *The Revenge of the Nerds IV*.)

Community health activists can learn how to take advantage of these new, closer-to-home opportunities to influence policy.

Enter the Healthcare Policy Entrepreneurs

A policy entrepreneur is defined nicely by John Kingdon in his premier text, *Agendas, Alternatives, and Public Policies*. Kingdon defines a policy entrepreneur as any player in the public policy arena—elected or appointed, staff person, community activist, professional lobbyist, or crusading reporter—who has the intelligence and wit to spot a window of opportunity through which she or he can push a solution to a public problem.

Policy entrepreneurs are people willing to invest their resources in pushing their pet proposals or problems, are responsible for prompting important people to pay attention, for coupling solutions to problems, and for coupling problems and solutions to politics. While government agendas are set in the problem or political streams, the chances of items rising on a decision agenda—are enhanced if all three streams are coupled together. Significant movement is much more likely if problems, policy proposals, and politics are all coupled into a package.

—John Kingdon, *Agendas, Alternatives, and Public Policies*. 2nd edition. New York: Harper Collins College Publishers, 1995.

The healthcare movement has produced its share of policy entrepreneurs. This book attempts to identify, describe, and categorize capacity-building, organizing, and persuasion techniques that activists can use to promote good, new public policy that improves the health of thousands of uninsured or underserved people.

Here are a few stories that illustrate the point.

Referenda and Legislative Campaigns to Use Tobacco Taxes to Fund Public Health Programs

In 1989, a coalition of public health activists in California won a grassroots voter referendum campaign that increased tobacco taxes and directed that the money raised be used for public health programs, including comprehensive tobacco control efforts and health care for children and families.

Similar campaigns won voter referenda or initiative campaigns in Massachusetts (1992), Arizona (1995), and Oregon (1995).

In Massachusetts in 1996, health access advocates, including key legislative leaders, joined provider trade associations, tobacco control advocates, business leaders, and the health insurance industry to win a second tobacco tax campaign. The money raised from this second tax is used to deter young people from smoking and to fund health care for children, seniors, and the disabled. The coalition won in the state legislature because a powerful, consumer-led, grassroots lobbying effort was able to overcome a veto from a no-new-taxes governor.

A Legislative Campaign to Reform Managed Care

In 1996, parents of children with cerebral palsy in Texas organized to fight insurance plans that denied their children coverage for physical therapy. They formed an organization they called the Texas Advocates for Special Needs Children (TASK), and they worked with a coalition of managed care reform advocates that included powerful consumer advocacy organizations, provider trade associations, and public health groups.

TASK members helped organize a consumer-led public hearing on managed care that led to the creation of a Texas Senate Interim Committee on Managed Care and Consumer Protection. When the 1997 Texas legislature began to develop a managed care reform bill, TASK worked with key legislators to draft an amendment forbidding managed care companies from denying medically necessary therapy. Their amendment, the first of its kind in the nation, was included in the final managed care reform bill.

Administrative Reform of Medicaid

When Tennessee launched its Medicaid managed care program, TennCare, in 1994, eligibility for the program was severely limited. The Tennessee Health Care Campaign immediately launched a campaign to convince the administration to enroll working uninsured families, who were ineligible under the plan as it stood at the time.

First, a coalition of powerful community leaders from the Business Roundtable and the Tennessee Justice Coalition launched a statewide public awareness campaign targeted at the business community. Meanwhile, another statewide coalition of consumer groups, religious groups, primary care providers, nurses, and the AARP conducted research to back up a specific proposal for open enrollment.

They persuaded the Tennessee legislature to begin public hearings on the open enrollment issue. Legislative leaders, the business community, and health access advocates testified in support of expanding TennCare to cover uninsured working families. In 1996, the governor agreed to take the first step toward open enrollment by expanding eligibility to the children of working families.

What do these three stories have in common?

1. The community health activists created hero opportunities for state and county officials. They did this by explaining access problems in the form of a compelling story with an easy-to-fix policy solution.
2. They put together strategic campaigns to convince everyone affected by the problem—no matter how remotely—to help achieve the solution.
3. They figured out how to preserve their good public policy initiatives and put new solutions on the public agenda for discussion and action.
4. They recruited shrewd policymakers to join them in partnership with savvy consumer groups and well-financed provider organizations.

Through these partnerships, community health activists organized members willing to communicate with public officials through a network of ordinary citizens.

Through these kinds of partnerships, community health activists all across the country accomplished two important goals:

1. They won. The partnership campaigns mounted campaigns that delivered tangible improvements in the lives of ordinary citizens.
2. They empowered themselves and other local activists. The grassroots base of coalition members, many of whom had become articulate constituents of key elected officials, acquired their own political power. Through united action, they connected to the public policymaking process and continued the struggle to win universal health care.

In this book, we hope to make the public policy process human, understandable, accessible, rewarding, and sometimes even fun.

From our own experiences and those of colleagues and friends in all 50 states, we will share with you successes and lessons we have learned.

From our hearts, we bring our personal and political commitment to social and economic justice, and we hope that through our work as public policy practitioners we can move, each day, one step closer to realizing that goal.

WHAT IS PUBLIC POLICY? AND WHO MAKES IT?

The Parable of the Million Dollars

What Is Public Policy?

Forms of Public Policy

Statutes

Regulations

Executive Orders

Court Decisions

Management Interpretation Decisions

Who Makes Public Policy?

The Three Branches of Government

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How and When Is Public Policy Made?

Laws

Regulations, Executive Orders

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How and When Do Ordinary Citizens Participate in the Public Policymaking Process?

Politics and Policy

A Final Word

CHAPTER 1

The Parable of the Million Dollars

Once upon a time in a medium-sized American city lived a decent, hard-working, middle-aged family man, Ernest Straightforward. Ernest not only was the CEO of one of the oldest banks in the city, but he also chaired the local United Way.

When the executive director of the United Way gave Ernest a report about the increasing number of unmarried teenage girls having babies in his city, Ernest was depressed. As he read the report, which documented the need for prenatal services, educational opportunities, and job training programs for young people in the city, he decided to do something about the problem.

Ernest gave the United Way's report to his state senator, Mary Hardbar, an outspoken fiscal conservative.

"Please read this," said Ernest. "We've got a problem that you can help us solve. This report includes recommendations based on good, accurate information. The budget is coming up in the Senate next week. We think you should vote for more state funding for preventive pregnancy programs for teens."

Senator Hardbar was impressed. Although she had heard about the rise in teen pregnancies, she had never before read suggestions about what to do to remedy the situation—especially not from someone like Ernest Straightforward, a successful businessman and community leader.

So, on the day of the budget vote, Senator Hardbar supported a \$1 million increase in the budget to fund preventive pregnancy programs for teens.

The human service advocates in the Senate gallery almost fainted—even the one who had been working with the United Way. "Could it be," she muttered as she called the United Way's executive director to relay the good news.

The executive director of the United Way delivered the good news to Ernest. "It's all because you gave the senator our report. Congratulations! You're a lobbyist."

"Oh please, don't call me that. It sounds sleazy," complained Ernest. "But let me tell you: I went to the senator's fundraiser last night, and there were a hundred people there, at \$250 a pop. And she bragged about her support for the teen program! She said getting more teen pregnancy prevention

dollars for the district made her feel like a million dollars. Then she introduced me as a great humanitarian.”

“Okay, countered the executive director. You’re an advocate.”

“Don’t call me that either! insisted Ernest. “Makes me sound like a bleeding-heart liberal. But, you know, I feel like a million dollars myself.”

“I’ve got it, said the executive director finally. “You’re an important community leader who just influenced public policy.”

“I like that, said Ernest. “By the way, what is public policy?”



Moses, one of the world’s first lobbyists. “Well, I got it down to ten, but adultery is still in.”

What Is Public Policy?

Public policy is a decision made, carried out and enforced by public officials. Making public policy is what governments do.

In fact, one of the first things a new nation, state, or tribe does is to decide on a statement of purpose that justifies its existence, states its boundaries to its neighbors (foreign policy), and describes a code of conduct and commerce for its citizens (domestic policy). Sometimes a single person – king, queen, empress or grand poobah makes all the decisions, sometimes the decisions are made by a traditional council of elders, or by a self selected, or elected group of officials representing families or geographical areas.

Preiterate governments developed policies that were transmitted orally. And while their foreign policies were sometimes quickly carried out and enforced with an act of war, domestic policies, trade relations, and political alliances were often developed and enforced with an extended open hearing process and a complex appeal procedure.

The ancient Greeks and Romans developed representative democracies, much like our own, to enforce government policies. They distributed these policies to newly conquered citizens on sheepskin.

And then there was Moses, who came down from Mount Sinai with some new public policies engraved on stone tablets. He was one of the world’s first lobbyists.

These days, public policy is most often defined on paper. It is a law, regulation, executive order, court order, or official letter that explains a policy decided by federal, state, county, or local officials.

If you had the time or inclination to pursue all the official domestic policy documents in any one subset of government, you could sort them into two general categories:

1. Policies that define the legal obligations of individuals or corporations by prohibiting certain actions or providing incentives for others.

State A requires people under age 18 to get parental consent to marry. State B requires females under 13 and males under 16 to get parental consent to marry. Each state has marriage license applications that instruct underage applicants to attach consent forms.

State C passed a child labor law in 1920 because textile factories exposed young children to dangerous working conditions. The Department of Labor recently updated the law to say that while big industries cannot hire children, convenience store owners can hire their 10-year-old sons or daughters to work in the stockroom.

State D announced a program to find jobs for welfare recipients. The program includes a direct mail promotion explaining tax credits for businesses that participate.

State F amended the annual budget, raising eligibility requirements for free health care.

2. Policies that regulate the behavior of public officials and their employees, especially their interactions with citizens and each other.

State E assigned the task of evaluating candidates for judges to a screening committee.

County F approved a request to double the number of caseworkers who arrange childcare for welfare recipients in job training programs.

County G got approval from the budget office to move their information and referral office closer to public transportation.

Forms of Public Policy

The United States Constitution

The mother of all state, county, and local public policy is, of course, the U.S. Constitution. Here you can find not only the parameters of government policy but also the procedures for making more. Many states give their citizens additional rights and responsibilities, and as long as these new policies fit within the parameters of the U.S. Constitution, it's all right with "mother."

Statutes

Federal Laws The U.S. Congress is made up of 100 senators and 435 members of the House of Representatives. They meet in Washington, DC. Members submit bills to amend current federal laws or to create new laws. These bills are subjected to an extensive hearing process before reaching the president's desk for approval or veto. Bills vetoed by the president can be overridden by two thirds of the House and Senate.

You will not be surprised to learn that most federal health policy is made during the budget-making process.

Theoretically, the negotiations surrounding the annual U.S. budget should be completed by the end of the fiscal year—October 1. The debate over reauthorization of federal funds, however, is usually not completed until months later.

State Laws The laws of each state are published in multivolume sets called General Laws, found in most public libraries and in any lawyer's office. The governor and a majority of the state legislators usually approve bills to amend state laws. If a governor vetoes a bill, the legislature may still be able to pass it if they have enough votes to override that veto.

Many of the state laws that concern community health activists are those passed to put the state in compliance with federal laws, such as Medicaid managed care laws.

It's easy for you to examine your state's laws. For instance, if you want to know what you have to do to open a practice as an occupational therapist or the rules governing home day care providers, all you have to do is look through the index of the General Laws. The index may seem intimidating, but here are two tricks:

- Don't get distracted by cross-references. (It's like looking up a word in a dictionary and getting distracted by the definitions for other interesting words.)

- Get a good lawyer, familiar with case law, to explain the law to you. (Case law or common law is law created by judges, who, by ruling on a case, establish a precedent for how specific laws are interpreted and enforced.) Even though you may think you understand the law as written, you may not know how the law has been interpreted and enforced.

County Laws County commissioners, using a process not unlike that used in state government, pass or amend county laws, sometimes called ordinances or bylaws. You can find county ordinances in the county commissioner's office.

Local Laws People on city councils, boards of selectpersons, or at town meetings pass and amend local ordinances and bylaws. These ordinances are stored in the clerk's office.

Regulations

The public managers, who must implement and enforce laws, write regulations. These people are usually employees in state, county, or local agencies, departments, and commissions. Simply put, regulations fill in the details of the laws. For instance, a state law may call for retail grocery stores to keep milk refrigerated. The Department of Public Health is left to define, through regulation, at what temperature the milk must be kept. The process for writing regulations is governed by a (guess what?) state law usually called the administrative procedure act. Writing regulations is officially called the "promulgation of regulations." Most states' administrative procedure acts provide some opportunities for the public, and those affected by the proposed new regulations, to be heard before the regulation is approved. Public hearings must be held, and the public's written comments must be reviewed. Local newspapers carry notices of hearings, usually in teeny-weeny print next to the want ads or death notices. Hearing notices are also posted in designated public places and mailed to those who ask to be put on the notification list.

Minnesota Session Laws 1998, Chapter 257

CHAPTER 257-H.F. No. 2550

An act relating to health; providing for rural critical access hospitals; amending Minnesota Statutes 1996, section 144.1483.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 144.1483, is amended to read:

144.1483 [RURAL HEALTH INITIATIVES.]

The commissioner of health, through the office of rural health, and consulting as necessary with the commissioner of human services, the commissioner of commerce, the higher education services office, and other state agencies, shall:

- (1) develop a detailed plan regarding the feasibility of coordinating rural health care services by organizing individual medical providers and smaller hospitals and clinics into referral networks with larger rural hospitals and clinics that provide a broader array of services;
- (2) develop and implement a program to assist rural communities in establishing community health centers, as required by section 144.1486;
- (3) administer the program of financial assistance established under section 144.1484 for rural hospitals in isolated areas of the state that are in danger of closing without financial assistance, and that have exhausted local sources of support;
- (4) develop recommendations regarding health education and training programs in rural areas, including but not limited to a physician assistants' training program, continuing education programs for rural health care providers, and rural outreach programs for nurse practitioners within existing training programs;
- (5) develop a statewide, coordinated recruitment strategy for health care personnel and maintain a database on health care personnel as required under section 144.1485;
- (6) develop and administer technical assistance programs to assist rural communities in: (i) planning and coordinating the delivery of local health care services; and (ii) hiring physicians, nurse practitioners, public health nurses, physician assistants and other health personnel;
- (7) study and recommend changes in the regulation of health care personnel, such as nurse practitioners and physician assistants, related to scope of practice, the amount of on-site physician supervision, and dispensing of medication, to address rural health personnel shortages;
- (8) support efforts to ensure continued funding for medical and nursing education programs that will increase the number of health professionals serving in rural areas;
- (9) support efforts to secure higher reimbursement for rural health care providers from the Medicare and medical assistance programs;
- (10) coordinate the development of a statewide plan for emergency medical services, in cooperation with the emergency medical services advisory council;
- (11) establish a Medicare rural hospital flexibility program pursuant to section 1820 of the federal Social Security Act, United States Code, title 42, section 1395i-4, by developing a state rural health plan and designating, consistent with the rural health plan, rural nonprofit or public hospitals in the state as critical access hospitals. Critical access hospitals shall include facilities that are certified by the state as necessary providers of health care services to residents in the area. Necessary providers of health care services are designated as critical access hospitals on the basis of being more than 20 miles, defined as official mileage as reported by the Minnesota department of transportation, from the next nearest hospital or being the sole hospital in the county; and
- (12) carry out other activities necessary to address rural health problems.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Presented to the governor February 23, 1998

Signed by the governor February 25, 1998, 3:05 p.m.

The Commonwealth of Massachusetts
SECRETARY OF STATE

REGULATION FILING AND PUBLICATION

1. Regulation Chapter Number and Heading: 102 CMR 8.00
2. Name of Agency: Office for Children
3. This document is reprinted from the Code of Massachusetts Regulations and contains the following:
102 CMR 8.00 Standards for the Licensure or Approval of Family Day Care Home

8.12 Health of Children in Care; Parental Permission; Information to Parents

(1) Health of Children.

(a) The provider shall obtain from the parent of each child in care, within one (1) month of enrollment, a statement signed by a physician or health agency that the child is in good health, that any known special conditions are under treatment and indicating all allergies or other conditions which would require special care.

(b) The provider shall obtain from the parent of each child in care, within one (1) month of enrollment, evidence that the child has been successfully immunized in accordance with current Department of Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and other communicable diseases as may be specified from time to time by the Office.

© The provider shall, within one (1) month of enrollment, obtain from the parent of each child in care under the age of six years, but not less than two years of age, a statement signed by a physician or employee of a health care agency stating that the child has been screened for lead poisoning.

(d) For all children admitted to care prior to two years of age, the provider shall, within one month of the child's second birthday, obtain from the parent a statement signed by a physician or employee of a health care agency stating that the child has been screened for lead poisoning.

(2) Source of Health Care. The provider shall obtain the name, address, and telephone number of the physician or source of health care of each child, prior to admission of each child.

(3) Children With Special Needs. The provider shall require the parent to provide written recommendations.

A Regulation

State of Florida

Executive Order Number 98-200

WHEREAS, access to affordable, quality health care is important to all Floridians; and
WHEREAS, more than ninety percent of Florida's businesses employ between one and 50 people; and
WHEREAS, some health plan practices continue to limit access to coverage for small groups; and
WHEREAS, rising premium costs have placed health insurance policies out of reach for many small businesses;
and
WHEREAS, Florida has established state-chartered, nonprofit private purchasing organizations known as
Community Health
Purchasing Alliances (CHPA) to assist small employers in securing high quality health care at affordable prices;
and
WHEREAS, it is the intent of the Governor as Chief Executive of the State of Florida to use the provisions of
Sections 408.70
through 408.706, Florida Statutes, for the maximum benefit of the citizens of the state; and
WHEREAS, it is within the executive authority of the Governor to instruct the CHPAs with policy directives that
the Governor
believes to be in the best interest of the State of Florida;
NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, in obedience to my solemn constitutional duty to
"take care that the laws be faithfully executed, and pursuant to the Constitution and laws of the State of
Florida, do hereby promulgate the following Executive Order:

Section 1

There is hereby established a State CHPA Board with authority over all individual CHPA boards in matters with
statewide impact. The purpose of the State CHPA Board shall be to ensure uniformity of adoption and
implementation of those policies of the individual CHPAs that may have statewide implications, to include but
not be limited to premium billing and collection; enrollment and maintenance; procurement of contracts with
accountable health partners and for third party administrative services; loading of rates for quoting and
enrollment; standards for electronic data interchange; enrollment forms; and eligibility guidelines.

Section 2

The State CHPA Board shall comprise of the chairperson of each individual CHPA board and one person
appointed by the Agency for Health Care Administration or its successor agency. All individual CHPA board
actions with statewide impact shall be subject to approval by the State CHPA Board.

Section 3

George Lackman, Chairman of CHPA 6, shall serve as Chairman of the State CHPA Board for a term of one year
from the date of this order.

Section 4

The State CHPA Board may organize itself in any manner necessary to implement the conditions of this
Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida
to be affixed at Tallahassee, the Capitol, this 6th day of August, 1998.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
Secretary of State

Executive Orders

The governor or the chief executive officer of a county or municipality issues Executive orders. These orders establish a policy within the executive branch. For example, an executive order can establish a special commission to recommend responses to a controversial new problem.

Court Decisions

A judge issues court orders based on the facts of a court case. Judges make rulings guided by state and federal laws and state and federal constitutions.

Management Interpretation Decisions

Public officials make public policy every hour of every day based on their interpretation of laws, regulations, and executive orders. This is how most public policy is made.

Examples:

County G passes a law requiring the Commissioner of Human Development to coordinate employment services for disabled people. The commissioner hires a disabled man as executive director, puts the office next to a wheelchair accessible subway stop, and sets up an advisory committee of disabled people. She was not required by law to do these three things, but she thought it was good public policy.

County H requires that all health contracts be awarded to the lowest bidder. The purchasing agency is allowed to establish minimum standards to ensure public health. The Commissioner of Health decides to require contractors to prove that all employees are paid \$10 per hour, on the grounds that a well-paid work force is essential to public health. The Chamber of Commerce challenges this requirement in court and charges the commissioner with exceeding his authority.

State J's Department of Motor Vehicles orders local offices to revise their work schedules so that the offices can stay open late two evenings per week.

FOR IMMEDIATE RELEASE
August 26, 1998

GOVERNOR ANNOUNCES \$53.6-MILLION
REIMBURSEMENT INCREASE TO HELP IMPROVE
ACCESS TO MEDICAL, DENTAL AND HMO CARE

SPRINGFIELD, ILL. — Gov. Jim Edgar today announced action that will improve access to medical and dental care for tens of thousands of children of low-income families across Illinois. The Governor approved a \$53.6-million increase in reimbursement rates to physicians, dentists, health-maintenance organizations (HMOs) and other health-care providers serving new enrollees in KidCare, and Medicaid clients.

"Better access leads to better outcomes for those needing medical and dental care," the Governor said. increasing the rates paid to doctors, dentists, HMOs and other providers makes it more likely that they will accept KidCare and Medicaid patients, and that will lead to improved access to health care across the state. That means more children will receive regular checkups along with necessary immunizations, and more pregnant woman will receive prenatal care early and often."

The reimbursement rate increase is available to more than 31,000 active Medicaid and KidCare physicians and other health-care providers, about 3,300 dentists, and nine HMOs and is effective for services provided since July 1, 1998.

Physicians will get higher rate reimbursements for many office visits, including the two most common types of visit. An initial office visit for a new patient rises to \$33.88 from \$20.95. The new rate for an office visit for an established patient will be \$30, up from \$18.55. About \$30 million is earmarked for rate reimbursement increases for physicians, up nearly 10 percent.

Reimbursement rates will increase by about \$7.1 million for other providers, including nurses, audiologists, radiologists, transportation companies, and laboratories. Increased reimbursement rates also will apply for chiropractors, optometrists, and podiatrists for services to children only. Rates will increase by at least 3 percent for providers.

About \$8.5 million is earmarked for rate reimbursement increases to dentists for a number of services, reflecting an average increase of 44 percent. For instance, the rate for an initial oral exam rises to \$20 from \$10.50. The rate for a surface filling rises to \$25 from \$14.76.

About \$8 million is earmarked for rate reimbursement increases to HMOs, reflecting an average increase of about 4 percent for services. The nine HMOs served more than 142,600 clients in July.

An estimated 200,000 uninsured children could qualify for medical coverage through KidCare: Health Insurance for Illinois Children. Applications for KidCare are now being accepted. Medicaid provides health coverage to another 1.3 million persons a month.

Children from families with incomes between 133 percent and 185 percent of the federal poverty level are eligible for KidCare, a program that will use existing Medicaid providers and the same Medicaid reimbursement rates for physicians and other providers. KidCare enrollees will be given separate eligibility cards.

Children whose family incomes are up to 133 percent of the federal poverty level can be enrolled in KidCare through the regular Medicaid program. Pregnant women whose incomes are up to 200 percent of the federal poverty level and their newborns also are eligible for Medicaid under Edgar's expansion of the program, which began in January.

The federal poverty level for a family of four is \$16,409. The income level for a family of four at 133 percent of the federal poverty rate is \$21,879; at 150 percent is \$24,675; and at 185 percent is \$30,433.

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Press Release

Who Makes Public Policy?

We all know a little about how our government works because all 50 states have laws requiring every child to take at least one course in American history, government, citizenship, or civics before they enter the tenth grade.

Clearly, the purpose of this policy is to promote good citizenship by giving all adolescents some basic information about how our government works. In some states, the legislature established the course requirements after long debate and grand posturing about democracy and our nation's proud history. In other states, the Education Department passed the course requirements as one part of a comprehensive set of educational standards.

If you want to know the names of these leaders in your state, check The Public Policy Institute's website at www.realclout.org or The Access Project's Web site at www.accessproject.org. Both have links to helpful federal and state government Web sites.

Here is a ninth-grade quiz to test what you remember.

1. Name the three branches of government.

All who dutifully responded "The executive, the legislative, and the judicial branch," and who conjured up images of their civics teachers, get 10 points. Those who scratched their heads needn't worry. By the time you finish this book, you'll be an expert in governmental affairs.

2. Name your governor, the chief justice of your highest state court, your state representative, your state senator, and your county commissioners.

If you know all of these, you are one in a thousand. Those from the Northeast with weak county governments almost never know the names of county officials. And, except for members of the bar, most of us cannot name our chief justice.

The Three Branches of Government

An elected governor, who serves as CEO, or chief executive officer, heads the executive branch of state government. County commissioners either choose one commissioner to act as CEO or hire a professional manager who reports to the chair. Mayors or city managers serve as CEOs of cities. The executive branch of government is usually organized into some sort of cabinet or department run by people appointed by and accountable to the governor, head commissioner, manager, or mayor.

The legislative branch is made up of people each elected to represent a certain geographic district. Forty-nine states have a bicameral legislature like the U.S. Congress, with a large house of representatives and a smaller senate. The fiftieth state, Nebraska, has a unicameral legislature with just a single body of elected senators. County commissions are unicameral legislative bodies, as are city councils.

The judicial branch in each state, split into civil and criminal court systems is divided into district courts by county. Cases move up on appeal to the state's highest court. State judges, especially those on the highest court, make public policy when they rule on disputes about how a state law should be interpreted. These rulings are called case law or common law, and they have the same clout as laws passed by the legislature and approved by the governor.

A Special Note on County Government

County governments are funded in various ways and have different powers and authority depending on the state. (Instead of counties, Louisiana has "parishes" and Alaska has "boroughs.") States in the Northeast have weak county governments. California, Florida, Illinois, and Minnesota are just four of the 30-plus states with strong county governments. Strong county governments raise their own revenues. With some help in the form of shared costs, subsidies, or grants from the state and federal government, they build and maintain roads, bridges, prisons, and courthouses; manage the civil and criminal justice systems; and administer a wide range of human-service programs.

In some states with strong county governments, like California and Florida, the county is, by state law, the health provider of last resort. County governments in these states run some of the last public health hospitals in the nation. Most other states with strong county governments fund and implement at least some health and prevention programs.

An elected board of county commissioners runs a county. In many large counties, the commissioners appoint a professional manager to administer county programs, leaving them free to act as a legislative body. The commissioners meet regularly to make policy by approving or disapproving their manager's decisions and amending county ordinances or laws. County administrators make their policy decisions much like their colleagues in state government.

How and When Is Public Policy Made?

Laws

In every state, county, and town, the legislative body meets regularly to consider new laws or amendments to respond to a current problem or to proposals made by people inside and outside the legislature. States have legislatures or assemblies; counties usually have commissions or boards; cities have city councils; towns have town meetings.

The process really boils down to a newly elected legislative body choosing leaders, establishing a meeting schedule, using or slightly amending the existing procedures, taking up proposals to change existing laws, and debating them until they've run out of proposals or time.

The policymaking process in a legislative body is described in more detail in Chapter 4.

Regulations, Executive Orders

When a new law is passed (milk must be refrigerated), new regulations must also be produced (the temperature at which the milk must be stored).

People propose amendments to current regulations quite often, especially when the administration wants (or is forced) to change the way it implements a public policy or program. Out-of-date regulations about how thick the stick must be to whip a mule are sometimes amended as well, but it's such a pain in the neck that this is rare unless somebody makes a public fuss in order to make people in government look stupid. (Or, as one reporter noted during the Texas debate on updating the regulations on fornication, "Sometimes everybody looks stupid.")

When a governor or mayor uses the bully pulpit of high office to make a public statement about an important new policy initiative, she or he issues executive orders. Sometimes the governor or mayor issues executive orders when she or he knows a controversial policy would be lost or crippled during a prolonged public debate. Sometimes a governor or mayor issues executive orders to take all the credit for a popular new policy.

Management Interpretations

Public managers and their employees make public policy by just doing their job. Public officials make policy when they decide to do something and when they decide not to do something.

For example, public officials make policy when they decide:

- to purchase only motor vehicles made in America
- to use surplus money to hire consultants to design a department brochure instead of replacing old copy machines
- to pay election department employees over time during a registration drive instead of setting up revolving schedules
- to organize the lines at the Department of Motor Vehicles' downtown office on a first-come, first-served basis instead of setting two windows aside for people with expired licenses

The executive branch's policymaking processes are described more completely in Chapter 3.

How and When Do Ordinary Citizens Participate in the Public Policymaking Process?

For many ordinary citizens, individual participation in the public policy-making process is limited to casting a vote at the ballot box. However, many ordinary citizens do get involved in organized public policymaking processes through nonprofit organizations—unions, neighborhood groups, professional associations, and consumer advocacy organizations. Through these kinds of organizations, many ordinary citizens can and do influence the public policymaking process.

Typically, most ordinary citizens start working at the community level, trying to get something fixed or improved or changed or started or stopped. They come to state or county policymakers with a problem they have tried unsuccessfully to fix locally. They come because the solution to their problem requires the state or county to change the way it administers a specific policy or program, or the solution requires the state or county to make a new policy or fund a new program.

If you have done any of these things, you have been involved in the public policymaking process.

- Have you signed a petition?
- Have you organized a bake sale to pay for new playground equipment at your child's school?
- Have you collected petitions to support a school-based clinic network in local public schools?
- Have you gone to the planning board to protest construction of an asphalt plant or new runway in the next neighborhood?
- Have you volunteered in the health center's New Moms Mentor Program?

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

First Amendment to the
United States Constitution

They come with their problem to state or county public policy-makers and ask them to fix it. Sometimes this is called advocacy; sometimes it's called informing and promoting good public policy; sometimes it's called lobbying. It happens all the time. It's perfectly legal. It's okay; even in not for profit organizations! (See Appendix.)

It's okay for ordinary citizens and nonprofit organizations to:

- ask a governor or county commissioner to help them fix a community problem
- engage administrative officials in a public discussion designed to persuade them to change existing laws or regulations
- involve themselves in the process of changing a regulation
- get involved in the law-making process by trying to persuade elected policymakers to support changes in laws

In short, it's okay to lobby. Lobbying is a protected activity in the United States. The first amendment to our Constitution says so.

Think of it this way: Unlike the Ten Commandments, our public policies are not carved in stone. While the author of the Commandments left no room on the tablets for Moses to amend them, those who drafted our constitution assumed that public policy should always grow, expand, evolve, and respond to the changing needs of a developing society. They even created a process for amending the Constitution: a process called politics.

Politics and Policy

Former Massachusetts Representative John McDonough, armed with a Ph.D. in Health Administration, works at the Heller Graduate School for Public Policy at Brandeis University. He teaches folks who aim to become public policymakers with credentials. He is often invited to speak to public health groups, special interest organizations, and trade associations about the making of public policy. He always begins his presentation by asking his audience to define politics. Professor McDonough then leads the group through a discussion, finally arriving at this definition:

Politics is the negotiating process by which a civil society decides who gets what, when, and how. In other words, politics is a process that produces policy.

Someone in the room inevitably tells the good professor that his definition of politics as a process seems just a little lofty. To them, politics implies unscrupulous behavior, favoritism, and corruption. The audience usually pleads guilty to having a bad attitude until the professor asks them to think about negotiations in their family, their workplace, their church or temple, their social clubs, and their community organizations:

- Which kid gets the car on prom night, and why does the loser always whine, “You love her more”?
- Who gets the promotion in the office, the hard-working nerd or the new, young Ph.D.?
- Which in-law hosts Thanksgiving dinner this year?
- Why does the math department have twice as many interns as the English department?
- Why does the Board of Overseers at our church only nominate 70-year-old men to the board?

By the end of the discussion, most of the participants admit they have played a little politics themselves, and some of them even claim they are pretty good at it. They have:

- allowed a weeping teenager to rent a limo on prom night
- positioned themselves for recognition from the boss
- convened a family council to bully the youngest brother into talking to Mom
- persuaded the dean's assistant to present their intern proposal first
- been appointed the first female member of the church board

So, why is the word politics charged with so many negative connotations, like cronyism and corruption? Because politics is a process that decides who gets what, when, and how. Politics can be a difficult, unpleasant process of negotiations between people who don't like or respect one another. And while everyone has to compromise some, somebody ultimately wins the most, somebody loses the most, and sometimes the loser gets sore and cries, "Politics!"

The philosophers Aristotle and Hannah Arendt described politics as the pacific alternative to war. And indeed, sometimes it is. Every civilization has documented family, tribal, and national political decisions allocating favors or resources that have been followed by murder, warfare, and genocide triggered by the loser's angry cries of injustice, bias, or dishonesty.

Remember the competition between Cain and Abel? Remember what happened when a prince of Troy ran off with the wife of a Spartan general?

Now while state or county politics may not involve murder or warfare, it has never been described as peaceful. Although blood is

Man is by nature a political animal.

—Aristotle, *Politics*, Book 1

not literally shed in the state capital or the county seat, the two are not always quiet places where well-intentioned people calmly negotiate a quick and comforting resolution. Rather, the state capital and county seat are places where differences of opinion (often strongly held) are debated (often vigorously) before being resolved by a vote. Somebody wins. Somebody loses. The majority rules. The minority vows to fight another day. And fight they do, using debating skills, press releases, and parliamentary tactics instead of guns, knives, and military maneuvers.

It was to stifle verbal abuse (including slander) and physical violence (including swordplay) that our country's Founding Fathers designed formal political protocols to contain and rechannel hostility and rage. For instance, the rules of legislative debate, which forbid members to address each other directly or by name, force enraged partisans to address remarks to the presiding officer, indirectly referencing opponents only by district or town. Today, wit and sarcasm are the only permitted weapons, and both are used to sharpen speeches with phony declarations of collegiality during the most heated and antagonistic debate.

Madame Speaker, I'm sorry to say that the previous speaker's lack of good taste, good sense, and good humor was only exceeded by his lack of good arguments to support a silly little proposal.

Mr. President, I stand to respond to my colleague, the lady from Cobb County, to say that her persuasive and articulate arguments cannot make up for her lack of accurate facts, her inability to construct a logical argument, and her total disregard for the essential truths taught in the Bible that she so self-righteously waved before this podium.

Now don't you think that this kind of civil debate is vastly preferable to fistfights and swordplay? At least more entertaining? How about less stupid? Less bloody?

Actually you can't answer those questions until you have worked hard in a public policy campaign about an issue that you care very much about, and have watched the legislative body debate your issue. You'll find it hard not to take your opponent's words and campaign tactics personally.

Newcomers to the public policy arena who are passionate proponents of their particular cause are often astounded to find institutionalized, organized, and equally passionate opponents ready to challenge their premises, doubt their sincerity, and debate the merits of their cause.

- Remember how hard the libertarians fought against seat belt laws?
- Remember how hard the insurance companies fought against healthcare reform?
- Remember how hard the religious right fought against family planning programs?

It's this moment when newcomers first realize they are entering a fight and that they need a plan to win.

And if truth and justice win, chances are you will hear the newcomers praise the leaders as informed public policymakers, who responded to a well-organized constituency. And if truth and justice lose, you can bet the newcomers will blame it all on politics and vow to fight another day.

A Final Word

To be political, to be in polis meant that everything was decided through words and persuasion and not through force and violence.

—Hannah Arendt,
The Human Condition

To those of you who would still prefer armed combat to political posturing, we can offer little but sympathy. But to those of you who want to know how healthcare access advocates and consumer groups can influence the policymaking process in their states, the following chapters will help you understand both the process and the politicians. We will tell you how understaffed and outspent community activists can successfully influence the opinions, actions, and policy decisions of public officials.

COMMUNITY HEALTH CIVICS: REQUIRED READING

The Public Servant, the Politician, and the Preacher

Community Health Civics: Required Reading

New Ground Rules

How Did Our Government Get Into Such a Mess?

What Do These Reforms Really Mean to Our Policy Work?

How Can We Help Members, Clients, and Neighborhood
Activists Think of Public Policymakers as Ordinary,
Approachable Human Beings?

Information Gathering and Communication Tools

Television

Legislative Tracking Systems

Information Gathering and Communications Tools on the
Internet

Research and Intelligence Gathering in the Public Policy Arena

E-mail

Facsimiles

Devolution

How Is Devolution Affecting State Government Today?

Review

CHAPTER 2

The Public Servant, the Politician, and the Preacher

Once upon a time in a big American city, three friends met for their monthly lunch at the old neighborhood hangout.

Alice, a nurse prevention specialist at the Sojourner Settlement House and Multiservice Center, was a strong-minded, righteous woman. She was not bashful about expressing her opinions, even about her friends' love lives and career choices. Privately, her friends referred to her fondly as the preacher.

At this lunch, Alice preached damnation to all the self-absorbed, self-serving politicians and small-minded, shortsighted, bean-counting bureaucrats who didn't give a damn about ordinary working people trying to eke out a living in neighborhoods like this one.

Her lunch companions were a little weary of this same old sermon.

Latoya, a senior administrator at the county health and human service agency, preferred to think of herself as a career public servant rather than a bean counter. Furthermore, she resented Alice's assumption that nobody else cared about the neighborhood. True, the county commissioners were sometimes self-absorbed and self-serving, but what politicians weren't? Had Alice forgotten that the two newly elected "reform" commissioners had campaigned on the need for more and better community-based health and human service prevention programs?

Maggie, with two masters degrees, one in women's studies and the other in political science, was a practicing politician absolutely convinced that elected officials held the keys to the redistribution of wealth and power. Maggie was laying the groundwork to run as a reform candidate for city council. She worked for the city as community liaison and was always looking for ways to increase her visibility in the neighborhoods. Unfortunately, her mayor, a colorful, controversial figure, was self-absorbed at the moment, defending himself against charges of diverting federal community-policing dollars.

When Alice finally wound down, Latoya announced, "well, if you've finished, I would like to announce that this bean-counting bureaucrat has a new assignment. You are looking at the person in charge of the new managed care Medicaid agency. The county commissioners want me to shake up the purchases of services by soliciting proposals from the big, for-profit managed care providers doing good work in other states. I'm to make sure that the same old providers aren't paid to do the same old thing they've been doing for years."

Alice had been the most visible and vocal member of Mothers and Children Against the Asphalt Plant (MCAAP), a neighborhood organization that mounted a successful campaign directed at the county commissioners. For every member of MCAAP who attended the commissioner's public hearings on the proposed plant, another 20 watched the deliberations on cable television. The TV watchers called during the hearings to compliment commissioners when they asked good questions and to complain when they didn't. City Hall offices were jammed with letters, faxes, e-mail messages, and petitions against the asphalt plant. Maggie and the mayor got front-page coverage, and helped Alice avoid arrest by accompanying her parade of asthmatic children to the swanky suburban home of the president of the asphalt company.

The county commissioners finally retracted the plant's building permit in a packed meeting covered by the press. A local cable reporter told his viewers, "If any of you see members of Mothers and Children fighting a grizzly bear, and you're worried someone will get hurt, you'd better get in there and help the bear!"

Alice was heartsick. A current county Medicaid line item funded the multiservice center's adolescent services program, which paid her salary. Now the county commissioners wanted to hire an out-of-state, for-profit company to manage her program?

"I can't believe you're going along with this! You've got to help me get those county commissioners back on track, just like you did when they tried to poison our children with that asphalt plant. Remember how you helped me organize Mothers and Children Against the Asphalt Plant (MCAAP)?"

"Yeah, that was great!" said Maggie. "The mayor loved the front-page coverage he got during the march!"

"Who could forget?" said Latoya. "Especially the county commissioners! Some of them are

already trying to figure out how to get around these new contracting procedures.

"I've got a plan, said Latoya. "But first you've got to stop assuming that all bureaucrats are bean counters. Read this." Latoya pushed across the table a draft letter she was sending to all the county programs funded by Medicaid. The letter invited providers to attend meetings to help the county health and human services department develop a new managed care purchasing system. "This letter will go out tomorrow, and I sure hope that Sojourner's executive director comes so that her wonderful health and prevention programs can be used as a countywide model."

Then Latoya shoved a second letter across the table to Maggie. It was addressed to the chair of the county commissioners and was signed by a lobbyist for one of the biggest managed care companies in the nation. The lobbyist asked for a time to meet with the commissioners to explain why they should open up the purchasing system to out-of-state, for-profit

companies. The lobbyist was familiar to Maggie—the mayor had defeated him in the last election.

Latoya added, “This is only one of the out-of-state, for-profits looking at this contract. A New York-based company has hired seven lobbyists, one for each commissioner, and they’re all sniffing around the county building with PowerPoint presentations on laptops and four-color materials six inches thick.”

Latoya continued, “One of the commissioners is furious about this, and she plans to offer an ordinance banning out-of-state, for-profits as vendors. Under the new rules, the county has to hold extensive public hearings before they can do this. I can’t testify because I work for the county, but the chief administrator told me it’s okay to do a little organizing among grantees and vendors.”

Maggie grinned, “Maybe I can get the mayor interested in preserving community-based programs. Heaven knows he needs a good hero opportunity after that debacle with the community-policing grant. The Daily Tribune is on a crusade to make him look bad. I don’t even want to think about the headline they could write about this lunch. Imagine ‘Mayor’s Aide Conspires With County Official to Direct Federal Dollars to Crony’s Antidrug Program.’”

Alice gave her a little smile and said, “Maggie, my dear, you just concentrate on getting that cowboy mayor of yours to rescue us from those out-of-state companies trying to take away funds from our model drug-prevention programs. You ought to bring the mayor down to see how hard these kids work to keep themselves out of trouble. We’ll show him something he can brag about to those Neanderthals at the Daily Tribune. He still keeps that basketball in the back of his car, doesn’t he?”

Two Months Later:

Daily Tribune

Mayor Presents Jump Start Diplomas at Sojourner House

Late last night in the middle of a basketball court, the mayor and county commissioners shook hands with 23 graduates of Sojourner House’s Jump Start Program. The program provides counseling and support services to neighborhood youth, so they can attend technical training courses or community college. “This program really made a difference in my life,” said Ernesto Soto . .

Turning to Latoya, she added, “And bring down those county commissioners, too. They ought to see what they’re spending the taxpayers’ money on.

Community Health Civics: Required Reading

The previous story shows just a few of the working conditions hard-working, honest, principled public servants and politicians face when trying to make good public policy in a public institution undergoing profound change.

Some of the changes have opened up a world of opportunities for you to influence public policy close to home.

- Some changes have altered the relationships between players inside and outside the political arena.
- Other changes have corrected the behaviors of the most indiscreet or stupid public officials.
- Still other changes have made it easier and cheaper for community health activists to monitor and influence the public policy process.
- The rest of the changes don't make a dime's worth of difference, but they serve as penny symbols to a disgusted and disconnected public.

hero opportunity (n) a compelling problem or crisis that provides policymakers with public occasions to propose and champion a solution that brings a measurable difference in the lives of a critical mass of constituents, as in "desperate for hero opportunities."

All together, the changes allow smart, savvy community health activists to enter the public policy arena with an opportunity desired by every public official—a way to look and feel good.

In the first section of this chapter, we will discuss how a government reform movement fueled by citizen outrage and

disgust has imposed campaign finance reform, rules reforms, and term limits on the public policy arena. Despite these reforms, the public is still distrustful, disengaged, and disconnected from the process. Elected officials are desperately searching for ways to reconnect with their constituents.

Community health activists can take advantage of this situation by providing public officials with hero opportunities, in which they can champion or protect their constituents' health and well-being.

In the second section, we will describe how the information age has brought affordable and efficient information gathering and communication tools to the policymaking process, opening it up to citizen activists and the general public.

Community health activists can use these tools to organize and mobilize a powerful grassroots constituency capable of influencing local or state health policies.

In the third section, we will try to find gold in the gray storm clouds of devolution. As the federal government devolves federal programs and funding streams, state and county officials are assuming new powers.

Community health activists can take advantage of some of these new closer-to-home opportunities to make health policy better.

New Ground Rules

Most state, county, and local governments have reacted to public demand for reform by changing some internal processes and rules. Drastic measures like campaign finance reform, term limits, and lobbying restrictions have often been imposed on these governments by a citizen-based reform initiative in the wake of a political scandal. Despite the epidemic of government reforms across the country, it is painfully obvious that the public still distrusts the motivations of their elected officials. Their disconnection from the public policy process grows worse.

It has become almost impossible for public officials to get the media to cover substantive public policy debates. The press is too busy searching for political scandal to bother with a story portraying a politician or a bureaucrat as a champion of a complex policy that is not interesting to watch on the evening news. It doesn't matter if the policy will improve the lives of thousands of constituents.

It has become exceedingly difficult for community health activists to motivate themselves and community leaders to get involved in anything that smacks of politics and politicians. It really does seem to get harder every day to convince ordinary people that they can make a difference if they will only get involved.

Reluctant activists are often willing to enter the public policy arena once they put political scandals and government reforms into a historical perspective by examining the answers to the following questions.

How did our government get into such a mess?

What do these reforms really mean to our work?

How can we help members, clients, and neighborhood activists think of public policymakers as ordinary, approachable human beings?

How Did Our Government Get Into Such a Mess?

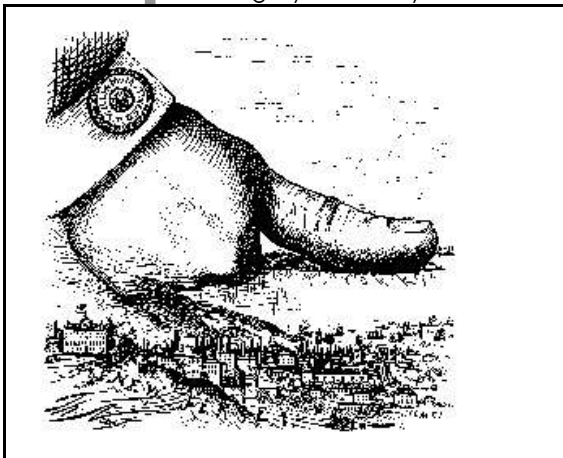
Government reform movements directed at representative democracies have been going on since the beginning of recorded time.

Thomas Nast created some of the editorial cartoons in this book. His work for the New York Times in the last century helped bring down the notoriously corrupt and colorful leaders of Tammany Hall, New York City's most powerful Democratic club.

Thousands of public construction jobs were created in New York after the Civil War. Tammany Hall loyalists in the state legislature and city hall empowered dozens of precinct captains and street leaders to set up a job placement and social welfare system that ministered to the needs of loyal constituents, most of whom were recent immigrants.

Every election year, indignant good government types denounced Boss Tweed and the Tammany Hall job placement and social services programs as corrupt cronyism. Every election year they lost to candidates like Al Smith, whose slogan for his first campaign for alderman was "To Hell With Reform."

The scales finally tipped in favor of reformers in the 1870s, when well-publicized state legislative hearings in Albany documented how Boss Tweed and others, in partnership with district police captains, extorted bribes from gambling hall and brothel operators all over the city. The New York Times wondered how Boss Tweed, on a \$2,500 yearly salary, paid for a spacious mansion on Fifth Avenue, an estate in Greenwich, Connecticut, and his nightly feast of oysters at Delmonico's.



A Thomas Nast political cartoon from the 1870s.

Nast's cartoons, widely circulated on reformers' fliers, illustrated the corruption of Tammany Hall leaders and fanned the flames of public outrage at the personal greed of these formerly beloved rogues. It was too much for even the most loyal Tammany Hall precinct captains to excuse. Theodore Roosevelt, Jr., was brought in as commissioner to clean up the police department.

Tammany Hall survived the Tweed Scandals and remained a powerful force in New York City until civil service reform crippled its employment services, and government welfare programs provided for the unemployed in the

district. Today, Tammany Hall is just another political club for locals who hold down regular jobs.

And so it goes, from Boss Tweed in New York to James Michael Curley in Boston to Huey Long in Louisiana—a predictable almost boring cycle of political corruption, discovery, public scandal, resolution, and reform. Corrupt politicians get discovered and removed from office, and political institutions reform themselves or get over thrown.

Now, dear reader, we can imagine you throwing that little history lesson aside, and muttering, “Yeah, but it's worse today. We seem to have more politicians involved in more morally and criminally corrupt behavior than ever. Our legislature passed rules reform, campaign finance reform, and established a new ethics committee. Our governor set up a bipartisan diversity search committee to review appointments to state authorities and advisory boards. And yet the press still reports on cronyism, closed-door decision making, and influence peddling by special interest groups!”

It's only a cold comfort we can offer by suggesting that it just seems worse because there are many more media outlets revealing more variations of the usual amount of political corruption. Just think about it for a minute: Gone are the days of three national news shows, one or two radio news programs, and one or two local papers, all with tight deadlines.

There are no deadlines now, and there are many more newsgathering outfits and reporters. CNN airs 24 hours per day. Newsweek and ABC offer hourly news updates on the Internet and still find themselves scooped by political message boards. Hyperventilating talk show hosts breathlessly pass on the latest sensational and unsubstantiated scandals, no matter how trivial. These competitive pressures force local TV stations, newspapers, and talk show hosts to expand their newsgathering and reporting capacity by looking for political corruption right here in town.

As the old saying goes, “If you look for trouble, you will surely find it.” Once it's found, it has to be dealt with. Increasing media exposure of foolish or unprincipled political leaders affects the making of public policy in four ways, the first only affecting the policymakers themselves. The rest, acting together, affect all the players inside and outside the public policy arena. They particularly affect community activists engaged in mobilizing constituents to demand better health policies.

1. Close media scrutiny forces public policymakers to either stop engaging in improper activities, or at least to be discreet about it.

It's a good thing for public policymakers to think about how voters would perceive their private activities should they adorn the front pages of a local paper.

Wise public officials spend a few hours engineering an acceptable, plausible, public explanation of their questionable private behaviors, knowing full well that their constituents are quick to forgive human frailties and failures, and happy to indulge colorful and eccentric behaviors in their public leaders. Hence we regularly see confessional press conferences of contrite public officials, standing beside loyal family members, announcing their status as a person in recovery from at least one addictive behavior. One can doubt the sincerity of anyone who uses such a tactic but never the success of the tactic itself, because it almost always produces an improvement in name recognition and favorability ratings.

Betrayal of public trust is quite another thing. Public officials who steal taxpayers' money or cheat on their income taxes or use their power to enrich friends and family cannot be saved. Not even their defense attorney's lament that unfettered prosecutors, operating under new federal conspiracy laws, are unfairly fingering public officials for behaviors that were winked at in years past will help.

2. Constant media exposure of stupid and unprincipled public officials discourages ordinary citizens from engaging in the political process.

This is not good. National pollsters have been paid a lot of money to confirm what most people already know: The public doesn't know much about the public policymaking process, but they've reached some conclusions anyway. Many people think that politicians are crooks, bureaucrats are incompetent and lazy, and special interest groups engage in legalized bribery disguised as campaign contributions.

This pervasive bad attitude makes it hard for community activists to recruit community leaders to become involved in the making of public policy, especially leaders who pride themselves on being enlightened progressives. They say, "Why bother?" The whole process is corrupt, and we wouldn't even get the time of day."

The cardinal rule of organizing works when applied here: People will take action if it is in their self-interest. Activists prove this rule every day when they explain to ordinary people how their involvement in a particular public policy campaign can work in their direct self-interest, thus motivating and empowering them to approach their own elected and appointed policymakers to say, "Have we got a hero opportunity for you! We've got a problem you can help us fix!"

3. Media exposure of foolish and unprincipled political figures reduces the media's time for covering serious, substantive public policy problems and solutions.

Publishers and station owners consider public policy debates boring. These people need to sell more televisions and newspapers, attract advertisers, and increase their ratings. No longer can good editors afford to assign their best reporters to write front-page informative stories about complicated policy issues.

All of the players inside and outside the public policy arena today are having trouble getting their point across to the public. Even governors and mayors have a hard time convincing the media to cover important policy debates unless they are presented as a crisis or a potentially explosive—guess what—scandal. These days, the only ones who are able to mount a public education effort aimed at reforming policy are those wealthy people or special interest groups who can buy ads.

4. Each time the media exposes even the most insignificant foolishness of a public figure, the entire public policy arena slows down, sometimes even grinding to a halt.

The targeted individual immediately enters a defensive mode and expends most, if not all, of his or her political clout mounting a campaign to protect reputations, positions, and careers.

Political allies suspend work on pending issues to form a living shield around their wounded colleague. Opponents stop their work to look for political advantage. Debate on important issues is distorted, as partisans on each side try to exploit the situation to their advantage.

What Do These Reforms Really Mean to Our Policy Work?

Reforms and Consequences Rules reform, campaign finance reform, and term limits are always proposed as sincere efforts to open up the policymaking process, eliminate the power of entrenched incumbents, and shield elected officials from the corrupting influences of dreaded special interest groups. And, although most experienced political observers agree that these reforms make the policymaking process more open and democratic, they also cite the law of unintended consequences, which explains why many of the new rules are extraordinarily complicated, cumbersome, contradictory to the original intent, or impossible to enforce.

Rules Reform Rules reform is supposed to rein in leaders' power and open up the policymaking process to rank-and-file members, who want to engage in a full and fair debate. Most legislative bodies have adopted some changes in the debate rules. These changes may include forbidding late-night sessions, shortening session length, limiting salaries, requiring adequate public notice of hearings and debates, requiring legislation to be available in print well before a debate, requiring leaders to submit names of chairs to a party caucus for ratification, and requiring a two-thirds or three-fourths majority to suspend the new rules.

Gone are the days when powerful legislators, who championed new, costly, or controversial programs, could deliver for powerless community activists by tucking in a little amendment here, crossing out a few words there, or transferring some money in the middle of the night, 2 minutes before the end of a session.

Rules reforms mean more work for all special interest groups, including community health activists and well-funded trade associations. This is especially true for those who in the past didn't need to do much work because they had the support of powerful legislative leaders who were able to suspend every rule in the book. Now everyone must mount costly campaigns to mobilize a real majority and engage in a full and fair debate, where the opposition can use all the new rules to delay or deny new expenditures.

Campaign Finance Reform People have proposed campaign finance reform to reduce legislators' dependence on corrupting contributions from special interest groups. Many states, counties, and local governments have passed legislation that regulates the flow of money from contributors to candidates. The first step taken usually forbids cash contributions and requires elected officials to report where the money they raise and spend on their campaigns comes from. In addition, many states restrict the amount of money a lobbyist, corporation, or political action committee (PAC) may contribute; they also forbid elected officials from accepting gifts from lobbyists.

In an effort to forbid legislators from accepting gifts like golfing weekends in Puerto Rico sponsored by corporate trade associations, some states have passed laws forbidding legislators from accepting even a cup of coffee. In 1996, a citizen-led initiative brought public financing to Maine, making it the fourth state to fund state campaigns with taxpayer dollars in an effort to diminish the influence of special interest groups with large pockets.

Gone are the days when governors and county commissioners could demand patronage jobs for campaign workers. No longer can legislative leaders collect “campaign contributions” in return for advancing or killing certain legislation. No longer can a gang of legislators head out to the fanciest restaurant in town with a well-heeled lobbyist willing to pick up the tab.

Most campaign finance reforms, short of public financing, make it difficult for anyone of modest means, including community activists, to serve in government. Only the wealthy have the ability to pay for the staff, phone banks, and mailings necessary to raise contributions from many people, or to pay for a winning state- or citywide campaign for office. And once elected, only the wealthy can afford to attend national conferences on health care in Hawaii in January, or fly to San Francisco to tour a state-of-the-art sewage treatment plant.

Term Limits Term limits are supposed to prevent popular, accomplished, productive elected officials from morphing into corrupt, entrenched incumbents. Twenty-one states have passed some limits on how long an incumbent can serve in office. Between 1990 and 1996, citizen revolts led to term limit laws in 19 states. Since then, Utah and Louisiana have also passed term limit laws.

Term limits forbid an elected official, however well liked by constituents, from making a career out of representing a district. After three or four terms, elected officials either have to run for another office or drop out of politics altogether.

This turnover of experienced leaders results in a lack of institutional memory, thus increasing the influence of longtime lobbyists. Term limits also create a potential conflict of interest for elected officials nearing the end of their term who might be tempted to do special favors for the special interest group offering them the most lucrative civilian job.

Today, all newly elected officials spend their first term learning how to do their job. They spend their second term doing it, and their third term doing it better because they have achieved a leadership position. Now, with term limits, they spend their fourth term looking for a new job.

Term limits create an unequal playing field for underfunded community health activists who do not have the resources to maintain longtime professional lobbyists. Neither are they able to offer lucrative jobs to elected officials nearing forced retirement. Finally, term limits can create a real hardship for those community activists who have worked long and hard to win the support of a critical mass of powerful longtime legislators. (More on the impact of term limits is discussed in Chapter 4.)

How Can We Help Members, Clients, and Neighborhood Activists Think of Public Policymakers as Ordinary, Approachable Human Beings?

We can begin by accepting the notion that public officials are pretty ordinary people. Like most of us, they are smart in some ways and dumb in others. And, also like many of us, they have gotten themselves a highly visible job in their community that demands long hours and endless meetings.

Legislators whose leaders or colleagues are involved in a public scandal ask themselves the same questions anyone in the private sector would when their employer is publicly charged with corruption.

What does this scandal mean to me, my personal goals and ambitions, and my job?

Is this an institution I want to stay with and fight for?

The legislators who stay and fight do so because they love their jobs.

They love the excitement of being in the middle of the political action in the capital city.

They love being able to make a difference in the lives of their neighbors and friends by exercising a little power and influence at the right time.

They love the satisfaction of being and feeling important, of knowing they have been key players in an important public policy campaign that improved the lives of thousands of people—some of whom never give the state capital a second thought.

For the committed, the determined, and the thick-skinned, being a legislator is a rewarding job.

It's rewarding to correct an important public policymaking institution and its processes.

It's rewarding to figure out ways to reconnect citizens to their state house.

It's rewarding to make a measurable positive difference in the world.

Governors usually enter office after a long political career and expect to be watched closely by the press and political opponents for evidence of wrongdoing. They think they know how to prepare for the inevitable charges of wrongdoing and how to prevent trouble.

Most smart, savvy governors have aides who thoroughly interrogate candidates for major appointments about skeletons in their closets: Have you been through a messy divorce? Are you up-to-date on your college loans? Is your husband involved in real estate in a red-light district? Have you undergone psychoanalysis? Have you paid your taxes? Have you illegally hired a nanny?

Potential appointees are warned about a state police computer background search for family arrests. They are asked: Has a member of your family been arrested for driving under the influence? Were you ever arrested (even for public drinking after the World Series when you were 18)? Do you have speeding surcharges on your auto insurance? Have you paid all your traffic tickets?

Typically, new appointees feel confident they will be able to withstand public scrutiny. And then the inevitable charges of favoritism or lying hit them on the head like a bag of bricks. Nothing can protect them from the pain suffered by family members when the front pages are filled day after day with undocumented speculations about a personal crisis, or worse, their lack of integrity. It's hard to explain to children why mean-spirited schoolmates call Mommy a crook, a philanderer, or a bigot. And there is, quite literally, no sense in denying it.

In the end, the thick-skinned stay after considering three important differences between holding a high-level government job and holding a corporate job in the private sector: the difference in personal privacy; the difference in salary; and the difference in the amount of power one has to make the world a better place and affect the lives of others.

Those who value privacy and money get plenty of both in the private sector, while those who want to leave their personal stamp on the world can do so on a greater scale as a high-level public official. It is rewarding to make an informed decision that positively changes the lives of hundreds of public employees and reallocates millions of taxpayer dollars to be more effective, thus improving public programs and services for people who need them.

Information Gathering and Communication Tools

The worldwide information revolution is opening up the doors and even some of the back rooms where policymakers meet to make important public policy decisions. Today many effective ways exist to inform and guide the public policy process. Low-budget activist organizations can communicate with and monitor local, county, or state officials without paying for a full- or part-time person to hang around the hallways of the statehouse.

Tracking systems can bring copies of legislation, committee reports, and transcripts of proceedings out of the statehouse and into databases for anyone with a modem to access.

Software programs allow organizations with computer access to develop membership lists sorted into legislative districts and manage all their education and communications efforts by group e-mail and broadcast fax.

Television now brings the public policy process into the homes of the fascinated public, including activists monitoring the debate on their issue.

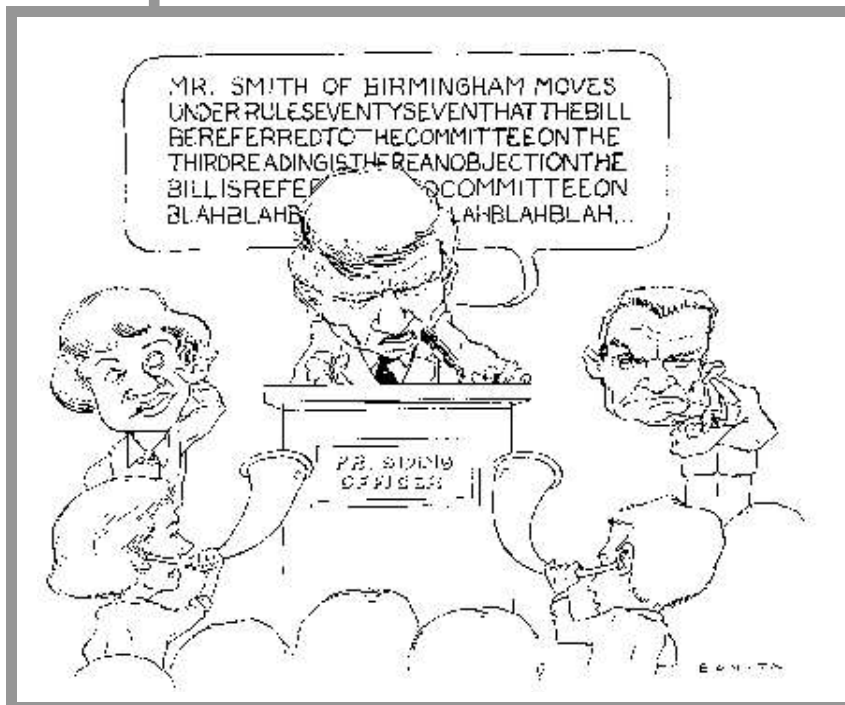
Citizen health activists can take advantage of all of these new communications tools to organize and mobilize constituents into a powerful grassroots organization that can shape health policy in their state.

Television

Look Ma, I'm on TV! Most states have discovered that televised legislative sessions prompt members to dress better, stand up straighter, and improve their speaking style. (Since most states restrict the camera shots to views of the podium, home viewers are spared the sight of members in their seats blowing noses, doing crossword puzzles, reading newspapers, sleeping, or gabbing.)

The most significant, measurable improvement for attentive citizens, advocates, professional lobbyists, and the press is the fact that the presiding officer must speak into a microphone, which enables listeners to hear the motions clearly. (Members on the floor who can't understand the mumblings at the podium have been known to buy a portable TV and wear the earphones so they can tell what's going on.)

Finally, televised legislative sessions give the general public a great opportunity to observe their state policymakers—warts and all. Television has opened up the process to citizen activists by bringing it into their living rooms and making it possible for them to watch their issue debated without trekking to the state capital building and sitting in uncomfortable seats in the visitors' gallery.



Mumblings from the podium

Legislative Tracking Systems

Many successful, traditional, old-boy lobbyists still spend hours hanging around the coffee shops and bars near the state capital or city hall, asking each other, “Whadya hear?” and “Whatcha up to?” Try asking them, “Whatcha think of legislative tracking systems on the Internet?” and they’ll snort, scoff, and brag they’ve never even touched a computer. They probably haven’t, but you can be sure the successful ones are paying somebody else to.

State-level lobbying practices have been profoundly changed by legislative tracking systems, whether they are free from the government or marketed by private business entrepreneurs.

A good legislative tracking system has both a database and search engine that allows users to:

- get copies of bills and budgets
- get the text of amendments
- get copies of daily session calendars, which list items to be debated
- get copies of reports on the actions taken in each session
- get lists of scheduled committee hearings and the bills to be considered in each hearing
- search bill titles and text to determine what issues each filed bill affects (some tracking systems allow the user to search only bill titles, while others allow the user to search the text of every bill by key word or bylaw)
- get a status report on an individual or bills (some private tracking systems allow subscribers to get automatic status reports on hundreds of bills per day)
- list all elected officials, their official titles, committee assignments, room numbers, and telephone numbers. Sometimes you can even view photographs of these officials.

All of this information is available in near time. Near time means that information is available as soon as the printed material can be scanned into a computer and read, or as soon as the person transcribing the session can type the text into a database.

The practical implications are clear for local activists with access to a good tracking service. No longer do folks have to schlep to the state capital to get a copy of a bill, or read the previous day's journal to get the exact wording of an amendment. If the tracking service has a good search engine, and most of them do, users can scan the text of hundreds of pending bills to look for sections that affect them.

Gathering information about committee schedules and daily calendars is a high art among professional lobbyists, because so much of their reputation rests on their ability to scoop others. These days a scoop means little more than getting a hard copy of the draft calendar shortly before it is uploaded to a tracking program.

Professional lobbyists take comfort in the fact that local activists are handicapped by their inability to grasp the significance of the information they get from their tracking systems. And, although some arcane details are important—such as which sponsor name is first on a bill or why a bill is sent to a seemingly inappropriate committee—with practice, you will learn which details count.

Activists looking for a good tracking service should talk with the House or Senate clerk's office, and then talk to people in allied organizations, especially those that have an internal governmental affairs department. These people should be able to recommend a tracking system that will meet your needs.

Information Gathering and Communication Tools on the Inter net

INFORMATION ABOUT YOUR GOVERNMENT

Most state, county, and local governments have a Web site with information about their executive and legislative branches. These sites may contain everything from flattering photos of public officials to applications for drivers' licenses. If there is a government-sponsored legislative tracking service in your community, this is where you will find it. This may also be the place to ask agencies about existing or pending regulations.

Most state governments have an internal, computer-based information system that includes e-mail and Internet access. It's difficult for many traditional bureaucrats and legislators concerned about control and confidentiality to trust these new systems, especially when the systems are not well supported. If the bureaucrats are lucky, they are blessed with young, ambitious staffers who are quick to develop and explain shortcuts.

At all levels of government, officials try to limit and control Internet access. Heaven only knows why! This practice doesn't stop ambitious staff in the executive and legislative branches from using all available research sites to dig up data, identify good practices, locate research reports, and view model legislation. Much of this kind of information can be found at the Web sites of the National Governor's Association, the National Association of State Legislatures, the National Association of Counties, and dozens of other national associations of elected and appointed officials. (Yes, if you want to develop a childhood accident prevention policy, a National Association of Amusement Ride Safety Officials exists to help you out.)

Two of the best places to find the links to your state and local governments (or anybody else's) are the Library of Congress site at <http://lcweb.loc.gov/global/stategov/html>; and the site run by Piper Information at <http://www.piperinfo.com/state/states/html>.

One of your authors caught a severe case of information overload following the links found at these two sites.

Research and Intelligence Gathering in the Public Policy Arena

Check out The Access Project's Web page at <http://www.accessproject.org>. Here you can find links to many useful national health policy think tanks, advocacy organizations, and government sites on the Internet. A good search engine can lead you to the sites of thousands of traditional and alternative provider trade associations, insurance industry associations, pharmaceutical manufacturers, hospital equipment manufacturers, and on and on.

Typically, each group's Web site has a page or two on their current public policy priorities. Another page, for members only, includes the latest updates on ongoing campaigns with instructions about what members can do to move the campaign forward.

E-mail

Everyone in the public policy arena is trying to figure out how to use e-mail effectively. Some older public servants and longtime legislators, who are used to sealing a deal with a scrap of paper containing a name and a number, are resistant to even opening an e-mail, assuming it gets through the

Old Timers' Motto

Never write a memo if you can have a conversation.

Never have a conversation if you can nod.

Never nod if you don't have to.

official government sponsored SPAM filters. The less technically challenged elected officials getting e-mail from constituents are still trying to figure out how much attention they should pay to it. While they place a high value on personal phone calls and handwritten letters from voters that end with "Thank you and God Bless," they discount form letters, postcards, and petitions with a off-hand comment about the willingness

of some people to sign anything put in front of them. How should 100 e-mail messages from insurance salespeople be weighed against 50 calls from consumers? What's the difference between a petition signed by 500 community activists and an e-mail message sent from 500 e-mail addresses?

Facsimiles

Everybody in the public policy arena is comfortable using faxes to carry out routine tasks, such as coordinating meetings and sharing data. Those of us who are blessed with a fax machine that has broadcast capability can even send briefing materials, meeting notices, and action alerts to large numbers of people.

Some traditionalists value letters on real stationery with an original signature more than they do a fax of the same thing. Therefore, the reader is advised to send important invitations, recommendations, and thank-you notes by regular mail, or "snail mail."

We'll have more on how community health activists use broadcast faxes in public policy campaigns in Chapter 6.

Devolution

WHAT IS DEVOLUTION, ANYWAY?

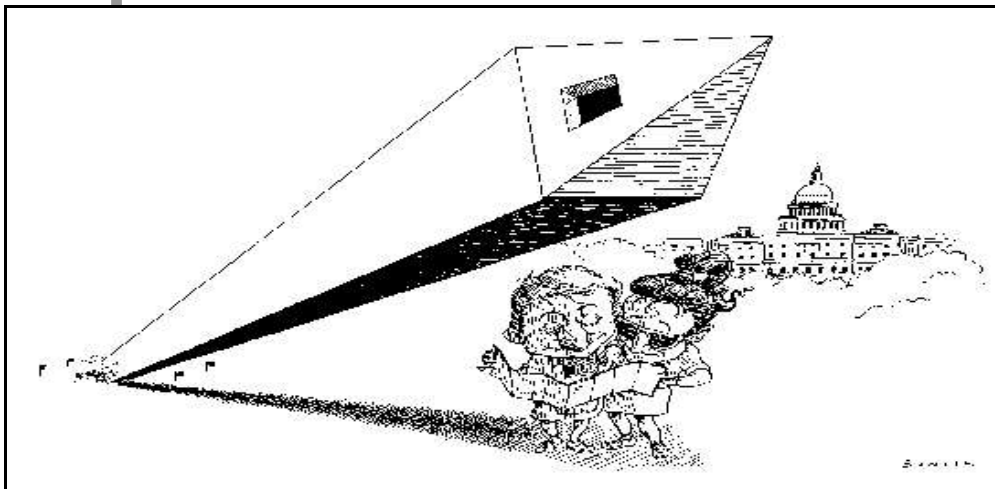
The term devolution was first used in 1995 by the new Republican majority in Congress. They were committed to rewriting national policies on poverty, crime, and health care; in addition, they wanted to give states new powers and responsibilities.

While devolution, in scope and administration, very much resembles the "New Federalism" promoted by President Nixon, or the "Block Grants" of

President Reagan, it is different. First, it is different because the idea originated in the legislative branch, and second because devolution is more of a philosophy than a specific policy. For example, devolution was the tool used during the fiscal year 1997 budget process to wrest control of federal dollars from Democrats in Washington and pass it on to Republicans in state capitals.

For the most part, all state officials, Democrat or Republican, loved the idea of devolution, and willingly traded dollars for power. Governors and state leaders immediately began strategizing and negotiating with each other over issues like Medicaid funding, welfare reform, and community policing. They all worked to safeguard their favorite parts of federally funded programs and to change the parts they didn't like. These preliminary negotiations were soon formalized through each state's public policy process; new state laws were enacted and new regulations were promulgated.

These new laws present a daunting challenge to local administrators, providers, and consumer organizations, who had been quite comfortable, thank you, working with programs controlled by federal law and regulation.



What, us worry?

Health and welfare programs were the first ones tossed into play because they affect the least politically powerful citizens (but also the most vulnerable). Providers, consumer advocacy organizations, and community activists were all thrown into a tizzy trying to keep up with new regulations, new requests for proposals (RFPs), and, most devastating, the parade of big, out-of-state, for-profit providers vying for contracts.

Meanwhile, devolution of health care was exacerbated by another national policy. This “policy” is really an absence of policy. It is a black hole in the policy universe created when Congress decided to no longer regulate the market forces that affect the healthcare system.

Lacking the political will to make hard decisions about regulating health care, our national policymakers ducked.

“Let the market do it, said our national policymakers. “Managed care and privatization will rein in costs. If traditional providers (who provide subsidized care for the uninsured and underinsured) are abandoned because they are uncompetitive, too bad. If consumers' rights and benefits decrease, so be it. We'll worry about it later.”

Well, now it's later, and we're worrying about it. Especially about privatization, managed care, and diminished access.

PRIVATIZATION AND MANAGED CARE

Devolution creates a situation in which new state managers in charge of new state agencies are required to spend less money more efficiently. The objective is clear, and the management implications are even clearer: Managed care and privatization are here to stay.

Each of the 50 states has responded differently. Their responses have depended on the richness of their existing programs for the medically needy, on their fiscal stability, on the political dynamics in their state government, and on the capacity and political effectiveness of providers and advocates.

The National Association of Child Advocates (NACA) has published an excellent book, *Medicaid Managed Care: An Advocate's Guide for Protecting Children*, which documents the adventures of all 50 states with Medicaid managed care. It is a good, thick manual that translates complicated policies into readable prose, and it provides many examples of resourceful advocacy groups who successfully intervened in health policy.

NACA identifies some common elements in state responses to their new power, which have profoundly affected health policymaking across the nation.

More and more states have stopped providing health services themselves and have instead hired newly incorporated provider groups to supply health care. Some of these outfits are for-profit contractors.

Many consumer advocacy groups lack the internal resources needed to influence the new policymaking processes that accompanied new federal funding rules, such as state waiver applications, RFPs, and state monitoring and evaluation regulations. Too often they were drowned out by powerful provider consortiums.

The business-as-usual providers, who had assumed they would be grand fathered into the new system, were shocked and dismayed when they weren't. Old purchase-of-service contracting departments were reorganized into powerful new purchasing agencies that hired untested contracting and monitoring companies who had submitted lower bids.

The Revenge of the Nerds For many nonprofit providers and advocacy groups caught in this new web, there was hell to pay. And they paid it to the previously ignored, newly empowered state bureaucrats who were now running a huge new state purchasing agency with enormous power over their programs.

These providers and advocates shouldn't have been surprised. Traditionally, they had spent most of their limited political dollars on cultivating their Congressional delegation and regional federal officials who had helped them ensure their agency met eligibility requirements, who could forgive incomplete or late applications, and who could bury or appeal negative monitoring reports. But the federal officials were no longer in charge of healthcare dollars. The new state officials were in charge. At best, the providers and advocates had ignored them in the past; at worst, they showed them little respect and treated them as if they were useless bureaucrats or even the enemy.

Some veteran activists remembered how low-income advocates and providers in some states survived when President Reagan's first budget block granted and cut back federal antipoverty programs such as fuel assistance, Head Start programs, and legal services. Those low-income advocates and providers immediately turned to their state legislators and the governor's office to ask for help. In some cases the antipoverty programs were "grandfathered" and sometimes subsidized by state dollars. In states where low-income advocates didn't exist or were unable to build political support among state officials, the antipoverty dollars were hijacked or misspent.

Today most community health activists realize that they have no choice but to sit at the new state and county tables negotiating with the responsible parties if they want to preserve and protect existing services. This has involved building or repairing relationships with state bureaucrats and longtime civil servants, who had heretofore been ignored, bypassed, or treated with little respect (promising in the process to always be nice to hard-working public managers—you never know when they'll end up running the joint).

Community health activists have begun to figure out ways to take advantage of new, closer-to-home opportunities for influencing their county and state public policymakers.

How Is Devolution Affecting State Government Today?

Devolution is still being sorted out state by state. And if there weren't already enough confusion, the federal government keeps changing the rules with each new program. (One of our least

favorite is the number of new opt-in requirements in the 1995 so-called welfare reform law. For instance, state legislatures must now affirmatively approve a bill or budget authorization for certain controversial programs, such as allowing felons to get food stamps.)

While most state administrations are in an uproar trying to deal with a rapidly changing healthcare world, devolution has created (and will continue to create) more than a few openings for smart, strategic community health activists to push through innovative public policy ideas.

Governors are looking for all the good hero opportunities they can get, especially in election years.

Legislative leaders are looking for ways they can insert themselves into the administration's decision-making processes and ride to the rescue of a sympathetic cause. (Maybe even drug felons.)

We can all learn a lot from the state health access advocates who tell their stories in the NACA's book *Medicaid Managed Care*. NACA emphasizes two simple strategies that were common to all the success stories.

Advocates used consumer stories to provide hero opportunities for public officials willing to create state policies that maximized access to new federal programs.

Advocates built powerful coalitions with untraditional allies, such as hospitals, doctors, and nurses, to fund and run state public policy campaigns to maximize access to new federal programs.

Review

We started this chapter with a story about three committed, ambitious, and focused community health activists.

- Each was committed to improving health care in her community.
- Each wanted to accumulate and use her personal power and skills to produce public policies that would improve people's health.
- Each focused on overcoming political obstacles by identifying and creating hero opportunities for important public officials.

The notion that politicians are always looking for hero opportunities is not new. Neither is the notion that community activists can create hero opportunities for politicians.

We all know community organizations that promote their public policy agenda through hero opportunities. Feminists do it, environmentalists do it, community health activists do it, death penalty proponents do it, the business community does it, the radical right does it, and so do left-leaning liberals.

Some of us have participated in such efforts, and we have been pretty pleased with ourselves when our public officials agreed to become heroes and fix a community health problem. Today, we continue to support and maintain our activist base and find more people who want to be heroes.

Some of us have been shocked and dismayed with public officials when they became heroes to those we believe are just plain mean-spirited and selfish. We got really angry when proponents of tax cuts won, and when community health activists were forced to fight with each other over crumbs. We got tired of protesting cuts and with defining a win as maintaining the status quo or minimizing losses. We got weary of incremental steps.

We long for the days when our local economy was good, revenues were growing, and the tax-and-spend liberals championed entire new programs for the poor, the elderly, and the disabled. Some days, we are tempted to quit and find a real job as a manager or consultant.

Fortunately, we eventually get over our anger at stubborn or wrong-headed politicians, and then we get down to the hard work of building and maintaining a base and cultivating heroes. We are serving a life sentence with no hope of parole.

Whether our public officials choose to be our heroes or somebody else's, it is important that we keep trying to convince other officials to take advantage of our hero opportunities and to help us formulate policies that protect and provide for the health of people in our communities until, one step at a time, we finally win universal health care. As Margaret Brodtkin says more politely, it's time to quite whining and get to work and figure out how to make a silk purse out of this sow's ear of devolution.

No More Prizes for Predicting Rain
Only Prizes for Building Arks

—Margaret Brodtkin,
Coleman Associates
for Children and Youth,
San Francisco

PUBLIC POLICYMAKING IN THE ADMINISTRATIVE BRANCH

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Influences on the Decision-Making Process: Internal Forces

Office Politics

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The News Media

Influencing the Policymaking Process in the Administrative Branch

A Final Note

CHAPTER 3

Theodore Roosevelt's . . . earliest surviving letter, written at age 10, mourns the cutting down of a tree, and he went on to become America's first conservationist President, responsible for five new national parks, eighteen national monuments, and untold millions of acres of national forest. Without a doubt, he would react toward the great swaths of farmland that are being lost to "development" as he did when told that no law allowed him to set aside a Florida nature preserve at will.

"Is there any law that prevents me from declaring Pelican Island a National Bird Sanctuary?" T.R. asked, not waiting long for an answer. "Very well, then," reaching for his pen, "I do declare it."

—quoted in Time Magazine,

April 1998

A public policy campaign is a series of actions designed to persuade appointed public officials to do something differently, to change a regulation, reallocate money, or sometimes, just listen. When a campaign succeeds and a new policy is launched, it is sometimes called a community–government partnership.

Experienced community health activists know it is possible to influence an administration official to take a new action or modify a current practice. (As long as the action or modification is not forbidden under current law or regulation, of course.)

In fact, many activists spend half their lives in public policy campaigns trying to convince key policymakers to fix a community problem by making or changing policy. This can include "jump-starting" new outreach programs, designing user-friendly application forms, or amending out-of-date regulations.

Patti DeMichelle from the Louisiana Health Care Campaign makes a point of reaching out to individual department staff. She finds the person who is managing a specific program, or drafting the rules for a new policy, or writing the new training manual. Appointed officials and career civil servants have welcomed Patti's experience and expertise in drafting regulations and program instructions. She has even been invited to participate in training sessions for departmental workers about to implement a new policy. "Now that's influencing public policy!" she says.

Tom Wolfe from Community Partners in Amherst, Massachusetts, concentrates on helping 2 dozen different groups of community-based healthcare "warriors" build relationships with their own regional administrators. Tom's experience has taught him that since middle managers get little internal support, they are often ready to collaborate with informed local activists who share a joint and common interest in making sure a program is well run. He proves an important point—a little trust building can go a long way in breaking down the fortress mentality found in any big bureaucracy.

Lessons From the Community

Few of the community health activists whose success stories are noted in this book had any formal training in the fine art of influencing public policymakers. All of them, however, underwent rigorous community training in the fine art of influencing private policymakers.

They knew how to mount a private policy campaign.

They knew how to convince key private-sector decision-makers to do something different that resulted in a healthier community.

Private policy campaigns a series of actions designed to persuade private sector policymakers, such as those in a hospital, community health center, trade group, or business association, to do something different (that is, expanding a service by increasing its budget, initiating a new program or service, or sometimes just listening). When a campaign succeeds and a new policy is launched, it is sometimes called community collaboration.

First, they began a strategic information gathering process to identify key decision-makers in targeted community institutions, and they uncovered how each institution made internal policy decisions. A strategic information gathering process is, first, asking key people—managers and staff—inside a targeted institution many questions about how formal and informal decisions are made, and, second, asking key people from related, collaborating, or competitive institutions their opinions about how decisions are made in the targeted institution.

Second, they figured out the best ways to persuade key decision-makers in a particular institution to do what they wanted them to do ... change an internal policy. For example, let's imagine the actions we might take to persuade a community hospital to begin a free-care program. In some hospitals, we'd have to make a full presentation to the community board at an annual meeting. In others, we'd need only attend a couple of planning sessions and talk to the executive director and the board chair. Some times we'd have to build a community-wide coalition to manage a month-long

Eventually these community health activists faced a problem that could not be solved at the local level, and, often together with their private-sector partners, they found themselves looking to their state or county government for solutions. There, they found their private policy campaign experience served them very well, indeed.

public awareness campaign and a series of community meetings. At other times, we'd have to spend money on a professional market survey to document the need.

The Public Policy Arena

1. Identifying Key Decision-Makers

The first job for anyone entering the public policy arena hoping to change a program or policy is to identify the people who have the authority to change the program or policy. In most cases, the person is a public manager who works in the administrative branch. This person might be a brand new commissioner appointed by a governor ready and eager to make new policy; it could be a longtime civil servant who's been trying to fix a broken policy for years; or it could be someone who likes things the way they are and does not want to implement change.

Community activists on the trail of public managers with the authority to change policy or to manage a program usually start by asking questions at the regional office of any public agency that sounds like it should be accountable. If it's not the correct office, the people in charge can direct you to the right place. For example, if local activists want to start a teen antismoking campaign, it's a good bet that the Department of Health will know where the county or state tobacco control program is.

Some local, county, and state governments maintain a citizen information program designed to assist bewildered residents in figuring out everything from where to pay their water bills to how to apply for a fishing license. Many states have Web sites with government organization charts, names, addresses, and pages for each important department. (Helpful government Web sites are listed in the back of this book.)

2. Understanding the Decision-Making Process

Your second job is to figure out the formal and informal decision-making process and the timetable for changing a policy or improving the administration of a program.

There's no easy answer here. It's different for each and every policy decision. If the proposed policy change can be implemented through a budget reallocation, the budget-making process, at least, is on a strict timetable, although not much else is.

Changing a regulation often involves a lengthy hearing and approval process that ties up staff for months. Restructuring a cost-reimbursement system could take a month to design and a year to implement. Deciding to redesign an application form can take 10 minutes; collecting and processing all the input from providers and consumers could take hours and hours.

Community activists should listen carefully to all the accountable public managers they identify. Their responses could range from “We can fix it next week “ to “Ohmygod, we can't do anything about this.” They each will have good information about what could be done based on past experience.

We advise community activists to take every public manager 's ideas and advice, no matter how exhilarating or depressing, and test it. Discuss every competing idea with organizational allies, provider groups, consumer advocates, and maybe even an experienced consultant. This process can help even the greenest newcomers come up with a reasonable course of action to try. (More about hiring a consultant can be found in Chapter 6.)

3. Influencing Decisions

Your third job is to figure out what actions will persuade public policymakers to implement changes that will result in more and better health care.

Smart, savvy, and successful community activists carry out this strategic planning and implementation process:

- in partnership with other consumer, provider, and public interest organizations with similar goals (More on building and maintaining public policy advocacy coalitions can be found in Chapters 5 and 6.)
- by organizing and mobilizing a network of affected constituents into campaign activities (More on campaign design and implementation can be found in Chapters 5 and 6.)

Toward these ends, we offer three commonsense rules of human behavior that will help you understand the basic motivations and drives of public-sector policymakers.

Two Rules for Influencing Public Policy

Rule 1: Elected and appointed decision-makers make different decisions when watched by the affected constituency. This simple little rule applies to everyone from the governor to an assistant project manager. It is a surprisingly powerful tool when used to create a hero opportunity.

Rule 2: Get the right information to the right person at the right time. In other words, get accurate, compelling information about your hero opportunity to the correct policymaker before he or she makes a final decision.

Rule 3: Elected and appointed officials, when making decisions, weigh opinion as equal to fact and consider public opinion as a fact. Even if they had all the time and the expertise to make a fully informed decision, we want policy makers to at least consider their ill informed constituents opinions don't we?

When the Governor of Tennessee merged mental health services with the state's Medicaid Managed Care system, a new consumer coalition emerged called TennCare Partners Monitoring Group. After months of listening to the Commissioner's excuses for the "usual startup problems," the Monitoring Group decided to conduct two very public hearings of their own. After the press reported the compelling stories from parents and enrollees documenting the deterioration of mental health services, the Commissioner found the time to listen to the Monitoring Group and began to take corrective actions.

When Blue Cross of Ohio tried to sell the business to Columbia/HCA, local consumer groups were able to obtain legal, regulatory, and policy technical assistance from the AFL-CIO, Community Catalyst, and the Consumers Union. A highly technical administrative petition, cosigned by local and national labor, consumer, and religious organizations, was instrumental in convincing the regulators to disapprove the sale. "The administrative petition gave us credibility with the Governor and the Attorney General, and showed the Blues that we had as many big players on our side as they had on theirs," reported a local advocate.

Key Players, Standard Processes, and Human Dynamics

The Administration

There are a thousand different government structures in this representative democracy of ours, but it is pretty safe to say that in every level of government one person exists who can lay claim to the title chief executive officer. (And they all wish they could exercise the kind of power that Teddy Roosevelt did in the story at the beginning of this chapter.)

A state's chief executive officer, or governor, is elected. Each state has its own way of organizing the boards, commissions, departments, authorities, and offices of state government into some management structure in order to limit the number of people reporting directly to the governor. New governors are often fond of announcing their intentions to streamline government by moving a few boxes on an organizational chart. Sometimes they succeed.

Elected county commissioners, acting as a unicameral (single branch) legislative body, either choose one of their members to serve as chief executive officer or appoint a professional manager to run county programs. In states where the county government has the authority and power to administer important programs, the executive department can have thousands of employees.

City governments usually have an elected mayor or a city manager chosen, in one fashion or another, by city councils. Towns have a chair of the board of selectmen or a town manager.

The Administrative Decision-Making Process

Here are two examples of public policy decisions that a CEO, in this case a governor, might face.

Example 1: Hundreds of middle-aged retarded people live in an old, overcrowded, deteriorating state institution. After the third heating system failure in a year, the department of mental retardation begins to transfer the residents to community-based programs. The residents' frightened elderly parents hire a lawyer/lobbyist to mount a campaign to urge the governor to modernize the building and stop the transfer of residents into the community. What should the governor do?

Example 2: The biggest newspaper in the state has just published a six-part series documenting an epidemic of substance abuse among teens in the rural sections of the state, where there are few prevention or treatment programs. Should the governor order the commissioner of public health to move programs to rural areas from suburban areas where they have fewer at-risk children? Or should the governor, whose political base lies in the suburbs, submit a supplemental budget to create new programs in rural areas?

Who decides? How? When?

Who: The Authority and the Power of a Chief Executive Officer

A chief executive officer's power comes from authority given by a state constitution or state law. Many of these powers are delegated to appointees.

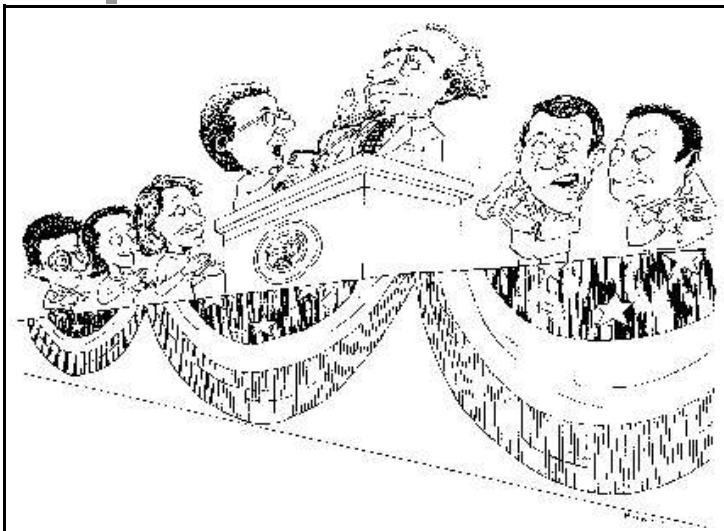
Appointments

One important source of power for a CEO is deciding whom to appoint to important jobs. The law may specify that some appointments run for a specific number of years, while others last a lifetime. Further more, removing a lifetime appointee may be difficult; some can be removed only for malfeasance. Everybody else presumably serves "at the pleasure of the chief executive officer," which means the CEO gets to decide when to remove an appointee who is displeasing for any reason.

In many states, the governor's appointment power is limited by state law, which may impose on appointees certain residency requirements, educational levels, or previous experience. In addition, some states require the legislature to consent to appointments.

It is a chief executive's first and most important job to appoint qualified people to top jobs and to let them manage their departments. Smart chief executives appoint people who have the good sense to let the boss take credit for their popular, creative solutions to problems. The responsibility for painful, tough, or unpopular decisions goes to the decision-maker, while the

boss stays far away offering sympathy and, we hope, support.



"He's the worst appointment since the Emperor Caligula appointed his horse as chief counsel. At least Caligula appointed the whole horse."

Executive Orders

Another constitutional source of power for chief executives and appointees is the authority to issue executive orders. Executive orders are generally used to create a new public policy or program within an administration. Examples include establishing an affirmative action hiring process for former welfare recipients or establishing an office of international business relations, creating a judicial nominating council, or funding a survey to ascertain the number of uninsured working families.

Example: Commissioner Myrna Sincere, Chairwoman of the Forward County Board of Commissioners, announces the establishment of a 10-member task force to oversee a countywide survey of uninsured and underinsured working families. The task force will then oversee the preparation and distribution of a list of free and low-cost healthcare services and programs for the working families identified in the survey.

Executive orders are an easy way for CEOs to create their own hero opportunities and get a little free publicity. Experienced community activists warn newcomers not to open the champagne until the job announced in the executive order is actually completed.

Spending Tax Dollars

A third constitutional source of power is the authority to spend (or not spend) our tax dollars. Each year, the chief executive must submit a budget to the legislature, and once it is approved, the chief executive and appointees decide things like when to start construction on the new hospital and which construction company will build it. They decide if and when to award raises to nonunion public managers, whether or not to fill vacancies in the Parks Department or the Highway Department before the tourist season, and how to divide up new educational reform money. (We discuss more on the budget-making process later in this chapter.)

Key Influence Point

Follow the money. Yes, newcomers can intervene in both the budget making and the money-spending processes. It's taxpayers' money, after all, and information about its allocation must be available to the public. All you have to do is find the correct budget officer who safeguards the information. If you know where the money is supposed to go you can often redirect valuable program dollars and force long-overdue policy changes.

In November 1991, voters in San Francisco passed Proposition J, an amendment to the city charter that set aside a portion of the property tax each year to increase services to children and prevent budget cuts in all children's services. Each year since then, Margaret Brodtkin, with the Coleman Advocates for Children and Youth in the Bay Area, has mounted administrative campaigns to make sure every penny for children is documented and well spent. An entirely teen-run campaign called Youth for Access to Health Care has won commitments for a health clinic in every high school. A Baby Brigade is fighting for pay raises for child care workers. All the victories are celebrated in an annual Speak Up for Kids day, which features parents and kids recognizing key appointed managers and elected city supervisors.

Authority vs. Power

Every chief executive knows, or learns the hard way, that lawful, constitutional authority (the right to influence) is not the same as power (the ability to influence). You might say that, in the government at least, right does not always mean might, and power is not just about having authority (unless you're Teddy Roosevelt!).

Indeed, governors and mayors and county commissioners always feel powerful when they win an election in November. They promise to efficiently run the government, conscientiously administer good policies, and quickly correct bad policies. Then in January, they find themselves in the middle of an emerging crisis with no more control than a fish in a flood, unable to avoid a snake's nest full of unfriendly colleagues who refuse to be commanded and blocked by conflicting laws and contradictory policies that cannot be resolved.

Chief executive officers are fond of announcing the appointment of a bright,

DAY ONE

Three months into her term, Governor Strongheart reads a state Health Centers' Association report indicating that almost 30% of the school-age children at state health centers have blood lead levels high enough to require immediate treatment.

DAY TWO

Governor Strongheart announces that she's putting together a Lead Poisoning Task Force, chaired by the new Director of Public Health. The director vows to identify the sources of the lead poisoning in children and to form a partnership between the housing and the public health community to remove the lead.

DAY THREE

11:00 A.M. The Education Commissioner sends a letter to the public health director asking to be put on the Lead Poisoning Task Force. He encloses a 3-year-old report from the Environmental Action League that lists the elementary schools not in compliance with lead paint laws. He threatens to sue cities and towns that do not immediately remove lead paint from noncompliant schools.

NOON The Secretary of Natural Resources reminds the public health director that state law requires all lead paint to be removed only by licensed removal specialists wearing protective gear. Furthermore, all removed paint must be disposed of in special toxic waste disposal areas, which are rapidly filling up in the state. He encloses a list of out-of-state disposal areas.

highly qualified person to a visible, controversial post with great fanfare: "At last, there is light at the end of the tunnel." The next day the poor commissioner stands alone in a narrow tunnel as a train barrels down.

The train represents the powerful forces inside and outside of government that exert incredible pressure on decision-makers with authority. These forces are outside of the commissioner's control: the federal government, the courts, private agendas of the legislative leadership, special interest groups, the media, the governor, and other appointees in the executive branch.

The tunnel walls represent the outer limits of the commissioner's powers. Examples of these "limits" include limits of permissibility: the constitution, existing laws, public tolerance; limits of resources: money, staff, and good will; time limits—there is never enough time and deadlines are usually impossible; limits because of previous political promises and commitments; and finally, limits of available information. So there the commissioner stands facing the oncoming train, trying to be practical, asking what can be accomplished and what must be put off for another day.

2:00 P.M. The Commissioner of Public Assistance asks the public health director for a meeting with the Association of Family Shelters, which is concerned not only about the costs of removing lead paint from existing church-based family shelters, but also about the lack of temporary shelters to use while lead paint is removed from permanent shelters.

2:30 P.M. The Public Housing Association tells the public health director that it wants one of its members to be named to the task force. The association sends over a year-old estimate on the costs of eliminating lead and asbestos from all public family housing in the state.

6:30 P.M. The governor's chief of staff calls the public health director at home to tell him that the governor's biggest contributors own housing projects that are barely in the black. Lead paint removal without state assistance will force these contributors into receivership.

8:00 P.M. The public health director's media manager tells him that tomorrow's newspaper will contain a front-page editorial praising the director for his get-tough stance on lead paint removal.

DAY FOUR

8:30 A.M. The governor's chief of staff tells the director that the governor is miffed because he didn't get a mention in the morning paper; in addition, the governor wants the director to come over immediately to brief the governor about the task force's plan and budget.

How Do Appointed Public Policymakers Make Policy?

Here are two very different plans based on two different interpretations of a new policy initiative.

Policy Management Interpretations

This is the way most public policy is made.

Appointed public policymakers make public policy every day as they interpret existing laws, regulations, and directives from their superiors. For example, they might decide to authorize the purchase of a new computer software program, to fill a long-vacant position, or to develop an application for m that's two pages long and available in three languages.

City A

The mayor of City A announces a Youth Violence Prevention Initiative that features a unique peer outreach program designed and run by teens.

Wearing standard baggy pants, hooded sweatshirts, and hats with white letters spelling out "Street Squad," 140 young people between 15 and 18 travel the city in pairs, carrying backpacks full of information—information about jobs, training programs, GED programs, adult literacy programs, recreation programs, teen parenting programs, and health services, including STD treatment and birth control.

The Street Squad meets twice a month with city departments to relay information about unsafe housing conditions, dirty streets, and dangerous intersections. "Developing neighborhood leaders is the best path to safe neighbor hoods," says the city's commissioner of public health.

City B

The mayor of City B announces a two-point program to crack down on gangs.

The first step involves enforcing the city's loitering ordinance on groups of four or more people wearing traditional gang clothing: baggy pants and hooded sweatshirts. The mayor says, "Neighborhood civic associations have reported that elderly residents are intimidated by these kids hanging around bus stops. In addition, the police report a twofold increase in muggings this past year. These muggings are carried out by gang members wearing loose clothing to hide concealed weapons."

The second step involves passing an ordinance imposing a 10:00 P.M. curfew for people under age 17. The police would enforce the curfew by picking up offenders and holding them until a parent takes them home. The Police Commissioner said, "Parents have to take responsibility for where their children are. Kids in school should be home doing homework. Kids out of school should have a job, and need their rest. Of course, we will make exceptions for young people coming from or going to work. "

Now, if we were to ask you whether the police commissioner or the public health commissioner had the best plan to prevent youth violence, you would look at us like we were crazy and say, "I don't know enough to make an informed decision.

People who love the law or good sausage should never watch either being made.

—German Chancellor Otto von Bismarck, 1815–1898

And we would tell you that perfectly sane, high-level, public policymakers must make decisions with inadequate information all the time. Especially on issues like violence prevention, where the lack of useful data about causes and cures is only exceeded by the lack of collaboration between the theorists and the practitioners.

High-level officials must deal every day with what German Chancellor Otto von Bismarck called "imponderabilia"—unmeasurable influence over

public events in the making. Chancellor Bismarck, a Prussian aristocrat and the mastermind behind the unification of the German Empire in the 1860s, may have been the first politician to use the term *realpolitik* in describing the winning combination of diplomacy reinforced by "blood and iron" militarism. He certainly was the first to compare the public policy process to sausage making.

Making New Public Policy

Appointed public policymakers begin to make new public policy when they decide to try something new or change something old. It doesn't matter what it is. It doesn't matter if they are starting something because it's the right thing to do, because the governor ordered them to do it, or because a consumer advocacy group threatened to go to court.

1. The first step is deciding to do something.
2. The second step is figuring out how to do it.
3. The third step is making a plan.

So, policymakers usually begin by asking for research on all relevant policies—laws, regulations, policy statements. To find all relevant policies, staffers dig through all the files to find out if anybody's ever tried something like this before. If so, what happened? And how much did it cost?

- All the departments who have similar missions come in to talk about their turf.
- Then all the departments with contradictory missions come in to talk about their turf.

- Then all the important outside experts, consumer advocates, and trade organizations who know something about the issue come in.
- Then all the other important outside opinion makers who think they have to be consulted about everything are brought in. And on and on.

Key Influence Point

Community health activists are often surprised to learn how many public policy problems are based on decisions made by people using their own judgment. Sometimes these policymakers make faulty decisions based on inadequate information or without advice from the legal department. Sometimes they make stupid decisions based on carelessness or a deliberate misreading of an obscure, out-of-date regulation. And sometimes they make technically correct decisions based on an accurate reading of an obscure or out-of-date law.

In all cases, community activists should always approach decision-makers with the assumption that their intentions are good, and the hope that simply clarifying the problem will do the trick. If it doesn't, the only thing to do is to ask to talk to the boss.

Like so many community health activists working on Children's Health Insurance Plan outreach, Paul Lodico from Pittsburgh's Consumer Health Coalition was able to work well with the regional state program officer responsible for the CHIP program in Western Pennsylvania. Paul engineered a collaborative effort between key administrators and consumer advocates that produced a shorter, easier to understand, culturally sensitive application form. Outreach staff and community volunteers went on to enroll a record number of children into the program.

After years of documenting the language barriers and instances of discrimination based on language in the California health care system, Sherri Hirota from the small storefront Asian Health Services in Oakland finally broke through the bureaucratic maze to find Dr. Molly Coyle, director of the California Department of Health Services. Through a series of multicultural workgroups and task forces, Sherri, Molly, and other inside and outside advocates developed a working agenda for directing and holding the department accountable for achieving a number of cultural competence objectives.

Key Influence Point

Community health advocates can and should get their policy experts involved in the develop- mental stage of a new policy—especially if the advocates were part of the original group calling for the new policy in the first place.

We issue a fair warning to advocacy groups who want to get their leaders involved in this process, too. Make sure you insist on a meeting schedule convenient for your leaders, and make sure they have policy experts to back them up . . . the commissioners will have theirs.

Dena Mottola from Illinois Campaign for Better Health Care—part of the Patients Rights Coalition—was still feeling shocked and happy after the successful passage of a patient's Bill of Rights when the organization got an invitation to participate in the rule-making process for their hard-won grievance procedure. After raising hell for 3 years, running hundreds of community "town meetings," collecting data, publishing reports, holding press conferences, etc., the Coalition was looking at still more work of a different kind. "They are willing to listen to our ideas now, and we're ready to follow through and help design the most consumer-friendly regulations possible."

Question: When do appointed policymakers make decisions?

Answer: All the time.

Aside from the budget-making process, which in most states is tied to a strict schedule, there are few set schedules in the administrative branch. (More on the budget-making process is presented later in this section.)

Most newly elected or appointed public officials enter office vowing to set up and maintain a rational, informed, businesslike decision-making process. They plan to pursue an aggressive agenda to deliver better programs to more people, create efficiencies, and save money for the taxpayers.

However, these officials soon discover that managing a policymaking process is much more unpredictable than managing a business.

Policy projects do not proceed in a straight line. Policy problems do not present themselves in an orderly fashion, and the right policy solution does not usually present itself at all—one has to go looking for it.

Pretend for a moment that you are a county administrator facing some of these pending policy decisions:

- How many copies of the application form for the children's medical plan can the county afford to print? And in how many languages should it be printed?
- Which units for the elderly and disabled should we develop first—those near the county seat or the ones in an isolated corner of the state?
- The contractor who presented the lowest bid is also the one with the worst record of hiring neighborhood minorities. Do we hire the contractor?
- Which of two equally qualified candidates for Public Health Director should be appointed—the white guy who went to college with the governor, or the minority woman from out of state?
- Do we have to enforce a no-smoking policy in highway department trucks?
- Why do we have only three minorities in senior management, and what are we going to do about it?

It is important to remember that public policymakers, both those at the highest level and those in emergency, short-term workgroups, do not have the time to act like scientists, positing and testing a series of hypotheses. They can only respond as reasonably smart, partially informed human beings and make decisions in a political arena where opinion is considered as equal to fact, and public opinion is a fact.

Chief executive officers expect their top appointees to spend much of their time testing and evaluating public opinion about current or anticipated problems. High-level policymakers are expected to read the papers, watch TV, and meet with special interest groups of every stripe, read summaries of all messages from constituents, talk to cabbies and hairdressers, and pay close attention to skilled public opinion pollsters.

Of course, good policy managers know the only way to get the best information is to reach out over the heads of all of the usual characters—the media, the pollsters, the professional advocates, and even the cabbies—and listen and learn from individual citizens whose lives are affected by the policies.

Good policy managers know that if they are lucky, they will get to spend 25% of their time initiating policy improvements. The other 75% of their time will be engaged in stupidity prevention, discrepancy analysis, and resolving conflicts within their administration.

Good policy managers will be alert to opportunities to help the governor develop quick and appropriate responses to any emergency. It matters not whether an act of God or an incompetent engineer flooded the highways: The public expects the chief executive to get rid of the water, the sooner the better.

Good public policy managers really try hard to devise practical and convincing solutions to apparently unsolvable problems. And most public officials do well handling each crisis as it arrives by responding

Key Influence Point

You can help public policy managers by finding citizens whose lives are affected by the policies they are trying to change, and help public managers put a “face” on the problem.

Sylvia Pierce from Everett, Massachusetts, was a newly widowed mother of four, living on survivor benefits when her children's school sent home an open letter from Health Care for All and the local Teachers Union telling her about available health services. Since she and two of her children were without health insurance, Sylvia responded. Within a few months she found herself being recruited by Health Care for All to tell her story to the press, to public officials, business leaders, legislators, and most importantly thousands of other parents. Sylvia lost a little privacy in her new role as a health activist, but won the role of key player in Health Care for All's campaign to bring health insurance to every child in Massachusetts.

Elizabeth Byers from Salem, Oregon, was a single mother on Medicaid volunteering with Oregon Health Action Campaign when she organized a group of five friends to help her call 40 medical offices. She was trying to find a doctor who would agree to take Medicaid managed care patients without restrictions. She found only one, and another only willing to see children. Calling themselves Project Equality, Elizabeth and her friends wrote up the results of their telephone survey and presented it to legislators and key Medicaid officials who had heretofore ignored warnings about provider capacity from “professional advocates.” The report produced results and a long-term commitment to ensuring access.

with the most articulate, persuasive, well-documented arguments people inside or outside of government have offered—especially when the solution is specific, doable, and timely.

Let us read the previous paragraph again. Good public policy managers really try hard to devise practical and convincing solutions to apparently unsolvable problems. And most public officials do well handling each crisis as it arrives by responding with the most articulate, persuasive, well-documented arguments people inside or outside of government have offered—especially when the solution is specific, doable, and timely.

The authors worked as policy staffers with two state constitutional officers: a governor and an attorney general. Both officers ran for office determined to pursue their own aggressive public agenda to reform this, reorganize that, and develop new ways to respond to old problems. And they succeeded—moaning the entire time, "All I do is respond to crises and demands made by others outside this office: other constitutional officers, the legislature, special interest groups, and the media. "Why can't I just do the stuff I want to do?"

All we can do is point to the front-page story announcing a new calamity and remind them of their own words: that a constitutional officer's first duty is to take personal accountability for every civic crisis and natural disaster. Duty calls. To their credit, they always responded cheerfully. (Well, not always cheerfully.)

The Budget-Making Process

Every year, usually at the same time every year, the chief executive officer of the state, county, or city submits to the legislature a proposed budget for the upcoming year. (The legislative branch's budget process is discussed in Chapter 4.)

During the months preceding the budget submission, the top budget official manages an internal process that is much like one that every business—from small nonprofits to big international conglomerates—goes through, namely, making sure proposed expenditures do not exceed expected revenues, unless a line of credit is secured.

The top budget officer is usually in charge of estimating revenues, but the chief executive (and his or her top advisors) must develop budget priorities, or proposed expenditures. The policy advisors make sure that campaign promises are met and that top priorities are fully funded.

The Budget-Making Timetable

Let's work backwards from the date on which the chief executive officer submits the budget to the legislative branch. Let's call it B-Day for budget day.

At least 6 months before B-Day, office directors are given a memo with budget instructions and a pile of forms. Sometimes they are asked to prepare three or four variations of their office's budget:

Variation 1: A level-funded budget, which reflects no changes in personnel or programs and no new equipment.

Key Influence Point

Sometimes administration officials will solicit help from community health activists who have worked productively with them in the past, for these officials often need help documenting and describing the need for program expansions that will result in a healthier community.

The Youth for Access to Health Care Coalition in San Francisco, California, was formed after 67% of the high school students participating in YouthVote98 supported the creation of a clinic in every high school. Coleman Advocates for Children and Youth helped the young people develop a practical, cost-effective proposal for placing three health professionals in each of the seven major high schools at the cost of \$1.4 million. After weeks of preparation, the youth advocates began by presenting their proposal to the Department of Public Health and slowly worked up the budget-making ladder until they got to Mayor Willie Brown and the Board of Supervisors. As this edition goes to press, they had commitments for \$900,000 and were still working hard to get all the schools covered.

The work doesn't end when a bill becomes law, observes Rob Restuccia from Massachusetts Health Care for All. Although Massachusetts' 1996 law expanding health care for children and other constituencies passed the legislature with overwhelming support, Health Care for All still spends time working with administration officials developing budgets for more effective outreach proposals and defending the dedicated funding stream from diversion to other "worthy causes" being pushed by former coalition partners. "Our theme song around here should be 'Implementation Blues,'" says Rob.

Variation 2: A cost-savings budget that reflects an arbitrary cut imposed by administrative fiat, such as a 3%, across- the-board cut.

Variation 3: A cost-savings budget that reflects a 3% cut achieved by eliminating an existing program.

Variation 4: A cost-of-living increase budget, which reflects no changes in personnel or programs and no new equipment, but does include a modest cost-of-living increase.

Variation 5: A cost-of-living increase plus an increase for expanded services.

All local budget requests proceed up the line through the bureaucracy. Local office directors must justify their budget to their department head, who usually cuts something so all the local office budget requests can fit into a department budget. The department's budget request must be justified to the commissioner, who has to fit all the department budget requests into the commission's budget, and so on up the line to the top budget officer.

And finally, a month or so before B-Day, the top budget officer, the top policy and program advisors, and the chief executive review the final budget recommendations. They make sure that the budget reflects the administration's priorities before sending the final document to the printer.

Although the budget-making process is not very public, it is easy for advocates (from either inside or outside the public policy arena) to influence it.

Program advocates inside the administration make sure that their priority programs survive the budget process. They develop strong arguments to justify the survival and expansion of these programs, and they encourage all affected constituencies to contact the appropriate officials to show their support. (More on inside advocates is presented later in this chapter.)

Community health activists and other outside advocates work with public managers at every level during the budget-making process. They publicly support the officials who protect and expand their priority programs.

Influences on the Decision-Making Process: Internal Forces

This section will discuss the internal forces that influence and sometimes even control public policymakers and their decision-making process.

Let us picture a harried government official meeting with an internal group trying to decide for or against a controversial pending policy. We will assume that this public official's internal working group is made up of mostly smart, capable, and loyal staffers:

- some are experienced, if not expert, in dealing with the problem at hand
- some are knowledgeable about the public and political environment surrounding the problem and its solutions
- all, if not practiced in the art of scientific analysis, are at least committed to making decisions informed by facts

(We must also assume that at least a couple of people lack experience, good judgment, substantive knowledge, and, instead of brains, have birds flying around in their heads.)

Finally, we can only hope that this public official is not afraid of people who know more than she or he does and that she or he isn't afraid to change her or his mind when new information comes to light. The working group will surely examine and assess these factors:

1. Previous Commitments

- Public commitments or value judgments already made by the department, as well as any projects already begun that are related to the upcoming decision. (Issues like deinstitutionalization, legalization of drugs, and a woman's right to choose fall into the "value judgments" category.)

2. Adequate Information

- The quality and timeliness of policy information available to the department. It is hoped that at least one person at the table can answer this question: "What exactly is going on?" If no one can answer the question, it is hoped someone knows how long it will take to get the group up to speed.
- The workgroup's ability to absorb, analyze and measure all incoming information. It is hoped that a number of people at the table will agree to stay late for a couple of days to gather information, consult outside experts, and write memos outlining the problem and listing optional solutions and their consequences.

3. Internal Resources and Restrictions

- The professional ambitions and availability of the primary decision-maker and members of the workgroup. High-level public officials are happy to make themselves available to help solve controversial problems when a solution will make them look smart and effective.
- The direct and indirect demands or limits imposed by the chief executive officer. Staffers presenting policy options to their boss



often find themselves in the same position as the dog food marketing director who doesn't understand why the stuff isn't selling despite the most attractive can and the best ingredients. After 3 months of market research, he finally figures out that dogs don't like it.

We will not speculate endlessly and cynically here on the relative weight of the factors listed. It

"Ms. Woods, will you please send somebody in here who knows right from wrong."

depends quite frankly on the values, personalities, and capabilities of the players, from the governor on down to the summer intern who collected and photocopied the public testimony and press clippings.

Key Influence Point

Program and policy advocates inside and outside government spend a lot of time figuring out the politics of their departments and agencies. They try to use this information to advance their agendas. It may be hard to believe, but incompetent community providers have been known to use personal contacts to preserve the funding of useless programs.

Blessed is the public official who has a staff capable of examining and analyzing all incoming data and presenting several unbiased options for action, along with a neat list of consequences and measurable outcomes.

And blessed is the policy staffer who has a boss unafraid to change his or her mind when presented with new information and who isn't afraid of people who know more than he or she does. And who doesn't blame staffers for not listing all the unintended consequences, especially the ones that inevitably occur.

Office Politics

Office politics is the grease that moves the public policy machine. If you remember, Representative McDonough defined politics as the way a civil society negotiates who gets what, where, and when. You should not be surprised, therefore, to learn that public officials negotiate with each other up and down the line—over everything from which agency will control the sexy new initiative to which secretary gets the new workstation.

Department heads compete with each other: They all want the boss to increase their budget, not someone else's. Managers compete with each other: They want the department head to fill their vacancies before someone else's. And frontline workers compete with each other: They want the managers to give them the best shifts and salaries.

Managers who can charm their superiors can be extraordinarily effective in promoting their program's successes and obtaining regular budget increases. These managers are well liked because they listen to their constituents, are ready to negotiate a win-win solution with supervisors and colleagues, and will meet with disgruntled staff or outraged consumer groups to work things out. They produce good, doable public policy at every meeting, every negotiation, and every conversation. It's office politics at its best because constituents and consumers alike benefit.

Hard-working, extraordinarily competent managers who lack the energy or charm to attract favorable attention from superiors, who have no patience with process or incompetent colleagues, and who don't value input from constituents and consumers, will have trouble getting vacancies filled, office systems updated, and themselves promoted. In addition, they will lose their parking space to the governor's new spouse. It's office politics at its grimmest, because it is a barrier to expanding and improving programs that benefit constituents and consumers.

Public managers have to figure out the politics of an entire administration: How the department head relates to a superior, how the superior relates to the next person in the chain of command, and so on, up to the chief executive officer. It helps to know these things if you want to win a budget increase or receive a promotion.

Community health activists and special interest groups try to figure out the politics of an administration in relation to their particular program. They need to identify:

Potential heroes. High-level public managers capable of making and implementing changes to solve a current problem. These folks might accept a hero opportunity from community health activists.

Potential inside advocates. Top policy aides or project managers who understand the importance of reaching out to all constituents of a public program. These people are especially sympathetic to the opinions of consumers and community health activists. They are the folks who help community health activists create hero opportunities. (More on inside advocates appears later in this section.)

Political appointees. Usually high-level administrators and department heads appointed by a chief executive officer.

- Sometimes they are supremely qualified managers on leave from high-paying civilian jobs.
- At other times, they are experienced public administrators who have been climbing the career ladder since they got a masters degree in Public Administration.

When Ann Barry was Commissioner of Public Health in Minnesota, she had to juggle meetings with 40 different controversial Special Commissions on everything from Gay, Lesbian, and Transgender Youth to Sexual Violence. She learned how to help the most committed, passionate Commissioner/Advocates understand their dual roles as inside players and outside agitators. The dual roles allowed them to create important new policies with a governor with whom they disagreed on a number of politically delicate issues. Advocates learned that they could work with public officials with whom they disagree, and public officials learned they could work with advocates who kept on organizing around them until they got it right.

When a new governor took over the reins in South Carolina, the key staff person on health during the transition had a longstanding relationship with South Carolina's Fair Share, and made sure they were included in the planning for the new administration. "As a policy-based organization, we have learned how to build and use these kinds of partnerships with line administrators, but this is the first time we've been able to reap the rewards of having good personal connections," says Lenore Reese from South Carolina Fair Share.

- Sometimes they're considered to be political hacks because they helped elect the new chief executive officer. In return they have been given plum jobs. They may have few real qualifications other than enjoying the trust and confidence of the boss.

Wherever they come from, all political appointees have to prove themselves by maneuvering through bureaucratic mazes and avoiding traps put in place by their bosses, their peers, and the very staffers they are supposed to manage. All the time, special interest groups, who are evaluating their potential as inside advocates, watch the appointees.

Career public servants. Newly appointed commissioners and under-secretaries will come and go, but career public servants will always run much of the government. With jobs protected by the civil service or a union, career public servants are frequently the first public officials that community health activists meet. They are certainly the right ones to ask about everything and anything. And, if they are good public servants, they'll know all the answers, or know where to get them.

- They'll know the law and regulations governing a program's operation.
- They'll know when the original program started and who started it.
- They'll know how the current administration feels about the program and department.
- They'll know where the problems are and why they haven't been fixed.
- They'll know which policy analysts are working on which issue.
- They'll know who does the commissioner's schedule.
- They'll know where the commissioner is right now and what he or she is doing there.

Key Influence Point

Experienced community health activists try to introduce themselves and their issues to newly appointed officials as soon as they can, for these appointees help create hero opportunities. Experienced activists have discovered that an effective way to begin is to send a congratulatory letter accompanied by a package of briefing information and a friendly request for a meeting.

But, because career public servants put a high value on commodities like loyalty, discretion, and valor, they are very careful to whom they dispense all that valuable information.

A Special Note on Inside Advocates

Inside advocates are precious creatures that can help you spot opportunities to display your expertise and exercise real power. Here's a story.

The Deputy Commissioner of Hospitals is responsible for drafting the new regulations on free hospital care. He passes on the job of writing the first draft to his administrative assistant, who knows her overworked boss has already received half a pound of material from every hospital in the county and a full set of draft regulations from the president of the Hospital Association. The administrative assistant takes it upon herself to see if any other provider groups, consumer advocacy organizations, or public health associations have additional data on the subject. She also contacts the key consumer advocacy organizations, the director of the Association of Neighborhood Health Centers, the president of the Visiting Nurses Association, and the president of the Public Health Association, all of whom provide plenty of anecdotal information. Finally, because she's really good, she gets these groups to put together an ad hoc group of outpatient providers and consumer advocacy organizations to gather statistics and submit them to the deputy commissioner.

Later, she tells her boss that the new Health Care Access Collaborative has asked for a meeting about the pending free-care regulations and she is ready with a briefing on their concerns.

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Later, she tells her boss that the new Health Care Access collaborative has asked for a meeting about the pending free-care regulations and she is ready with a briefing on their concerns.

The administrative assistant in this story is an inside advocate—a public policymaker who deliberately, systematically, and sympathetically reaches out to constituencies, consumers, and activists to gather all available information before she helps make a public policy decision.

Key Influence Point

Experienced community health activists have learned that consideration, respect, time, and patience can—sooner or later—transform career public servants into helpful inside advocates. Maybe an activist preparing for a meeting with a commissioner will get a mini-briefing on what to say and how to say it. Or, a meeting request might make its way to the top of the scheduler's pile. Or an advance copy of a task force report may slip into your mailbox.

- She does it deliberately because she knows that good public policy is influenced by facts.
- She does it systematically because she wants to get all the facts from all affected constituencies.
- She does it sympathetically because she knows she must go that extra mile for the activists and constituencies who lack the ability to monitor and influence pending public policy decisions in government.

Many high-level officials assign someone on their staff to be the inside advocate. This job consists of listing all the people and organizations that have a vested interest in the agency's operations, all bona fide experts in the field, and all people who are regularly quoted in the press about the agency's operations. The inside advocate will develop a contact list of all activists, provider trade organizations, consumer advocacy organizations, miscellaneous outside experts, and distinguished opinion-makers in the academic world.

Her first job is to contact the agency's department heads to create a list of potentially controversial public policy decisions that are coming up and then work with each department head to figure out how and when to include input from the people on her list.

Key Influence Point

Community health activists need to be careful not to over use or abuse an inside advocate's access to the boss. They should also avoid blaming or lecturing inside advocates when the boss does something stupid. In fact, under such circumstances, they should try an opposite reaction, say, sending flowers.

Inside advocates deserve all the moral support and professional respect we can give them, for they get little respect from the bureaucratic colleagues.

Inside advocates are the first to be blamed when a special interest group publicly criticizes a policy—especially if the inside advocate has been working with the special interest group on the policy. The inside advocate is suspected of leaking information or planting stories and sometimes blamed for not silencing criticism: “Can't you control those people?”

Inside advocates deserve all the moral support and professional respect we can give them, for they get little respect from their bureaucratic colleagues. leaking information or planting stories and sometimes blamed for not silencing criticism: “Can't you control those people?”

Inside advocates spend time in endless meetings with a bunch of suspicious providers and know-it-all advocates. Much of their job satisfaction comes from working closely and productively with organized and unorganized special interest groups.

Fortunately, public officials who have the good sense to hire (or tolerate) an inside advocate are usually ready to coax (or if necessary order) reluctant managers to include outside players at the policymaking table.

Influences on the Decision-Making Process: External Forces

This section discusses the forces outside the administration that influence the public policymaking process.

For the purposes of this discussion, let us categorize public policy issues into two groups—public and nonpublic.

Public issues are those that almost everybody in the general public knows a little something about and has an opinion on. Welfare reform, abortion, and crime are the big three in all 50 states; issues like pre- serving the environment or reforming public education are high on the list in some states some years, while auto insurance rates and access to health care are big in other states in other years.

Sometimes the debate on public issues reaches soap opera levels: The media provides live coverage of closed doors behind which public officials make important decisions. At other times administrators' and legislators' phones ring off the hook with constituents pleading, thanking, or threatening public officials about their positions on an upcoming issue.

Non-public issues are those that almost nobody knows anything about except maybe those people who are directly affected by the issues: regulations mandating the reimbursement rate for nursing homes or laws specifying the number of salmon Native Americans can harvest or executive orders to study sex discrimination in a public university. All of these issues may be important to the affected constituencies, their lobbyists, the legislators who champion the issue, and the administrators who implement the policy changes, but nobody else cares.

Key Influence Point

Sometimes community health activists try to turn their nonpublic issue into a crisis hoping that the public spotlight will frighten away their powerful but unpopular opponents. This strategy worked well for the public health community, who viewed the tobacco industry like Romanian peasants looked at Count Dracula. Tobacco control advocates were successful when they found ways to move the tobacco control issue out into the spotlight of public opinion.

On the other hand, bringing a nice little nonpublic issue into the main arena may attract an avalanche of opposition that startles supporters into reevaluating their involvement. Think about needle exchanges. Think about using Medicaid money to pay for sex-change operations. Debates on some issues don't improve with public discussion.

Viagra I

"The fundamental question is how many erections does an HMO owe a patient?" Rob Restuccia, from Health Care for All, was in the middle of an HMO reform campaign when the Wall Street Journal Page 1, New York Times, June 30, 1999 Insurance for Viagra Spurs Coverage for Birth Control. reporter asked him to respond to that question posed by a local HMO official trying to explain a recent decision to limit access to Viagra. Suspecting correctly that this particular HMO decision was going to be a big story, and a golden opportunity to capitalize on the public's growing resentment of HMOs making medical decisions, Rob turned the question around to point out that the fundamental interest of the patient should be determined jointly by patient and physician.

Viagra II

Page 1, New York Times, June 30, 1999

Insurance for Viagra Spurs Coverage for Birth Control.

Viagra, it turns out, has a political side effect- or decades women's advocates had little success in pushing insurance coverage of contraceptives. But now that Viagra has been made available in many insurance plans, they say, they have been able to add to their arsenal of arguments the tough to beat basic issue of fairness: if insurance can help a man enhance his sex life—and at a pricey \$10 or so a pill—it ought to help a woman enable her own.

The News Media

Now, let's look at one of the principal external forces that influence policymakers as they make public and nonpublic decisions: the media.

For the purposes of this section, we ask the reader to consider newspapers, television, and talk radio as one entity. However, we ask readers to differentiate between the political press (reporters from major media outlets, who have offices in the statehouse, county seat, or city hall) and the district press (small, local media outlets, who may send a part-timer to big events but rely mostly on the news services or press pools).

The Media's Watchdog Role

Enough has been written about the role that the media plays in influencing decision-makers to fill a library. In fact, much of this writing is done by players in the media, who stress the importance of a free press in rooting out public corruption.

The members of the press who cover the political beat at city hall, the county seat, or the statehouse are always particularly proud of their ability to ferret out any funny business, and the competition between media outlets can be fierce.

The local press covers political scandals when the target is a hometown boy or girl, and it doesn't cover complicated stories at all. The unavoidable reality is that a lazy reporter with an unsubstantiated scandal will get his or her story on the front page, and a hard-working reporter who undertakes original research about a complicated issue will find his or her story relegated to a think piece in a Saturday edition.

Wary public officials, who wish to avoid a press story charging them with even the appearance of impropriety, are careful about their behaviors. Prudence dictates that they scrupulously avoid accepting contributions from old college buddies with unsavory business connections, and refuse to recommend relatives for promotion at an obscure authority. Not that it matters—if the press smells blood, minor stupidities get blown up and smeared all over the front pages for weeks. Not even Mother Teresa's reputation and effectiveness could survive unharmed when such a feeding frenzy begins. Another way the media affects the behavior of public officials is by exposing inadequacies and failures in the system. For instance, an expose of horrendous conditions in state-administered nursing homes can be used by a challenger to boot out an incumbent or it can be used by an incumbent to justify changes. An in-depth analysis of tax loopholes offered to a for-profit health provider might offer a public platform for those who want to preserve nonprofit providers.

Finally, by elevating an issue to a crisis, the media can prompt the “Huh!” reaction among public officials, prompting them to do what they should have been doing all along. For example, an epidemic of suicides among teens in one urban neighborhood forced horrified officials to refocus recreation, substance abuse, and job placement programs in that neighborhood and to devise emergency youth violence prevention and outreach programs throughout the state.

Key Influence Point

Even experienced community health activists are reluctant to begin an aggressive media strategy if they are the only players without a full-time media advisor or press person. However, newcomers who ask local media experts to lend their wisdom and advice to a worthy cause are often delighted and surprised to get a couple of thousand dollars' worth of advice over lunch. Allied organizations with a big staff and budget can often be convinced to lend a little of both. (More on using the media in public policy campaigns appears in Chapters 5 and 6.)

New Jersey Citizen Action has a well-earned reputation as a tough, unforgiving watchdog capable of mounting a statewide media blitz complete with thoroughly researched reports and regional press conferences featuring local constituents with personal stories. Anthony Wright still talks about how they stopped Blue Cross Blue Shield's proposed merger by shining a bright public light on a state approval process that had not included public hearings. Amazing what you can find with a little FOIA (Freedom of Information Act).

Maine Consumers for Affordable Health Care utilize a three-pronged strategy in any healthcare crisis or controversial rule-making process. First, they know how to organize affected consumers into loud press worthy public events. Second, they work in coalition with organizations with legal and policy experts ready and able to translate the most complex and complicated health issue into easy-to-use sound bites. They target their limited media resources to building and maintaining relationships with the most influential outlets.

The Media's Role as Public Educators

Too few books and articles have been written, or Pulitzers won, about the role of the media in educating the public about policy debates that affect the daily lives of citizens. While there is usually one newspaper that manages to report what is happening and why the reader should care, most of the press coverage is about as deep as a Hollywood gossip column. You will frequently read about who might get which appointment, which commissioner is in trouble with the speaker, whether the mayor is really going to run for the U.S. Senate, or how many of the governor's landlord cronies contributed to his or her campaign just before he or she vetoed rent control. Why? Because it's news—easy to write and interesting to read. And, of course, because it sells newspapers and attracts viewers and listeners.

The challenge, then, for any elected official who hopes to fulfill promises made during election season is to figure out how to use the media to educate the public and to convince the public that the administration is working on a good solution for every one of their problems. In other words, the elected official is creating and acting out hero opportunities.

- Is the public worried about crime on the streets? Well, surprise, the county commissioner appears on the prime-time news announcing a bill to sentence juveniles as adults and build a new prison in a remote part of the county.
- Are parents worried about sending their children to the public schools? There's the mayor announcing grants to support charter schools.
- Are you worried about job security? There's the governor with the state's biggest employer, who vows never to move to another state as long as he keeps getting certain tax breaks.

High-visibility chief executives have a distinct advantage in using the media to advance their agendas. They can use Teddy Roosevelt's famous bully pulpit, which gives them immediate access to the press. Everything they do is news. Every major newspaper, TV station, and wire service files at least one story per day about what the governor and mayor did today, complete with a photograph and a quote or sound bite. Other officials, if they are lucky, get to respond to the mayor or governor's actions.

Key Influence Point

One thing community health activists can always do is to help create hero opportunities for public officials.

The Patient Bill of Rights bill had died in what seemed to be an unresolvable dispute between the House and Senate. With the inauguration of a new governor who had campaigned on HMO reform, leaders from the Illinois Campaign for Better Health Care found themselves sitting at a table with the governor's health policy experts and media advisors. Together they planned and implemented a statewide public education campaign to mobilize support for strong HMO reforms, and succeeded in passing a "pretty decent compromise" bill with only one senator voting no.

The newly elected Commissioner of Insurance in Louisiana, personally committed to health insurance reforms, hired a consumer advocate on staff to design and run a series of public forums and encouraged community health activists including the Louisiana Health Care Campaign to stake out the "perfect progressive positions on health care." The Commissioner got plenty of visibility for exposing the health insurance industry practices, and lots of credit for winning less than perfect, but strong meaningful reforms.

The Media as an Internal Communications Tool

Anyone who has been a manager in an organization with more than 10 people won't be surprised to hear that high-level members of the administration rarely sit down with each other to share information and develop joint strategies. (Monthly, public show-and-tell cabinet meetings don't count.)

High-level public officials will tell you that they don't have enough time to do their own work. Therefore, they can't go to an interdepartmental meeting to organize another workgroup and produce more work, unless the policy being discussed is, or should be, within their department's jurisdiction. Only then do they attend in the hope that they can control the agenda and outcomes. Everybody else just sends a deputy. Into that communications vacuum steps the media. High-level public policymakers may not have enough time to go to each other's meetings, but they all listen and watch the news, read newspapers and magazines, and read and send messages through the media.

Here are a couple of examples:

The Public Health Commissioner hears the Secretary of Housing announce on a radio talk show the establishment of a task force on affordable housing composed of members of the powerful rental housing and development community. The task force will develop ways to help small landlords deal with lead paint removal regulations proposed by the Public Health Commissioner.

The Secretary of Health and Human Services reads in the newspaper that the governor has given an address at the Senior Citizens Association annual meeting. Together with the Secretary of Elder Affairs, he announced a federally funded program targeting substance abuse treatment for the elderly, to be run by the Department of Elder Affairs.

Key Influence Point

Smart, savvy advocates monitor all media broadcasts that cover state or county government just to collect these messages, for they know they might find opportunities to intervene in the policy-making process to advance their personal or program goals. At other times, advocates find that they are able to stop somebody else's personal or program goals. Newcomers can work with allies to avoid missing messages (or for help interpreting messages). In addition, they might want to think about working with a media consultant familiar with the policy area. (More on hiring consultants can be found in Chapter 6.)

All the players in the public policy arena use the media to send messages to the chief executive and other high-level policymakers. Legislative leaders are

fond of using the media to blame the administration for troubling problems. Smart special interest groups know how to stage demands and release revealing reports, and of course the media itself sends messages directly through editorials and investigative reports or indirectly by deciding to cover or not cover certain activities.

Special Interest Groups and Lobbyists

Special interest groups and lobbyists are the other major external force influencing policymakers as they make public and nonpublic decisions. And, at the risk of appearing defensive, let us say that special interest groups have been getting a bad rap lately. Their reputations are worse than politicians' are.

Let us first define five arbitrary categories of special interest groups:

Public interest organizations will tell you that they advocate on behalf of the general public around broad issues like the environment. They represent the interests of all consumers of merchandise or energy or insurance or banking products, and the like. Membership dues, private grants, and gifts usually fund public interest organizations. One example is PIRGs (public interest research groups), which Ralph Nader created at colleges and universities in the early 1970s.

Citizen activist organization and advocacy organizations advocate on behalf of members, who have specific interests. These organizations can form around a common issue, such as disability, age, gender, income, neighborhood, family status, sexual preference, and so on, or they can form around programs, such as campaign finance reform, health care, mental health programs, housing, city services, state services, and so on. These organizations are usually nonprofit and are funded by membership dues and private grants and gifts. Two examples are the Alliance for the Mentally Ill (AMI), an advocacy organization composed of family and friends of mentally ill people, and the American Association for Retired Persons (AARP), an advocacy organization for—guess who—retired people (although the AARP begins sending out recruiting material to all of us on our 50th birthday).

Community organizations are groups of residents of a geographical area or neighborhood who pay to join an organization that can represent their interests. Interests can and do range from campaign finance reform to auto insurance reform to community policing. Two examples are the Association of Community Organizations for Reform Now (ACORN) and the Industrial Areas Foundation (IAF). While each group would tell you they are very different, both share a strong commitment to empowering their members, who mount neighborhood, city, and state campaigns around issues of concern to members.

Professional provider, and business trade organizations advocate on behalf of members, who share a common interest in how the government regulates and protects their business or profession. These groups are funded primarily through membership dues. Two examples are the National Association of Social Workers (NASW) and the National Association of Manufacturers (NAM).

Organized labor is perhaps the biggest, most visible special interest group of all. They represent the interests of working families, whether they belong to a union or not. International unions like the United Auto Workers (UAW) or the Service Employees International Union (SEIU) represent a segment of workers and are usually affiliated nationally with the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations). Their power lies in their ability to organize state and local labor councils and to mobilize all members to promote public policies that help working families.

Special interest groups use their organizational power to benefit their constituents—their members or a specific segment of the population. Think back again to our definition of politics as the way a civil society negotiates who gets what and when. It makes sense that doctors, hospitals, social workers, welfare recipients, landlords, tenants, developers, and environmentalists each organize to promote public policies that benefit themselves and their colleagues.

Most special interest groups, whether they are industry and professional trade associations or community health activists, raise money and collect membership dues to hire staff to carry out their mission of promoting public policies that benefit their members. They may hire public policy researchers, public relations specialists, and even dreaded lobbyists!

Obviously, some special interest groups have bigger budgets than others, and every year in every state the press speculates that large lobbying fees and money from special interest groups play a larger role in persuading public policymakers than the facts indicate. These press stories usually focus

As every political observer knows, citizens' groups and advocacy organizations are expected to use only totally sincere and committed volunteers. In addition, they are expected to lose. They are not expected to win, never mind hire lobbyists!

on the tobacco industry or the insurance industry or some big, unpopular corporate trade association, but sometimes the stories report with genuine horror that a membership-based citizens' group spent a considerable amount of money on a successful public policy campaign, including paying a professional lobbyist!

The Role of Special Interests in Informing and Educating

Every public program manager pays attention to, and treats with respect, certain special interest organizations.

After all, special interest groups know where all the bodies and land- mines in state programs are buried. They can spark a public relations disaster because they have enough credibility to be quoted by the media, and even more important, they have a base of interested members who can get quoted in local press all over the entire county or state! Smart special interest groups spend most of their resources tending their own base of supporters; this includes keeping the board and members up-to-date on pending policy developments. Experienced activists devour newsletters, policy alerts, and briefing papers to pre- pare for the next policy campaign. (More on organizing and mobilizing grassroots members is discussed in Chapter 6.)

When a special interest group decides to mount a campaign to protect an existing policy or change it, they begin to plan a whole series of public education activities aimed at mobilizing citizens into strategically targeted activities. For example, AIDS activists transformed a frightening disease that affected a specific community into a mainstream public health issue that affected everyone.

The target of a public awareness activity is the official who makes the public policy decision, as well as his or her supervisors, right on up to the chief executive officer. The aim of a public awareness activity is to persuade the official to change a public policy, to interpret existing laws differently, or to propose changes. And of course, savvy activists are always polite and say please.

Here is a series of escalating public awareness activities that could be part of a public awareness campaign.

- Community health activists in collaboration with consumer and provider organizations document the need for a change in public policy and write a polite letter to the appropriate official asking for a meeting to discuss the problem and its solutions.
- Policy alert packages go out to members of each organization. The packages urge members to communicate with (that is, call, write, or e-mail) the commissioner, her boss and his boss, right on up to the chief executive officer.
- The activists stage media events and send out press

releases to neighborhood newspapers and statewide dailies explaining the need for a policy change and urging all concerned citizens to call administration officials and their legislators.

- The activists release a policy report, documenting the failures of existing public policy, at a big conference where the commissioner is the keynote speaker.
- The activists hold coordinated press conferences across the state when the commissioner announces that she's putting together a blue-ribbon commission to reexamine the policy.
- The activists hold more press conferences outside the commissioner's office when she doesn't appoint any of its members to the blue-ribbon commission.
- The activists send out still more policy alerts to local activists urging them to escalate their pressure on legislators.
- The activists plan a celebration to thank the commissioner and all the workers involved in the successful campaign.

Some of the public officials targeted in this kind of public awareness campaign will love being identified as important policymakers and will thrive on being thrust into the middle of controversy. Others will really hate the spotlight, preferring to work in unaccountable obscurity.



Whichever method a public administrator prefers, however, making a controversial decision in full public view of proponents and opponents, and knowing that the boss is ready to take the credit for success and blame her or him for any failure, is stressful indeed.

The spotlight is often also the "hot seat."

Influencing the Policymaking Process in the Administrative Branch

Now that you know more than you really wanted to know about how public policymakers make decisions, you now want to know exactly how to get your problem into the decision-making process. Well unfortunately, we can't tell you exactly how to fix your particular problem, but we can give you advice about how to use this book to figure it out for yourself.

Start by using the first strategic planning tool in Chapter 5 to figure out if you have a problem that requires a small fix, a big fix, or something in between.

You may conclude that you can fix your problem with a campaign directed primarily at the administrative branch if it meets the following criteria:

- The actions or changes you seek are allowed under current laws or regulations. For example, you think you can convince key members of the administration to set up a new outreach program, expand eligibility guidelines, or change an application deadline.
- The actions are not forbidden, but they are not technically in compliance with current laws or regulations, which may have to be amended.

Now dear readers, we hear you all muttering, “Okay, so we know we're looking at an administrative campaign. Can you tell us what to do first, second, and third?”

And we dearly wish we could give you simple answers and a clear program of activities. But, after reading this chapter you should know that, aside from the budget-making process, there are no uniform processes or timetables that control public policymaking in the administrative branch. (Later, when you read Chapter 4, you will learn more than you really want to know about the legislative branch's rigid rules for hearings and debate.)

Our advice to you is to use all the strategic planning tools in Chapter 5 to analyze your public policy problem and your proposed solution. Then assess your internal capacity and political power. Finally, use the campaign implementation tools in Chapter 6 to figure out a campaign plan and timetable. Chances are your campaign plan will include the following activities:

- identifying an achievable public policy solution in the administrative branch to your compelling sympathetic problem
- identifying the public policymakers (and their bosses, right up to the chief executive) with the power and authority to make the necessary changes
- recruiting some key policymakers to function as heroes or inside advocates
- creating hero opportunities by showing the problem to be a sympathetic, compelling problem with a solution that is doable, affordable, and effective
- assessing your capacity and political power and increasing it, if necessary, by recruiting traditional and untraditional allies
- presenting a compelling, sympathetic problem and affordable, effective solution to the right policymaker at the right time

This is not a long list, but one that will be familiar to community health activists, for the list is described in the National Association of Child Advocates' excellent book, *Medicaid Managed Care: An Advocates' Guide for Protecting Children*. They took on the policymakers in their states. Some won major victories and some won small ones, but they all improved health care for people in their states, and they advanced the goal of universal health care at the same time.

A Final Note

The historian Emmet John Hughes, in his book *The Living Presidency*, describes Warren Harding's tortured and anguished decision-making process. Said Harding, "I listen to one side and they seem right, and then I talk to the other side, and they seem just as right, and there I am right where I started . . . God what a job!

As you embark on a public policy campaign, remember Harding's pain and confusion and what caused it. He wanted to do the right thing. Both sides had good arguments, and he devoutly wished that one was clearly right and the other was clearly wrong. But the issues were not that clear.

Most elected and appointed officials want to do the right thing, and they will listen sympathetically to your policy proposals.

Most likely, people in and out of government will oppose your efforts to change policy. They may very well mount vigorous campaigns and make persuasive arguments that contradict yours. And you will want those public officials to have a hard time deciding what to do. After all, nobody promised them the public policymaking business was going to be easy, did they?

MAKING PUBLIC POLICY IN THE LEGISLATIVE BRANCH

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Influencing the Policymaking Process in the Legislative Branch

CHAPTER 4

Most of the community health activists quoted in this chapter will tell you that they started out knowing little or nothing about the legislative branch. They hadn't wanted to get involved in the legislature or the county commission or the city council in the first place. They ended up there, however, because their efforts to fix a policy problem in the administrative branch failed.

- The administrative branch may have refused to change the way they managed a program or implemented a policy. The only way to get them to change would be to pass a new law forcing the change.
- Or the administration couldn't make the requested changes until current laws were amended.
- Or the administration said they did not have the legal authority to use money in the budget to start a new pro-gram. They would need the legislature to approve a supplementary budget.

These activists had no choice. They had to figure out how the legislative policymaking process worked. Some were lucky enough to have a sympathetic member of the legislature to help and guide them. Others learned by working in coalition with allied consumer organizations. Still others had to do it all themselves.

Your first job will be to identify the official decision-makers and the key opinion-makers. While it is easy to list official leaders, identifying the key opinion-makers is a delicate task. (In no small measure because every single member of a legislative body claims to be a key opinion-maker on one issue or another.)

A legislative public policy campaign is a series of actions and activities designed to persuade elected policymakers in the legislature to do something: pass a law to authorize a new program; amend a law to fix an existing program; increase a budget to improve a program.

Some activists start out by simply walking into the legislature, whether it is at a city hall, a county seat, or a state capital, and sponging up all the information they can get. Then they peruse government Web sites, where they sometimes find much good information, including legislators' names, addresses, and voting records; daily calendars; and hearing schedules. Other activists meet with their own legislators and ask a hundred questions. They wander around the chambers and interview staffers on important committees. They set up informational interviews with professional lobbyists who work with allied provider or

consumer groups. Sometimes they even hire professional lobbyists. (More on hiring professional lobbyists is discussed in Chapter 6.)

By the time they finish, they have a 2-inch stack of official how-a-bill-becomes-law material and another 5-inch stack of committee lists and members of the body, sometimes including high school graduation pictures. Finally, they have two notebooks full of confidential notes about how the place really works, one third of which is helpful professional tips, one third delicious gossip, and one third paranoid drive. Your next job is to figure out a series of actions and activities that will help persuade the legislative body to do whatever must be done to improve the community's health. Sometimes this involves passing a new law; sometimes it involves increasing a budget item.

Veteran community health activists invariably cite three important elements of winning public policy campaigns.

- They work in partnership with other consumer, provider, and public interest organizations. (More on building and maintaining coalitions is given in Chapters 5 and 6.)
- They are able to organize and mobilize a district-wide network of constituents into performing campaign activities. (More on campaign design and implementation is found in Chapters 5 and 6.)
- They have a strategic plan for a winning campaign that will invariably include hero opportunities for local legislators as well as key leadership and accomplish this by systematically applying The Three Rules for Influencing Public Policy.

The Three Rules for Influencing Public Policy

1. Elected and appointed officials make different decisions when watched by the affected constituency.
2. Get the right information to the right person at the right time.
3. Elected and appointed officials, when making decisions, weigh opinion as equal to fact and consider public opinion a fact.

The following story illustrates how some community health activists influenced a policymaker by using the Two Rules and creating a hero opportunity.

Hero opportunity. A public opportunity for a legislator to advance a practical policy solution that brings a noticeable, measurable difference into the lives of a critical mass of constituents.

The Endless Unlesses: Or a Day in the Life of an Ordinary, Honest, Principled Legislator

You are a veteran legislator summoned from an important committee hearing to the chamber for a roll call vote. You stand at your seat, flip- ping through the

20-page list of bills in the House daily calendar, trying to figure out which bill is being debated. You look for the floor leaders, and they are nowhere to be seen. The legislator in the next seat points to the third item on page 18, which looks vaguely familiar to you.

"Damn!" you mutter as you look through the stuff in your folder. Your staff is supposed to give you a marked-up calendar with notes and reminders about your commitments. Maybe they were so tied up in preparing you for the hearing that they forgot. Or you misplaced it. It's bad enough that you are already a no-show at two subcommittee meetings and you still have to get ready for three constituent appointments and a leadership meeting later in the morning.

?ha! You find the marked-up calendar, neatly tucked into a folder labeled Today's Calendar. The vaguely familiar item is underlined. An attached note reminds you that the bill is a top priority for two neighborhood health centers in your district, and you have promised your support. You promptly lean over and punch the green button on your desktop. As you leave the chamber to return to your committee hearing, you check the electronic roll call board and note, to your relief, that your party's leaders have also voted yes. You shake hands with a lobbyist for the community health centers who is thanking all the legislators for their support.

As you go through the day, you exit your appointments five more times to go cast a vote. As soon as you hear the announcement broadcast through the building: "Roll call in the House in five minutes," you head for the chamber. On the way, you try to figure out which item is being voted on, you check your notes, and if you find no note next to the item, you decide what to do all by yourself.

Typically, you will think through the following questions—if you have time—before you vote.

- Does this bill affect anything or anybody I care about?
- Has anyone in my district, including the press, approached me about this bill?
- Have my colleagues, especially sponsors or opponents, approached me about this bill?
- Has a lobbyist or special interest group approached me about this bill?
- Have I promised to vote one way or another on this issue?

If the answer to all of the questions above is no, you will probably wait to hear from your party's leadership on how to vote. That is, unless the sponsor, a well-respected legislator from your party, rushes up to you on the floor and asks for your vote.

- Or unless an important member of the other party, whose support for one of your pet bills is critical, rushes up to you and asks you to oppose the bill.
- Or unless you get a chance to read the letter a lobbyist for organized labor just handed you asking for your vote and announcing that the roll call record of this issue will be distributed to every union member in the state.
- Or unless your staffers hand you a long telephone message from your mother reminding you that you agreed to address her church group next month about this very issue, and she wants to remind you that she thinks you should oppose this awful legislation. And how come she didn't know this vote was coming up until she got a call from the church secretary?

House of Representatives Calendar
For Tuesday, July 21, 1998.
[At one o'clock P.M.]

ORDERS OF THE DAY.

9. [H. 168] Bill relative to efficient injury reporting (House, No. 168). 3d. [Casey-McManus.] [Reported on a part of House, No. 165.]
10. [H. 174] Bill relative to the Fraudulent Claims Commission (House, No. 174). 3d. [Casey-McManus.] [Reported on a part of House, No. 173.]
11. [H. 188] Bill relative to the procedures for junking motor vehicles (House, No. 188). 3d. [Casey McManus.] [Reported on a part of House, No. 173.]
12. [H. 189] Bill relative to emergency safety (House, No. 189). 3d. [Casey-McManus.] [Reported on a part of House, No. 173.]
13. [H. 191] Bill to replace the definition of farmer (House, No. 191). 3d. [Casey-McManus.] [Reported on a part of House, No. 173.]
15. [H. 318] Bill authorizing cities and towns to consolidate local boards as a department of public works (House, No. 318). 3d. [Parente-McManus.]
20. [H. 1184] Bill penalizing the misuse of the E-911 system (House, No. 1184). 3d. [Casey-McManus.]
24. [H. 1562] Bill relative to increase the availability of protective gear for renters of in-line skates (House, No. 1562). 3d. [Casey-McManus.]
25. [H. 1754] Bill relative to compensated absences in cities and towns (House, No. 1754). 3d. [Parente-McManus.]
26. [H. 1755] Bill relative to the expenditure of certain municipal and district monies (House, No. 1755). 3d. [Parente-McManus.]
27. [H. 1915] Bill relative to the reporting of abuse of persons with disabilities (House, No. 1915). 3d. [Cahill- McManus.]
29. [H. 2274] Bill concerning the definition of full-time student as required for student trustee (House, No. 2274). 3d. [Cleven-McManus.]
32. [H. 2547] Bill further regulating the leasing of motor vehicles (House, No. 2547). 3d. [Casey-McManus.]
33. [H. 2554] Bill further regulating the collection of out of state parking fines (House, No. 2554). 3d. [Casey-McManus.]
34. [H. 3305] Bill requiring insurance coverage for sprinkler fitter contractors (House, No. 3305). 3d. [Casey-McManus.]
37. [S. 1012] Bill relative to Gate 31 of the Quabbin Reservoir (printed as Senate, No. 1012). 3d. [Petersen-McManus.]
38. [H. 187] Bill to prevent parole violators from receiving credit for earned good time for six months (House, No. 187). 3d. [Casey-McManus.] [Reported on a part of House, No. 173.]
40. [H. 206] Bill relative to address changes (House, No. 206). 3d. [Casey-McManus.] [Reported on a part of House, No. 173.1]

How Do Legislators Make Public Policy?

- They debate and vote.
- Sometimes the debate takes 10 minutes on the floor.
- Sometimes it takes 10 weeks of subcommittee deliberations.
- Sometimes there is no debate at all, and a new public policy is passed with a simple roll call vote of ayes and nays.
- Sometimes the votes are recorded on an electric roll call machine.
- Sometimes the members raise their hands.
- Sometimes they stand up.
- Sometimes they leave the chamber so their votes are not recorded at all.

Legislators debate and vote in party caucuses, on the floor, and in joint constitutional conventions.

- They debate and vote on whether to approve pro-posed laws and amendments to them.
- They debate and vote on whether to change procedures within a committee.
- They debate and vote on nominees to a leadership post.
- They debate and vote on whether or not to extend debate past 10:00 P.M. on Christmas Eve.

And while any debate may raise a great many complex and complicated issues, the vote is straight up and down. Yes or no. The red button or the green button. There is no yellow button for yes, but or maybe or we'll see or it's okay with me if it's okay with your mother. Newcomers to the legislative arena are often surprised, disappointed, and sometimes even disgusted to learn that legislators vote on issues they know little or nothing about.

These newcomers usually get over their disappointment when they realize that there is no way on God's green earth that any legislator could make a fully informed vote on every bill. Legislators don't have the time, they don't have the staff, and they don't have the expertise.

Every year in every state thousands of bills are filed. More than 7,000 bills were filed in Massachusetts for the 1999-2000 session. The Texas Legislature considered 6,000 bills in 1999, and California, more than 3,100. Only a small fraction of the bills filed in Massachusetts, Texas, and California will ever become law.

Most bills are debated and voted down in one committee or another and never even make it to the floor. What the parable of The Endless Unlesses illustrates is how community health activists can inform and guide elected policymakers by using the Two Rules of Influencing Public Policy to create a hero opportunity.

Warning! Informing and guiding the policymaking process in the legislative branch is lobbying, and in most states lobbying is heavily regulated. Check with your city clerk, county administrator, or secretary of state to determine reporting and registration requirements in your community.

The Legislative Branch

Each state has its own legislative body, whose powers and authority are outlined in the state constitution. For example, Connecticut has a General Assembly, California has a State Legislature, and Massachusetts has a Great and General Court. In all states, the legislators are elected or reelected every few years. Find out about your legislators by checking out your state's Web site. While each state legislature's political culture, traditions, and dynamics are different, there is relative uniformity in organization and procedures. Each legislative body is organized into a leadership structure, has rules governing debate and voting procedures, and sets a meeting schedule. Eventually, everybody meets in a large room where the members take turns proposing changes in the law, argue back and forth, vote, and go on to the next proposal. At some point they decide they are done and go home. It's simple.



Senate President lamenting the rowdy, undisciplined, intemperate debate in the lower chamber. Speaker of the House regretting the ponderous pace and ostentatious deliberations of the Senate.

Bicameral Legislative Bodies

Every state except Nebraska has a bicameral legislature, meaning that it has two branches. The so-called lower branch is usually called the House, and the upper branch is sometimes called the Senate, and sometimes the Assembly.

Our founding fathers thought a lot about the need for two branches in the federal government. As Thomas Jefferson envisioned it, the lower branch would be close to ordinary people, with representatives elected for 2- year terms from small districts in each state. Lively vigorous debates, like those in the British House of Commons, would be encouraged.

The members of the upper branch in our federal government, two from each state, are elected every 6 years. Jefferson hoped their longer terms and larger districts would allow them to “serve as a saucer cooling hot tea” by debating important matters with reflection and caution, like the British House of Lords.

Unicameral Legislative Bodies

Nebraska's unicameral legislature was created in 1934 by amendment to the state constitution. U.S. Senator George Norris pushed for the change; he used up two sets of tires touring the state arguing that Great Britain's parliament was class-based, and thus inappropriate for Nebraska's classless society. He persuaded Nebraska's voters.

In Nebraska, 40 senators sit for a few months each year. Every bill must be approved by majority vote on three separate occasions. The final vote is taken only after the clerk reads out loud the entire bill—a throw- back to pioneer days when some members were illiterate and wanted some way to ensure they knew what they were voting on.

Today, Nebraska's citizens may have some problems with this system, but at least they don't have to endure finger-pointing among legislative leaders when an important issue is stalled because of a procedural difference between the branches.

County Legislative Bodies

Every county charter is slightly different, of course, but in most counties, elected officials serve on a board of commissioners, which acts as a unicameral legislative body. Some counties have a five-member board; some have a seven-member board; some have only three; but they all meet together regularly to vote on proposed county laws, ordinances, amendments, budgets, appointments, and whatever else their charter permits them to do. Each county has its own process for choosing a chief executive officer: Some county charters authorize the commissioners to appoint a professional manager; some charters authorize the commission to select one of their members to serve in that role.

City and Town Legislative Bodies

Each local government adopts its own charter giving the executive and the legislative branches certain powers. In most city governments, the city council serves as a unicameral legislative body, and the mayor leads the executive branch. In most towns, town meeting members act as the legislative body, and the board of selectmen act as the executive branch.

The Culture and Dynamics of Legislative Bodies

Most people's understanding of how their legislature works for them varies inversely with the level of government. In other words, the closer the legislature is to the people, the better they understand its relevance to their lives.

For example, residents of a small town know how their presence at a town meeting makes a difference when a two-thirds vote is needed for the school bond issue. Many urban residents understand what their city councilors do, and are not shy about asking their city councilor to shepherd a zoning variance through the appeals board, fix their parking tickets, or place their teenagers in summer jobs. Sometimes they'll even call up to tell their councilor how she should vote on a controversial city-wide issue.

But if the beloved city councilor decides to move up and run for a seat in the state legislature, the councilor will soon discover that many of her constituents think the state capitol building is an awful place, a cesspool of corruption, an irresistible occasion of sin. She is warned to beware the devil incarnate wearing the mask of legislative leaders! They practice politics in there!

Because they hear this type of refrain now more than ever, most wise candidates for higher office immediately assume the mantle of government reformer and promise to open up the process to the people, reduce the power of the tyrannical leadership, and throw the special interest lobbyists out of the windows of the capitol building. And, if they campaign hard and well, the reformers have a good chance of winning. They might even beat one of the notoriously entrenched incumbents who used to brag about being part of the leadership team.

The first test legislative reformers will face, especially those who have beaten an entrenched incumbent by running against the tyrannical leadership, is figuring out how to ask these same leaders for a good committee assignment that will provide opportunities to advance policies important to the district. (With luck, the local press won't describe that appointment as evidence of a deal with the tyrannical leaders.)

Surviving that test, with or without a good committee assignment, sooner or later even the most aloof, independent, reform-minded legislator finds a good deal of strength and support in the many shared conventions and values of a legislative body.

Legislators soon learn the fine art of compromise and coalition and get used to engaging in a hard-fought battle against traditional opponents one day, only to be joined in a temporary alliance with them the next. Agreements are made and compromises reached; indignation turns into relief when a compromise is reached. And, because the press characterizes these standard operating procedures as selling out or making deals, the reformers usually turn to each other in genuine dismay: "Nobody understands how this place really works."

Legislative Leadership

Each legislature elects some of its own members to be its leaders. Legislators convene the first session of a new legislature in an elaborate ceremony according to the requirements of the state constitution. In most states, the member who has served longest—the legislator emeritus—convenes each branch.

In each chamber, the legislator emeritus gavels the first session into order and introduces the governor or secretary of state, who swears everyone into office. Then the members go off to their party caucuses, where each party elects its leaders.

The legislators then return to the chamber, where the legislator emeritus calls for the election of the official leader—usually called the speaker in the house and the president in the senate. Each party nominates a leader; the party with the most members wins the vote. The minority party's candidate assumes a minority leadership position.



Every state constitution gives legislative leaders broad guidelines regarding how and when to convene, recess, and adjourn legislative sessions. Sometimes the constitution will even outline procedures for passing legislation and appropriating funds. Within those guidelines each legislature establishes its own internal procedural rules. (More on rules can be found later in this chapter.)

Legislative leadership, being watched by an armed affected constituent, as depicted by Thomas Nast in the 1870s.

A Leader's Power and Authority

The leader's constituents are the source of all power and authority for a legislative leader, a source that must be renewed at the ballot box every 2 years or so. Both the majority and minority leaders listen closely to the voters, and they are willing to use their power or position to make sure that constituents' requests are handled promptly. Leaders will usually meet with any constituent-based special interest groups to discuss with them important statewide issues.

Key Influence Point

Savvy community health activists have successfully identified and mobilized affected constituents and community leaders into a meeting with key leadership. It is important to use these delegations wisely and well. Prepare a clear agenda that includes a description of the problem and solution, the costs involved, a rebuttal of opponents' arguments, and a request for a specific action that will move the campaign along. For instance, the leader might be asked to speak at a high-visibility campaign event or make a public statement supporting the campaign, or send a private signal of support to key committee chairs.

New Jersey Citizen Action's 14 regional coordinators systematically search their local health coalitions for local constituents who have personal connections with local legislators—especially those in leadership positions. Knowing which legislative leader has a soft spot for mental health services because of a disabled brother, and which legislative leader has a soft spot for hospital administrators because she used to be one, can be very helpful in planning a face-to-face meeting.

Most people don't realize that speakers and senate presidents get elected a second time—to their leadership posts. Anyone who thinks that these votes are locked up because of past favors, appointments, or room assignments is reminded of the oldest political comeback in the world, What have you done for me lately?

Every day is the day before an election for a legislative leader who wishes to keep the support of his or her own party members. And every day is an opportunity to demonstrate one's ability to lead the legislative process, that is, exercise real power and make some daily decisions that either move forward or stop a proposed policy change.

Leadership's job is to schedule the policy debates. For the most part, they manage hundreds or thousands of debates on policies that others propose. These proposals, in the form of bills and budget amendments, come from leadership teams, committee chairs, geographical or ideological caucuses within the legislature, rank-and-file members, the governor, special interest groups, and the media.

The leadership evaluates the strengths of the often-conflicting positions on every proposed bill or budget amendment, and then tries to put together a majority coalition around the most acceptable solution. Because leaders do not have the time to do this for every bill, they work hardest on bills the public and their members clamor about most.

Key Influence Point

This observation applies directly to so-called "public" issues described in Chapter 3. Community health activists can testify that creating a public clamor works. The leaders do pay attention.

When the parents of children with cerebral palsy in Texas got mad enough to form the Texas Advocates for Special-Needs Kids (TASK) and get involved in the managed care debate, they worried about getting lost in an HMO reform coalition that included other powerful constituencies like the physicians and the trial lawyers. Other advocates for the disabled were quick to reassure them that winning better health care for their children depended on their willingness to transform their anger into action. It wasn't long before TASK leaders were testifying at dozens of public hearings and press conferences and being considered a powerful constituency themselves.

Sometimes legislators debate and debate major issues with no progress until both the problems and the debaters drop from exasperation or exhaustion. If the leaders are unable to identify and build a majority coalition, they have failed in their main function. On the other hand, if the problem has disappeared because it didn't need to be fixed in the first place, the leaders were probably giving the debating parties room to display their oratorical skills and ideological purity.

Bottom line: The speaker and senate president cannot avoid conflict; they must confront problems, resolve them, and sometimes take the blame for them. Both leaders must take responsibility for unpopular new laws—unlike rank-and-file members, who can explain away their lack of effectiveness by blaming it on leadership.

Appointments: Delegated Power and Authority

Legislative leaders have the authority to nominate (in some states, appoint) colleagues to highly coveted positions inside the legislature. Members of leadership teams and some committee chairs usually earn more money than other members; most leaders are at least granted additional staff and nicer offices. In addition, if a member is appointed to a prestigious committee, he or she becomes more visible at home because the press wants to hear what he or she has to say.

A member appointed to a leadership position—majority leader, whip, chair of appropriations or ways and means—is obligated to vote with the other leaders on critical issues—at least most of the time. Effective leaders regularly bring the entire team together to formulate, articulate, and communicate to members its position on major issues. Effective leaders also define the occasional issue of personal conscience on which chairs can vote against leaders and not get punished.

Rank-and-file members are not automatically obligated to vote with their party's leaders, but they are expected to pay attention and consider their positions and arguments thoughtfully and respectfully.

The need to enforce party discipline occurs most often when the majority party has only a slim majority, and every vote counts. A large majority means that members can vote against their leaders when their constituents or conscience demands. A large majority means that the minority party must resort to parliamentary strategies and delaying tactics to gain leverage in debates and committee sessions.

Leadership Abilities and Personal Expertise

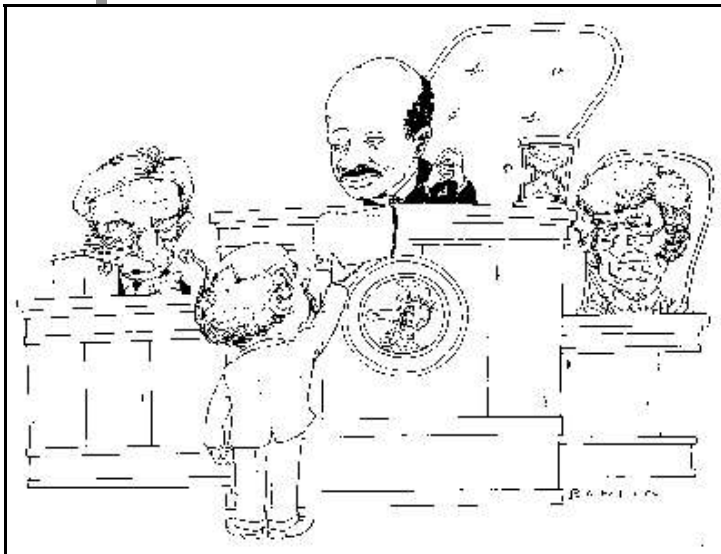
Another source of power for a leader is the opportunity to preside over legislative sessions. An effective leader pays attention, understands the motivations behind members' actions, is expert at predicting behavior under stress, and is usually able to help members find a way to do what they know they should be doing anyway.

Presiding over a legislative session can be fun. Picture yourself standing behind a gilded podium with gavel in hand while a clerk whispers a little known rule to use to declare a despised colleague out of order and shut him up. Most of the time, however, presiding is just plain hard work. Imagine sitting through endless hours of posturing and palaver about obscure issues, trying to mediate a dispute between your leaders on how to handle the next issue on the calendar, and responding to an unexpected and clever parliamentary move by the minority party leader—all at the same time!

Speakers and Presidents often hand over their duties at the rostrum to members of their leadership team, either to reward them with greater visibility or to audition them for greater responsibilities. But they are never far from the action.

In fact, they are usually in an adjoining office watching the proceedings on TV, working the phones, meeting with young reformers who complain the budget chair never sends out the proper hearing notices, monitoring the women's caucus huddling in the back of the chamber, observing the minority leader on the upcoming birth centers vote, reading the draft report

from the Post Audit Committee documenting the governor's inept management skills, refusing to compromise with the minority leader on wetlands until the chair of natural resources gets out of the hospital, and agreeing to meet with a reporter writing a story about the unproductive legislative session.



Presiding Officer

The Leadership Team

Members of leadership teams get their power from the official rules of procedure and from their probability of advancing to a higher office. In a traditional path, a chair becomes an assistant majority leader who becomes a majority leader.

If an internal leadership revolt starts to percolate, power leaks from the established leadership team, and their authority becomes destabilized. Rank-and-file members choose sides, and every little decision becomes a skirmish in a battle for leadership.

Key Influence Point

Early in the legislative session, or sometimes even before it begins, experienced community health activists meet with majority and minority staffers to brief them on their legislative agenda. The stated purpose of these meetings is primarily to state and clarify the policy problem and solution. Another goal is to gather useful information about potential supporters and opponents.

Legislative leaders in Maine fight for a spot on one of the panels before lunch at the annual fall Pre-Legislative Conference sponsored by Maine Consumers for Affordable Health Care. Over 200 community health activists in the company of 12 legislative leaders in one room guarantees great media coverage, and majority and minority leaders alike want to have a chance to be identified as champions of at least one of the consumer organization's key health priorities.

Activists in both Louisiana and South Carolina lay their policy groundwork with Legislative leaders between sessions. Patty DeMichelle from the Louisiana Health Care Campaign tries to position herself as "extended staff" to key committee chairs as they plan next year's agenda. Lenora Reese from South Carolina Fair Share concentrates on building relationships with staff from four or five committees to facilitate ongoing communication and information sharing during the session.

Leaders' Abilities and Expertise

Traditionally, a majority leader's job is to manage the legislative debate. Duties include choosing issues ripe for debate, working with the appropriate chairs to fine-tune the party's position, anticipating the tone of the debate, and identifying partisans.

The minority leader's job is to build a constructive relationship with the majority party, one that gives the minority party some control over legislative debate—or at least some notice of the debate. Legislators strive to build a working relationship between the majority and minority to avoid being criticized in the media as a do-nothing legislature paralyzed by bickering between the two parties.

The minority party wants to be seen as loyal opposition, willing and able to fight the good fight and lose gracefully. They can do this if they get advance notice of upcoming controversial votes, and are given some collegial considerations, like rescheduling an important vote when the minority leader's mother is hospitalized.

Committee Chairs

Committee chairs are the workhorses in the legislature. Their job is simple and at the same time overwhelming: examine carefully every piece of legislation assigned to the committee and prepare a report for committee members to use to evaluate the hundreds, sometimes thousands, of bills before them. (More on committee processes is presented later in this chapter.) Committee chairs usually get additional compensation for these duties, as well as extra staff.

Some committee assignments are more prestigious than others. In every state, the chair of the budget committee (sometimes called appropriations, sometimes called ways and means) exerts enormous influence by doing his or her job—establishing the price tag of every bill before the committee and controlling the substantive information during the budget debate.

A Special Note on Legislative Staff

Committee chairs come and go like dictators in an emerging democracy, and it's no big deal. The keepers of all institutional knowledge, the sagacious experts in drafting legislation, and the discreet and trustworthy guardians of the prerogatives and powers of the legislative branch are the legislative employees, who serve as policy staff to succeeding generations of leaders and committee chairs.

Good policy staff welcome accurate information from lobbyists and constituents. They already know almost everything about the policy issues affecting their committee. They regularly prop up new committee chairs, who are trying to negotiate a technical amendment, with the governor's chief counsel, 30 lawyer/lobbyists from the insurance industry, and a half-dozen public interest attorneys from Ralph Nader's Public Interest Research Group.

Constituent staff works directly for an individual legislator. The primary duties of such staffers are to respond politely to serious and silly requests from constituents in the district. Constituent staff usually know a little about everything that's going on in the statehouse: the hot issues, current crises in the district, the boss's mood, and pet bills. Good constituent staffers keep files about each issue, record names and telephone numbers of all callers, and can decipher the same from notes the boss throws on their desk with a ?ere, take care of this guy for me, will you?

Typically, citizens calling the statehouse to register their opinions are offended when they can't get through to their legislator and have to talk to staff. At the other extreme are super-efficient lobbyists who think a good day is any in which they can avoid contact with legislators and deal with competent staff. The correct position, of course, is somewhere in the middle.

The chair of the budget committee (and a few others, like the chairs of taxation, education, or human services committees, depending on the culture and political dynamics of the state) are the inner circle within the leadership team. (More on budget chairs is discussed later in this chapter.)

Members of the leadership team are expected to demonstrate loyalty to the leaders. They are expected to identify and mentor a group of rank-and-file members, whom they regularly brief on the official leadership agenda and action plans. Finally, they are the leadership's field commanders on the floor of the chamber: They call members at home, visit in their offices, explain and endorse the leadership agenda and action plans for the day, the week, and the month. Their professed goal is to establish a majority vote for the leadership position on a given issue, at the same time ensuring a full and fair debate. Sometimes, of course, they try to deliberately complicate the process in order to stifle rebellion and silence dissent.

Key Influence Point

Experienced community health activists spend a lot of time cultivating a good, respectful relationship with the chair and staff of key committees. We advise newcomers to begin by providing staffers with all the details of their public policy problem and their proposed solutions. Then invite staffers to tell you what they know about this issue. Be prepared to take copious notes!

In Tennessee, state legislators have staff equal to half a secretary, according to Tony Garr from Tennessee Health Care Campaign. Terry has been able to cultivate relationships with a number of staff members of key legislators who are always willing to share important “insider” information with him or get him advance copies of pending amendments. In fact, it was a legislative staff person's failure to be able to help a constituent who had been denied eligibility by the state's Medicaid program that gave Terry the opening he needed to suggest a correcting amendment that would help others in the same situation.

Rank-and-File Members of the Legislature

The power and authority of the rank-and-file rests directly in their ability to organize a majority constituency on a given issue.

We are going to sort rank-and-file members into four groups:

1. Newly elected members, who are learning the ropes
2. Members in their second or third terms, who are ambitious for a leadership appointment
3. Veteran members content with their rank-and-file status, who concentrate on serving constituents
4. Veteran members who are outspoken, independent rebels, reformers, and gadflies

Newly elected members attend countless orientation sessions run by party officials, legislative leaders, and political science departments to be advised to concentrate on a couple of priorities: learn as much as they can and delay their first speech on the floor until they have something to say that directly affects their district.

Smart new members attend all party leadership meetings, find a mentor in the leadership team from whom to solicit advice, attend all meetings of their assigned committees, do any homework gladly, and generally behave themselves.

Smart leaders help new members present themselves as hardworking and effective champions for their district by appointing them to at least one prestigious committee or task force, giving them good TV time for their first floor debate, granting an audience to an important delegation from the district, and so on.

Ambitious second- or third-termers concentrate on strategies that will launch them toward becoming a vice chair or chair of a prestigious committee. They narrow their focus accordingly and try to be vocal champions for a couple of key issues and strive to be viewed as an opinion leader among colleagues, leadership, and the press. Smart leaders bring these ambitious Young Turks into the leadership tent early, lest they get too full of themselves and try to spark a revolt against old leadership.

Contented veterans know exactly what they're doing with their lives. They attend every local social function, funeral, and high-school graduation in their district; they often skip committee work in the capital that doesn't affect their district. Contented veterans always vote with the leadership, unless a lot of voters ask them not to and the leadership says it's okay. These legislators boast of a 100% roll call record but rarely engage in debate on the floor unless the bill affects their district.

Legislative leaders love these guys and gals, and repay their steadfast loyalty by helping their district gain an advantage in obscure state funding formulas, or allowing them to vote against the leadership on a highly controversial issue affecting their district.

Rebels, reformers, and gadflies cannot be neatly categorized. Every one has grievances, passions, and a personal story. They can wield enormous negative power by using procedural rules to block or delay important legislation, forcing the leadership to deal with them on that issue or other unrelated ones. Gadflies skilled at handling the press are able to win the loyal affection of constituents who love them for their colorful histrionics. Wealthy, progressive districts provide the safest haven for these legislators, who are usually unable to deliver any special favors for their constituents.

Experienced legislative leaders expect to have a couple of hard-to-handle members and spend a fair amount of energy finding ways to defuse and redirect their efforts. Sometimes all the leader has to do is give the troublesome member enough rope to hang himself or herself by angering the rest of the members who just want to go home! Sometimes the leader has to figure out a face-saving action that will permit the rebellious member to make a good-loser statement and get off the floor unpunished.

Key Influence Point

Experienced community health activists will tell newcomers to take time to identify all the opinion leaders in their legislative body (those legislators who, because of their expertise, wisdom, or wit, influence their colleagues). Newcomers can collect lists of opinion leaders from experienced allies, friendly legislators, and committee staff. Some community health activists consult with professional lobbyists, who are often willing to spend a few hours dispensing valuable information on the cheap. (More on hiring political consultants is presented in Chapter 6.)

Influences on the Legislative Decision-Making Process

The primary influence in the legislative branch is the leadership, and savvy strategic campaign planners take great care to figure out how the leaders in each branch conduct business. Some leaders are consensus builders who take a team approach. Other leaders are loners who consult with no one except (maybe) their spouses and their God.

Internal Forces on Leadership

Personal Values and Goals

Legislative leaders are usually career politicians who have come up through the ranks to find themselves at the helm of a major state government institution. They are only rarely ambitious for a higher constitutional office. For them, the move from speaker of the statehouse (or president of the state senate) to junior U.S. Senator is a step down, and the governorship is a sideways move. Every legislative leader is anxious for one thing—to be recognized as a person of accomplishment. His or her peers and colleagues are CEOs of the state's biggest industries, presidents of the state colleges and universities, religious leaders, labor leaders, newspaper publishers, and heads of foundations and charitable organizations.

Legislative leaders feel their accomplishments are harder won than those of their peers. On one hand, they know that they are just another talented man or woman who, faced with opportunities to rise to mythical heights, sometimes manage to act gallantly or nobly or honorably under extraordinary stressful circumstances. What sets these leaders apart from their peers, however, is that legislative leaders do this all in public view.

Previous Commitments, Adequate Information, and Internal Resources

Like governors, legislative leaders are used to making decisions with inadequate information, and they are reluctant to abandon or reverse previous commitments. Unlike governors, legislative leaders have few staffers, and by tradition delegate research and intelligence gathering to their committee chairs.

While some legislative leaders regularly gather their leadership team together to review developments and plan ahead, others are lone wolves who keep nobody (except a few favorites) informed. The lone wolves will call a chair at 5:00 P.M. to tell him or her to prepare to debate a bill tomorrow—a bill the chair has been begging the leaders to release for weeks. By contrast, the leadership team player gathers everybody remotely interested in the issue for a "candid discussion on the merits" in the leader's office.

Both approaches get criticized by the losing side. The lone wolf is accused of ramming an issue through without adequate notice; the team player is accused of arm-twisting and stifling debate.

Key Influence Point

Bottom line: If you are planning a legislative campaign, fit your tactics and arguments around the leader's style, and never try to persuade a leader to change his or her approach. If a leader wants to suspend the rules and sneak your bill through during an informal session, that's okay. If a leader wants you to brief every member of the appropriations committee in the next 24 hours, that's okay, too. As Grammy used to say, you can't teach an old dog new tricks.

Legislative Office Politics

Ask legislative leaders how much time they spend on leadership activities like mentoring emerging leaders, getting briefed on upcoming issues, negotiating with the governor or leaders from the other branch, and they will tell you, “Not enough. “

Ask them how much time they spend with chairs, assistant chairs, and rank-and-file members who want a new couch, a bigger office, additional staff, a private phone line, or an appointment to a special commission, and they'll say, “That's all I do! Keeping the members happy is exhausting. Even the lone wolf will keep members happy on the small stuff in hopes that the big stuff will take care of itself.

Key Influence Point

Savvy community activists monitor the office politics in a legislative body, because it's always useful to know who's happy and who's unhappy with the leadership. Smart community activists put all this information between their ears and do not let it leak out between their lips.

External Forces on Leadership

The Media

Leaders must manage the public relations for the legislature, so they pay a lot of attention to the media covering the state capital. They cultivate reporters on the beat, editorial staffs, TV political analysts, and political columnists who describe who did what to whom in the state capital.

First, it is critical that the legislative consensus-building process be interpreted correctly for the public. It doesn't do to have mischievous or rebellious members running around describing a fair debate as leadership strong-arming or arm-twisting. Next thing you know, the media will be shouting about the need for term limits.

Second, it is important to define and defend the constitutional separation of powers. The governor might have a bigger bully pulpit, but legislative leaders must be able to argue their point of view and protect their legislative prerogatives.

Finally, legislative leaders use the media to send messages to the other branch, to the governor, to members of the administration, and to special interest groups. Maybe the leader in the opposing branch is grabbing the credit or assigning blame. Maybe the Commissioner of Mental Health is not implementing the leader's pet program correctly. Maybe a special interest group is calling for quick action on a bill before the leader is ready to let it go.

Reporters who cover the statehouse are usually eager to cover these messages as news; sometimes they really are news, and sometimes reporters just want to curry favor with a good source for future stories. Legislative leaders and staffers monitor the media carefully for the messages being sent to them and then fashion appropriate responses.

Key Influence Point

Most of these messages go over the heads of the general public, which is just fine, as the messages weren't intended for them anyway. It's a different story, however, for newcomers to the public policy arena, for they want to shape a public policy that might be the subject of these high-level messages being sent back and forth. This is the time community activists should work with an experienced consultant—sometimes called a spinmeister—who can help them decode the messages and compose an appropriate response. (More on hiring consultants is discussed in Chapter 6.)

During the Massachusetts campaign to increase tobacco taxes to fund expanded health care for children, seniors, and the disabled, there was a new negative media message coming out of the tobacco industry and the no-new-taxes governor every day. The Tobacco Kids Campaign Coalition's media consultant worked with a team of experts on tobacco taxes and health care access to review and rebut all claims of the administration and the tobacco industry within 24 hours of their release. Rebuttals were sent to the legislature, coalition members, the media, and grassroots activists.

New Jersey Citizen Action has worked hard to establish themselves as the consumer voice with the local and statewide reporters on the healthcare beat. They've done it so well that angry consumers call them up with fresh ammunition every day. "It's all about power," says Anthony Wright, who does weekly outreach to the press, beating the drum on one healthcare issue or another. "We've got the data, we've got the personal stories from the local area, and the reporters love us for it."

Legislative Leaders and Special Interests

Legislative leaders don't like to make promises to outside groups about anything, and they rarely do.

Legislative leaders don't like to be preached at or lectured to by morally superior special interest groups. (Who does?) And they dismiss as silly threats from those critics inside and outside the chamber who have neither the power nor the capacity to deliver any harm. (As Ralph Waldo Emerson advised his fellow abolitionists, still favoring compromise over a civil war "If you strike the King, you must kill him.")

So as a matter of office policy savvy legislative leaders resist meeting with community leaders from special interest groups who might ask for a specific commitment. They would much rather have private conversations with a few key board members who will not challenge their tired bromide, "Let me tell you how things really work around here."

However, some savvy community health activists have been able to figure out how to present their public policy campaign in the leaders' direct self-interest.

Key Influence Point

You should figure out the leaders' agendas and present your public policy campaign as being in the direct self-interest of leadership. Here's a list of tempting opportunities a leader might be happy to choose from.

Solving this critical public policy problem quickly will repair the tattered image of an entire branch. The issue can be used to portray the governor as a mean-spirited, shortsighted barbarian unable to appreciate the desperation of a sympathetic constituency.

This issue can be used to rid a legislative leader of his or her reputation as a controlling social conservative who slashes liberal spending initiatives, and it can defuse a festering rebellion among the progressives.

A single influential senator in Nebraska's unicameral legislative body had been working on tobacco control issues for years, when Citizens for a Healthy Nebraska organized and mobilized 16 local coalitions across the state. Corey Kielty from Smokeless Nebraska reports that these coalitions provided the senator with the statewide political support to recruit many of his colleagues into a controversial campaign to fund health care with tobacco taxes. The campaign suffered a defeat in the hands of the powerful tobacco industry in the first year—but only by one vote. The Citizens Coalition is already gearing up for a winning second year.

Slapping the Bear

It's hard for some community health activists, who think their issue deserves to be won on its merits, to go through all the folderol with reluctant leaders—especially if a leader has a negative public image, an unpleasant personality, or won't commit to the issue. Some of us would much prefer to polarize the issue, identify the leader as a true enemy, and expose him or her as heartless and morally corrupt. But if we lack both a legislative champion willing to confront the leader and the votes to avoid a humiliating defeat, such behavior only serves to deprecate the campaign and trivialize the issue. We must try to slap the bear instead.

Even the biggest and baddest legislative bear can be forced to engage in a debate of sorts with smaller and smarter creatures. To slap the bear, in legislative circles, is to devise and deliver a dramatic public gesture that will surprise, even startle, a leader and force him or her to begin debating the issue at hand.

In some states, small minorities of persistent legislators have figured out how to use procedural rules to force debate on issues the leadership opposes. They may move to discharge a bill in order to spark debate and provide room to negotiate. They may maintain a vigil around the podium to demand endless roll calls on routine bills in order to get leaders to discuss another piece of legislation.

Slapping the Bear

Bear hunters train their hunting dogs to lunge at bears and swat them in the face. Startled and offended by these small noisy things daring to physically touch it, a bear will stop in its tracks. Rearing up on its hind legs to protect vulnerable eyes, the bear emits a huge roar and swats back. The dogs duck and dodge to avoid the clumsy lunges, and keep up the yapping and the slapping. The upright bear, still roaring, and still trying to catch the dog with its sharp claws, presents a splendid target for the approaching hunter.

Some special interest groups comfortable with direct action tactics organize their members to follow leaders around as they go to public events. The demand is simple: Sit down with us tomorrow and talk, and we'll go away today. Candlelight vigils, marches, and daily fliering can also force a beleaguered leader to the table, if only to stop the foolishness.

Influences on the Rank-and-File

Internal Forces

Personal Values and Goals

Like most of us, legislators like to think they are doing something that makes the world a better place. Many of them believe that as public servants they have better opportunities to make an impact than they would in any other profession. Some hope that the visibility and prestige of office will help promote their small business. Others hope the seat will launch them toward a higher office or a lucrative job in the private sector.

And then there are some who act on a charming personal impulse to play a helpful role in community affairs. These serenely self-knowing souls understand that their skills fit perfectly in the public policy arena. They wouldn't even think of finding a job elsewhere "I work seven days a week helping my neighbors out, and I get a decent salary, a nice office with three staffers, four phone lines, and two downtown parking spaces!" one charming veteran legislator said, proudly describing his as "the best job in the world."

Key Influence Point

Special interest groups often create a background book on every legislator. The contents include election returns, voting records, press clippings from the district, and information about personal lives, including school history and professional experience. As you can imagine, knowing that a legislator has three young children, and is a trained nurse whose mother and grandmother survived breast cancer, would help healthcare advocates develop their presentations.

Community health activists have at hand the very best source of information on legislators: the folks who live and work in the district. These folks either have had a direct relationship with the legislator or know somebody who does (which is why even corporate and business trade associations are supplementing lobbyist information with information from district-based grassroots networks). More on grassroots networks is discussed in Chapter 6.

When Tony Garr heard that a certain important legislator had a relative with diabetes, the Tennessee Health Care Campaign was not shy about asking the legislator to sponsor legislation that would mandate insurers to cover diabetes monitors for patients for both Type I and Type II diabetes.

In addition to all these motivations, many simply enjoy the sport of politics and love being in the middle of the action. Even the authors plead guilty to happily reading the newspaper account of our previous day's crisis knowing what really happened.

Pressure from Leadership

When leaders request a rank-and-file legislator to vote a certain way on an issue that does not affect his or her district or offend his or her values, a legislator will generally shrug and go along with the leaders.

Leaders can exert pressure on members in ways both subtle and bold. Leaders can punish rank-and-file members by denying them minor leadership positions or assigning them to lousy offices. They can also deny resources and staffers, hold up a routine local bill, refuse to meet with local business leaders from the district, and so on.

Leaders hope rank-and-file members can be team players. Good team players attend sessions regularly, pay attention, become experts on a couple of issues, and don't confront the leaders in a public debate unless they've discussed it with them first. In return, smart leaders never punish a member who must vote against them on a matter that greatly affects his or her district or offends his or her values.

External Forces

Constituent Pressure

Like most people, legislators want others, especially voters, to like and approve of them. Legislators have to face the terrifying fact, however, that voters can go into a voting booth on a cold day in November and fire them on a whim.

Legislators spend much time trying to figure out ways to ensure that the voters like them, approve of them, and will leave their warm houses to cast votes that will keep them in their jobs.

District-based Media

The most efficient way for a legislator to demonstrate concern for the community is to get the local media to do a story about her or him. Many local newspapers welcome local legislators to submit a 'What's- happening-at-the-statehouse' column. Most newspapers will even print, unedited, weekly press releases and photos that give a local legislator all the credit for winning the highway bill or increasing local aid. It only gets complicated when a media outlet covers more than one legislative district and has to contend with several legislators claiming to be champions of the same issue.

Published photos in the local press with happy constituents are the life blood of politicians, especially when the photo has been accompanied by a press release that includes laudatory quotes from community leaders naming their own legislator as a Hero. Experienced campaign strategists plan these Hero Maker press events from Day One, and make sure potential legislative Heroes hear about it.

Key Influence Point

Smart community health advocates focus their public awareness efforts and policy campaigns on local media outlets, which are almost always happy to print unedited press releases, op-eds, and letters to the editor describing the legislator as a champion of the community or as a captive of special interests.

After observing that many of Nebraska's senators from rural areas have their own columns in local newspapers, Cory Kielty started helping the 16 district coalitions working on the Citizens for a Healthy Nebraska agenda to target the same local newspapers. She found that local coalition leaders found it fairly easy to get a press release into the paper with an informed angle on the local senator's actions in the state capital. They could get an article in praising a senator for taking a wise and courageous action, or they could get an article in when the senator had disappointed his constituents by voting against a worthy cause.

Getting Reelected

Key Influence Point

Community health activists keep voters in their district informed about the ways their legislator improves community health. In addition, they might address neighborhood meetings and:

- accept community awards
- get their pictures on page 1 of newsletters during election years
- campaign for legislators who champion their issues
- register voters at community meetings

We can't resist revealing that Edmund Burke, the eighteenth-century British politician who said he owed his constituents informed judgment rather than blind allegiance to their wishes, failed to win reelection.

One advocate struck gold at a public policy training session for several retired Sisters of St. Joseph. The advocate could hardly control her glee when a tiny, elderly nun in a full-length habit politely raised her hand and asked, "I used to teach arithmetic to the chairman when he was in the fourth and fifth grades; I thought he was a very kind boy. Do you think he'd see me?"

The chairman did indeed meet with his fourth-grade arithmetic teacher and her band of retired Sisters, who were now learning how to promote good public policy. Sure enough, he behaved like the kind little boy he used to be and did not cut the subsidized housing program. The advocate, who stayed far away from the meeting, was never caught and accused of unfair or inappropriate influence peddling.

More humble legislators promise to pay more attention to the opinions of constituents than to anybody else's. And they really do. Especially when their constituents know how to express that opinion. Remember: Although the public has no vote worth anything between elections, public opinion is worth everything all the time.

Legislators conduct polls and focus groups. They read all local newspapers, meet community leaders, attend civic association meetings, pay attention to barbers, hairdressers, and the cashiers at corner coffee shops. Legislators don't count the calls and letters that come into their offices, they weigh them. To legislators, one letter represents five people with the same opinion who did not write or phone.

The constituents whose opinions weigh the most are, of course, a legislator's family, close friends, campaign supporters, and contributors. Next come community leaders, including representatives of special interest groups and registered voters.

Special Interest Groups and Their Lobbyists

If one is to believe the latest national polls, most people believe that special interest groups are self-serving organizations that only care about their own interests and care little about the public interest. Most people also believe that a special interest lobbyist is a self-enriching hired gun who lacks a moral compass and indulges in legalized bribery through generous campaign contributions.

Thankfully for one of your authors, at least, most legislators quickly learn to take any and all relevant information they can get, and say thank you to whoever gave it to them.

Experience eventually teaches all special interest lobbyists—whether they work for big business or small nonprofit organizations—that their job consists of using the second of the Two Rules of Influencing Public Policy.

"All I do is keep a few steps ahead of the paper the bill is printed on," says one professional public health lobbyist. The bill goes from the clerk's office to the joint committee to the appropriations committee to the speaker's podium, and so on. I make sure that the legislators who look at the bill talk to me and my clients before they decide what to do."

And, as any experienced lobbyist will tell you, convincing legislators to talk to them about a bill before they consider it is not as difficult as it may seem. Legislators are eager to get all the accurate information they can get about any matter before them—especially if the matter affects many voters.

While bills that affect the people in a legislator's district rise to the top of the decision pile, they only stay there if the legislator thinks that affected voters in the district know and care about the bill.

If affected voters write and call their legislator to say they know and care about a bill, you can be darned sure that legislator will pay careful attention to the bill. Things happen in the legislator's office. Policy staffers may conduct independent research. Constituent staff may schedule meetings in the district with community leaders.

Special interest lobbyists help their clients organize themselves into district-based lobbying networks, and as you might imagine, some clients and issues lend themselves to this strategy quite well.

- Nonprofit community health provider associations and consumer advocacy groups train and organize neighborhood residents and consumers into lobbying networks.
- Trade associations representing community hospitals and neighborhood health centers train and organize their board members, who are all community leaders, into lobbying networks.
- Disease-prevention groups, like The American Cancer Society, train and organize survivors and their families into lobbying networks.
- Provider trade associations, representing doctors and nurses, train and organize local practitioners and providers into lobbying networks.

You will find in Chapter 6 a standard time-tested menu of effective techniques and activities used by all special interest groups to identify, train, and mobilize a network of constituents.

A Special Note on the Influence of Term Limits on Legislators

The threat of term limits is one thing; its reality is quite another.

Under the threat of a citizen campaign to impose limits on how long legislators can stay in office, most legislators go to great pains to keep the local media and voters informed of their accomplishments—especially incumbents, who have carved out their issue niche, earned a leadership position, and may be out of a job if term limits are imposed. A legislator's survival depends on his or her ability to explain why his or her expertise, experience, and practices have beaten back the forces of darkness and evil.

Meanwhile, the legislature, through its leaders, acts in its best interests by launching a public awareness campaign to persuade the public that they should not carelessly cast out experience, knowledge, and wisdom.

Of course, when this wonderful public awareness campaign works, and term limits are defeated, the legislature heaves a great sigh of relief and goes back to business as usual. (There are some among us who think that a term-limits campaign should be threatened every 10 years or so, just to make legislators give a good account of themselves to the public and to keep them on their toes.)

When states impose term limits, as more than 20 have done, legislators' decisions are influenced in two important ways:

First, most legislators nearing their term limits are less responsive to public pressure. Only those legislators with great personal wealth or the ability to find a job on their own can avoid the appearance of selling out to the special interest groups offering them lucrative jobs.

Second, most newly elected legislators will rely on veteran committee staffers and lobbyists for information when they don't have much experience with an issue.

Newly elected legislators in states with term limits drown in invitations from special interest groups, who offer orientation sessions. The legislators go, if only to snap up all the must-know material. Committee staffers, who understand the issues much better than the new chair, drown in requests from the leaders for briefing sessions because the leaders can't afford to rely on the lobbying material they get from special interest groups.

Proponents of term limits do not yet admit to these ironies, but senior lobbyists from well-funded special interest groups quickly learn to love this unanticipated consequence of term limits because it increases their access and power.

STATE OF CONNECTICUT Committee Bill No. 5238

Referred to Committee on HUMAN SERVICES

Introduced by (HS)

LOC No. 2418

General Assembly February Session, A.D., 1998

AN ACT CONCERNING GRANTS FOR SERVICES RELATIVE TO ELDERLY HEALTH SCREENING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17b-425 of the general statutes is repealed and the following is substituted in lieu thereof:

The Department of Social Services may make a grant to any city, town or borough or public or private agency, organization or institution for the following purposes: [(a)] (1) For community planning and coordination of programs carrying out the purposes of the Older Americans Act of 1965, as amended; [(b)] (2) For demonstration programs or activities particularly valuable in carrying out such purposes; [(c)] (3) For training of special personnel needed to carry out such programs and activities; [(d)] (4) For establishment of new or expansion of existing programs to carry out such purposes, including establishment of new or expansion of existing centers of service for elderly persons, providing recreational, cultural and other leisure time activities, and informational, transportation, referral and pre-retirement and post-retirement counseling services for elderly persons and assisting such persons in providing volunteer community or civic services, except that no costs of construction, other than for minor alterations and repairs, shall be included in such establishment or expansion; [(e)] (5) For programs to develop or demonstrate approaches, methods and techniques for achieving or improving coordination of community services for elderly or aging persons and such other programs and services as may be allowed under Title III of the Older Americans Act of 1965, as amended, or to evaluate these approaches, techniques and methods, as well as others which may assist elderly or aging persons to enjoy wholesome and meaningful living and to continue to contribute to the strength and welfare of the state and nation. ANY GRANT MADE UNDER THE PROVISIONS OF THIS SECTION FOR SERVICES RELATIVE TO ELDERLY HEALTH SCREENING SHALL BE MADE ON A COMPETITIVE BASIS.

Sec. 2. This act shall take effect from its passage.

STATEMENT OF PURPOSE: To require the Department of Social Services to make grants for services relative to elderly health screening on a competitive basis.

[Proposed deletions are enclosed in brackets. Proposed additions are all capitalized or underlined where appropriate, except that when the entire text of a bill or resolution or a section thereof is new, it is not capitalized or underlined.]

How a Bill Becomes Law

A bill is a written proposal to change or amend a current law.

Legislators usually submit bills, but in some states private citizens can at certain times submit bills on special for ms under special rules.

Community health activists can usually find a publication called "How a Bill Becomes Law" in their secretary of state's office. Or they can ask civic associations, like the League of Women Voters or the Chamber of Commerce, for information they publish on this topic. Civic associations often publish and distribute these types of materials to encourage members to engage in citizen lobbying on behalf of their communities.

Introducing a Bill

A legislator proposing to amend a state law must type up the proposal on the proper form and hand it to the proper person within the proper time frame. Every state has its own forms, procedures, and deadlines. The experts on bill filing are in the Clerk's office in both branches; they usually can give members of the public information about bill-filing rules.

In most states, only members of the legislature can sponsor legislation—that is, officially sign the form and hand it in. Even in states where there is a right of free petition (meaning ordinary citizens can sign and submit a bill), it is considered good practice to have a well-liked, influential legislator sponsor your bill. You will have better luck getting your bill passed if a legislator sponsors it.

Key Influence Point

The title of the bill summarizes the general goals of the bill. Compelling, sympathetic titles like a Bill to Protect the Children of Battered Women or A Bill to Establish Custodial Rights of Fathers send messages to potential supporters. Clear, explanatory titles, such as a Bill to Stop Industrial Pollution of Rivers can also steer a bill to the most friendly committee for its first consideration.

Key Influence Point

Every bill has a chief sponsor, generally the first name on the list of sponsors. When you are considering asking a legislator to be your chief sponsor, think about these three things:

- Choose a well-liked legislator. Legislators, who know nothing else about a bill except that their best friend or sworn enemy sponsored it, will be tempted to bypass facts and vote according to their feelings for the chief sponsor.
- Choose a hardworking legislator with a personal commitment to the issue. Personal commitment and hard work gives you a head start.
- Choose a team player who will share credit with cosponsors from key committees. Teamwork gets you halfway there.

Arizona's new State Representative, Andy Nichols, M.D., had campaigned on getting more health services to the underserved rural areas of the state. He quickly found out that his personal expertise and commitment didn't carry enough weight to get his rural health initiatives out of committee. So he learned how to get his proposed bills cosponsored by members of the majority party, especially a committee chairperson. ? even learned how to research and draft important bills only to give them away to other sponsors who were more strategically placed to assure their passage than I, says Nichols.

Committee Deliberations

All 50 states assign bills to appropriate committees for first examination, analysis, and debate. In many states, that first consideration takes place in a joint committee, where members of both branches sit together, discuss, and debate each bill. Committee members issue a joint report recommending that the bill be approved, disapproved, studied further, or held in committee.

Committee members rely on staffers to prepare an objective analysis of each bill; in most states these staffers prepare at least a short report on each bill. The report might include a list of laws that the bill would change:

- the names of the bill's sponsors
- a description of programs or practices affected by the bill
- a description of how the bill changes programs or practices, including an estimate of cost savings or additional costs
- testimony of proponents and opponents
- a recommendation about whether the bill should be approved, amended, or killed

The committee staffers write the committee report using whatever materials they can get their hands on. Because there is rarely time for independent research, staffers depend on the chief sponsors of the bill and supporters and opponents of the bill to provide this information.

Key Influence Point

It is standard operating practice for proponents and opponents of bills (legislators, professional lobbyists, and community activists) to visit the committee policy staff who must write the committee report, well before the hearing. Staff is presented with a stack of material with at least one easy-to-read fact sheet with a format identical to the one used in the committee report. The rest of the stack might include a section-by-section analysis of the bill, a short list of questions and answers that anticipate opposing arguments, some detailed research reports by established academics supporting or opposing the proposed new policy. (More is given on materials in Chapters 5 and 6.)

Keep comprehensive health care outreach

Please support amendment #919 to add language to the Health Care Indemnity/Third Party Liability line item (4000-0700) designating \$1.5 million in funding to the state mini-grant health outreach program.

Sponsored by Representative John Stefanini
and

Representative Jarrett Barrios
Representative Shirley Gomes
Representative Christopher Fallon
Representative Stephen Kulick
Representative Harold Naughton
Representative Shaun Kelly

Representative John Merrigan
Representative Elizabeth Malia
Representative Mary Murray
Representative Thomas George
Representative James Marzilli
Representative Christopher Hodgkins

The Health Access mini-grant program is a state-sponsored initiative which established a programmatically successful and cost-effective partnership with community groups throughout the Commonwealth. The concept was to provide established and well-placed community groups with funding which would allow them to expand current activities to increase opportunities for health access for the uninsured. It acknowledged that by establishing local partnerships, the state agencies—the Department of Public Health (DPH), the Division of Medical Assistance (DMA) and the Division of Health Care Finance and Policy (DHCFP)—could reach residents they could not reach otherwise.

There are two primary goals of the mini-grant program: expand enrollment into state-funded health care coverage programs by eligible residents and to reduce unnecessary use of the Free Care Pool by preventive and cost-effective services for those ineligible for other state programs.

The mini-grants go to organizations that have an established track record in their communities and can effectively engage the traditionally “hard to reach.” The over 50 recipients include organizations in all regions of the Commonwealth serving a broad range of demographic populations including community health centers, community-based agencies serving particular populations (e.g. Vietnamese, the homeless), community action programs, home health agencies, multi-service centers/programs, community-based programs of larger hospitals.

The mini-grant program is the one of the most effective ways that the Commonwealth can attain its goals for expanded health coverage for residents. Community approaches and local relationships have provided exclusive inroads, which to date have been significant in expanding enrollment and reducing unnecessary use of the Free Care Pool. At the local level, the mini-grant program has established new community-based partnerships between state agencies and local organizations.

Key Influence Point

We advise a bill's proponents or opponents to put together a short, snappy presentation that features passionate testimony from affected constituents who come from the committee members' districts (especially the chair's district). Bringing in their constituents assures you of piquing the interest of committee members. You may even convince committee members to support your point of view.

The chair of a committee will usually gavel into a 2-minute summary by a boring, visiting expert who lugs in charts and graphs and threatens to talk for 15 minutes.

Good morning, Chairman... My name is _____ and I am the Executive Director of the _____ health center in _____. I thank you for the opportunity to testify today.

Thirty years ago, neighbors, activists, and policymakers supported the idea that health care should be accessible and that there should be no barriers to those who are most vulnerable, the poor. For thirty years, health centers have grown and adapted to the changing health care environment while remaining true to their mission of care and service.

We welcome the opportunity that representative _____ has created to rekindle the dialog about access to health care that was begun by the administration earlier this year. His concept that there should be at least a minimum standard of health insurance for workers must be supported by all of us who have made commitments to universal access.

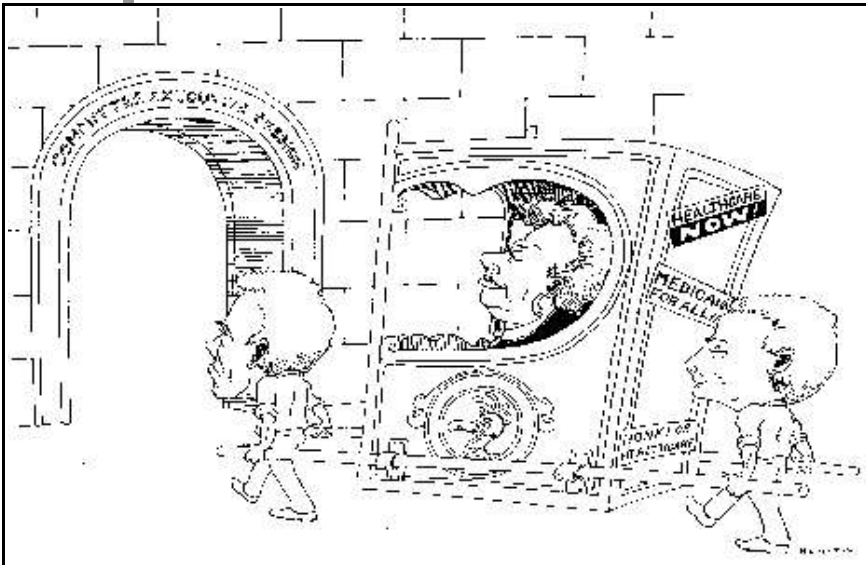
The world has changed a great deal in thirty years, but medically underserved communities remain. We have learned in these many years that lack of insurance is but one of the barriers faced by the communities we serve. Our common objective—to achieve healthy populations—will require that we work together to ensure that we can continue to care for those individuals and families which will not fit into this new financing model. The health...

Key Influence Point

Smart proponents and opponents visit with committee staffers and the chair right after the hearing to determine when their bill is scheduled for executive session and to identify opponents who have surfaced with new arguments. Smart advocates get themselves and affected voters to visit each and every member on the committee well before the executive session. Sometimes they even provide friendly legislators with an escort to the executive session.

With few exceptions, every bill has a public committee hearing. Committees generally schedule their hearings by topic. For example, the Committee on Human Services might hear all bills having to do with mental health on one day, all bills having to do with social services another day, and all bills affecting the elderly on another. Chief sponsors can influence the hearing date for laws that cover several topics, such as a bill to provide mental health and social services for the elderly.

Each committee sooner or later is called into executive session, where they consider and vote on each bill. Sometimes executive sessions are held during the public hearing of a controversial and important bill, but usually the committee will meet at another time to consider a long list of bills.



Getting the right legislator
to the right place at the
right time.

The Budget Committee

Every legislature has a different budget-making process and a different way of analyzing budget implications of pending legislation, but they all have a budget committee that carries out these tasks. And whether the committee is called ways and means, appropriations, finance, or budget, it is always one of the most powerful committees in the legislature. Its chair is one of the most powerful people in the legislature.

In Nebraska, and in counties and cities with a unicameral legislative body, one budget committee develops its own rules to analyze and amend the annual budget and review the costs of pending legislation. In bicameral legislatures, some state rules and processes encourage the two branches to work together, and some state rules seem to encourage isolation and even competition between the branches.

In Massachusetts, for instance, each legislative branch has its own budget committee that reviews all pending legislation, including budgets and bond issues, with little or no input from the other branch. The annual budget arrives from the governor in January every year, and is reported to the House Ways and Means Committee. After a few months of analysis, the House Ways and Means Committee reports the recommended budget to the House floor for a lively debate, where many amendments are offered and accepted. Next, a similar process occurs in the Senate. Finally, the two very different budgets are referred to a conference committee where House and Senate leaders hammer out additional changes and send the budget to the governor. The governor can sign the whole budget or he or she can veto specific line items and language. Budget vetoes can be overridden by a two-thirds vote in the House and Senate.

In Connecticut's General Assembly, each branch appoints members to a joint budget committee to manage a 2-year budget. The governor submits a budget proposal at the beginning the Assembly's biennial (2- year) session. The budget proposal contains a separate budget for each of the 2 years. The joint committees on Appropriations and Finance, Revenue, and Bonding break up into subcommittees to review parts of the budget, such as operating budgets or revenue or capital projects. Each subcommittee holds hearings and develops recommendations. The joint chairs review and refine the subcommittee recommendations before they are presented to legislative leaders for further refinement. Floor debate in each branch consists mostly of subcommittee chairs answering technical questions about their area of the budget. Sometimes these chairs agree to clarifying amendments, which are sorted out in a conference committee. The governor can exercise a veto power over some parts of the budget. The final product is a 2-year budget that funds all agencies with one bill.

For all the differences in the budget-making and bill-analysis processes, there are a couple of common key influence points in the budget-making process.

The chair of the budget committee or any of its subcommittees exercises enormous power. The chair is responsible for estimating the costs of current and proposed policies and programs, and is responsible for recommending (or not recommending) funding for these policies and programs.

The budget committee chair is the one person who can truly demonstrate the power of information.

Budget committee staff are often the smartest, most competent, hardest working people in state government. These folks really do follow the money, and they know where it all goes.

Key Influence Point

Experienced community health activists should try to get their issue on the budget chair's list of important problems to be solved this year. To do this, they should scour the chair's district for affected constituents, begin public awareness campaigns targeted at the media in the district, and get in touch with old chums on community boards.

New activists should recruit members of the leadership team to introduce them to the chair for an informal, preliminary meeting on a pending issue. They may learn that they need more background information or that they need to scale down their proposal. Maybe they will learn that it's time to fold up their tents and come back with another solution altogether.

Key Influence Point

Budget staffers never have too much information. Experienced community health activists know that they should build accurate, fact-based relationships with these folks. And it's worth every second of their time to do this, even if the information road is a one-way street. Health policy wonks work especially well with budget staffers, who are always happy to talk with somebody who understands the complex world of health financing.

Budget staffers review budget and bond proposals from the administration as well as all proposed amendments from legislators and outside special interest groups. They are customarily assigned to a small number of agencies and look beyond formal budget requests to find all backup sheets from past years.

Legal budget staffers review all pending matters before the committee and prepare a cost analysis for each one. In some states, the budget committee's report is attached to the bill; in others states, a dollar figure is printed on the daily calendar the day the bill is debated.

Budget committee members are often placed in an awkward spot. On one hand, their campaign literature brags about their membership on the prestigious and powerful budget committee. On the other hand, they have to admit that the chair holds the power, not the committee members.

Key Influence Point

In reality, members of the budget committee have more access to the chair and to staffers on the budget committee than other rank-and-file legislators and even some leaders. Experienced community health activists recruit budget committee members to help them set up meetings with the chair, or they persuade staffers to move their budget request from the "Maybe" to the "must-do" pile.

Legislative Floor Debate and Votes

Each legislative body has its own parliamentary rules that govern debate. In every legislature, at least a couple of members really know the rules, and they know how to use them to amend and advance bills they like or amend and kill bills they don't like.

Everyone else, including the presiding officer, relies on sage counsel and the encyclopedic memory of the clerk. Observers can find the clerk by looking for the person, near the presiding officer, putting sheets of paper from one pile into another as the session progresses. In some cases, the clerk, or someone from the clerk's office, actually reads the title of each bill as it is brought to the floor for debate.

Standard Operating Rules

Every legislature has rules governing floor debate. (Sometimes there are 20 pages of rules governing debate and another 20 pages of rules governing the suspension of the rules outlined in the first 20 pages.) These rules include the following.

1. Rules describing how much advance notice must be given for regular and special or emergency sessions.

Key Influence Point

Newcomers should get the regular session schedule from the presiding officer's office or the clerk. Most legislatures must give members and the public at least some advance notice of emergency sessions, but some don't. Veteran lobbyists, with access to a legislative tracking service, check every morning for updates; others check in with the clerk's office regularly by phone.

2. Rules stating how much advance notice must be given to members about the items that will be debated during a session.

Key Influence Point

One of the Rules of Influencing Public Policy says, "Get the right information to the right person at the right time." The parable of The Endless Unlessees tells how community activists talked with their legislator about an important issue before he voted. Later, he was happy to accept a thank-you handshake from a health lobbyist, proving the Second Rule, "Elected decision-makers make different decisions when being watched by affected constituents."

Most legislatures, but not all, publish a printed calendar of items that might be considered during each session. These calendars are generally available to members and the public through the clerk's office or a good Internet tracking service.

Of course, all advance notices can be suspended to consider and vote on an emergency item, as defined by the presiding officer. Proponents of controversial legislation will sometimes ask the presiding officer to declare their bill an emergency when the opposition is not in the chamber.

3. Rules governing the procedures and time limits for debating each item on the floor. Non-controversial bills usually go through without amendments or even debate. Sometimes newcomers watching their first legislative session are disappointed when their bill passes after a quick, "All in favor, say Aye. All opposed, say No," followed by a bang of the gavel.

Key Influence Point

Experienced legislators and advocates are always relieved and thankful when opponents do not raise questions, offer clarifying or crippling amendments, or propose a long series of delays that could eventually kill the bill. (Of course, these same legislators and advocates are the first to raise questions, offer amendments, or propose delays to bills that limit or reduce access to health care.)

4. Rules governing debate, and how to propose amendments to pending bills. Controversial bills sometimes go through floor debate without amendment when the proponents and opponents have negotiated a compromise ahead of time. When all attempts to negotiate a compromise fail, committed opponents have no choice but to try to weaken or kill a bill by proposing amendments.

Key Influence Point

Experienced advocates work closely with their legislative champions to prepare for debate.

1. The first job is to measure the support for the bill within the body. Is the bill strong enough to resist any amendments? Has the opposition been able to get sympathy for their proposed amendments?
2. The second job is to prepare detailed arguments against proposed amendments to support their legislative champions during the floor debate.
3. The third job is to alert the grassroots network and ask them to call upon their legislators to resist amendments. (Of course, they follow similar procedures when they are trying to weaken or kill a bill.)

5. Rules governing the recording of each member's vote on each item during each session.

Key Influence Point

During election years, legislators use their voting records to document their attendance and commitment to issues that affect people in their district. Opponents use the same voting records to raise questions about attendance and cast doubt on legislators' integrity if they compromised on a bill. Legislators love working with smart activists on grassroots campaigns because they get ample opportunities to talk with constituents from their district and brag about all the hard work they do.

Influencing the Policymaking Process in the Legislative Branch

Now that you know more than you really wanted to know about how policymakers in the legislature make decisions, you want to know exactly how to get your public policy problem into your legislative arena and fix it.

Well, unfortunately, we can't tell you exactly how to fix your problem in your legislative body, but we can tell you how to use this book to figure it out for yourself.

Start by using the first strategic planning tool in Chapter 5 to figure out if you have a problem that requires a small fix, a big fix, or something in between.

A small fix is one that will authorize the administration to change a current practice, such as forming a new outreach program, expanding eligibility guidelines, or changing an application deadline. A small fix involves any action or change not forbidden under current law. Sometimes the administration wants official legislative support to change administrative policy.

A large fix is one that will create a whole new, costly, controversial program or comprehensively reform an existing program. Powerful special interests are affected. A new agency will be created, millions of dollars will be redirected, hundreds of thousands of people will be affected.

Now dear readers, we hear you all muttering, "Okay, so now we know we're looking at a legislative campaign. Can you tell us what do we do first, second, and third?"

And we dearly wish we could give you a simple answer with a clear program of activities.

Our advice is to use the strategic planning tools in Chapter 5 to analyze your problem and solution and to assess your capacity and political power.

Then use the campaign implementation tools in Chapter 6 to figure out a campaign plan and timetable. Chances are your campaign plan will include the following bare-bones activities:

Bare-bones Activities in a Legislative Campaign

1. Identify key leaders and opinion makers in the legislature who have the power and authority to move your policy solution along.
2. Recruit some of those legislators to play the role of a hero.
3. Create a hero opportunity by presenting your problem as a sympathetic, compelling problem that needs to be fixed, and your solution as a doable, affordable, and effective resolution.
4. Assess your capacity and power in the legislature. Increase it, if necessary, by recruiting untraditional allies into a coalition.
5. Present your compelling and sympathetic problem along with its affordable and effective solution to the right legislators at the right time, accompanied by affected constituents in concert with a public awareness campaign.

This is not a long list, but it is a familiar one to the many community health activists we cited in this chapter. Some won major victories and some won small ones, but they all improved health care for citizens in their community and sometimes even their entire state. They all advanced the goal of universal health care.

A Special Note on Referenda and Initiative Petitions

Some states permit ordinary citizens to bypass the legislature and amend the law through a referendum or initiative petition. The rules for referenda and initiatives usually include collecting signatures of many registered voters from around the state within a limited period. If you want to know your state's rules for amending laws by referenda or initiative petitions, your best bet is to contact the elections department in your secretary of state's office.

You can win initiatives or referenda using many of the same skills and strategies that candidates for public office use. In every state, there are skilled professional consultants who know how to put together these campaigns and win. Citizen activists will need to raise the kind of money that is not needed for a legislative campaign. They need this money to buy education materials, produce ads, turn out the voters, conduct tracking polls, and, of course, hire a field staff, an office staff, and consultants.

Special interest groups with many committed volunteers ready to raise money are the ones who most often use initiatives and referenda petitions. These petitions are usually a last resort for those who lack support in the legislature and who think they can win by taking their issue to the people.

Policy by referendum really took off in the late 1970s when a property tax revolt in California produced Proposition 13, which capped property taxes. This event sparked a referendum industry of consultants and pollsters across the country. Later, tobacco control advocates in California and Massachusetts, certain that the tobacco industry's well-paid lobbyists would block any legislative attempts to increase tobacco taxes or fund tobacco control, successfully mounted and won referendum campaigns raising tobacco taxes.

Most recently, citizen groups advocating for issues that elected officials don't like, such as term limits, living wages, campaign finance reform, and salary caps, have succeeded in imposing reforms by referendum.

We include a model plan for a referenda campaign in Chapter 5. In the Appendix, we list resource materials from experienced consultants who have managed referenda or initiative campaigns.

HOW TO INFLUENCE A PUBLIC POLICY

The Public Servant, the Politician, and the Preacher
(continued)

Approaching the Public Policy Arena

Brainstorming and Discussion Guide: Problem Stream

Power Analysis

Assessing Internal Capacity

Brainstorming and Discussion Guide: Terms Used in a
Winning Campaign Assessment Tool

CHAPTER 5

The Public Servant, the Politician, and the Preacher (continued)

In Chapter 2, we told you about three committed community health activists with a problem that could only be solved in the public policy arena.

Smart, savvy, experienced health activists have learned that there is no better way to fix a public policy problem than to work on the solution with other stakeholders. Beginning the strategic planning process over lunch with a few trusted colleagues is efficient, productive, and, if the food's good, satisfying.

Let's recall what happened when these three activists met: First, Latoya defined the approaching changes in the Medicaid reimbursement system as a problem that needed to be fixed. Then, she and her colleagues began to figure out an achievable solution, identified the specific policymakers who could help, and created a plan to move their solution forward. They understood their limited power and did not underestimate their opposition.

The lesson: Gather your allies together and start thinking and acting systematically from the beginning.

Approaching the Public Policy Arena

The strategic planning tools in this chapter should help community health activists think and plan strategically and systematically. These tools and exercises are designed to help answer the following questions.

Can you define the public policy problem, or the goals, of your public policy campaign?

- Ask: What precisely is the public policy I want to change? How much will it cost taxpayers? How many people's lives will be improved? How visible and sympathetic are these people?

Can you identify the people and the public institutions with the power and authority to make the needed public policy changes?

- Ask: Can key public managers implement the desired changes? Can lawmakers in the legislative branch bring about the desired changes?

Can you identify your allies and opposition?

- Ask: Who cares about this policy or program besides me? Who might agree that our proposed changes are correct? Who will oppose these changes?

Can you recruit a coalition of allies strong enough to overcome the opposition to your goals?

- Ask: Can I recruit allies with experience and proven political clout to support our campaign goals? Will we have to adjust our campaign goals to recruit them?

Can you design and implement a series of campaign actions and activities that will persuade public policymakers to make the changes?

- Ask: Can I learn to become a policy entrepreneur?

Summary:

Kingdon's Open Window Model

Open windows of opportunity allow you to create new public policy. The only way a new public policy can be created is by pushing it through an open window.

A window of opportunity will only open up when three powerful forces or “streams” push the window open.

The Problem Stream. When key policy-makers realize there really is a problem that demands their attention.

The Policy Stream. When key stakeholders can identify some alternative achievable public policy solutions to the problem.

The Political Stream. A change in the political climate to make your solution a favorable one, such as a swing in the public mood, new political leadership, or an escalating interest group campaign.

But remember, the window is open only for a limited time, and it is open only so far—sometimes just a slit, sometimes halfway, depending on an infinite number of variables within each of these three streams.

Becoming a Policy Entrepreneur

In the introduction, we defined the term policy entrepreneur with a quote from Professor John Kingdon's excellent public policy textbook, *Agendas, Alternatives, and Public Policies*. Kingdon uses the term policy entrepreneur like an award to recognize players in the public policy arena—legislators, administration officials, lobbyists, reporters, citizen activists—who are able to define their policy proposal as a problem that everyone in the public policy arena agrees has got to be fixed—now.

In this chapter, we will use more of Kingdon's terms and metaphors to help us understand the human and political dynamics that determine whether or not our state and county officials will pay attention to our community crisis. And, of

course, to help us figure out how to define our public policy problem as something that everyone agrees needs to be fixed—now. The first chapter of *Agendas, Alternatives, and Public Policies* is titled “How Does an Idea's Time Come?” The image projected is that of a temporarily open window of opportunity that advocates take advantage of to implement change.

Kingdon presents the following theory, which we severely but respectfully summarize here, to explain why and how public policymakers decide which item on their policy agenda they will deal with next.

Open Window Analysis of a National Healthcare Campaign

Let's look at one example we all know something about—the national healthcare debate of 1993–1994. Although *Agendas, Alternatives, and Public Policies* was written before the campaign ended, Kingdon made a preliminary analysis based on developing events, and we are presumptuous enough to finish it.

Yes, a strong political stream flowed then. A new administration vowing to reform the healthcare system energized organized labor and health access advocates. Key congressional leaders were already committed to national healthcare reform.

Yes, a strong problem stream flowed then. The number of uninsured citizens was growing, and so were national healthcare costs. All key players inside and outside the policy arena—the new president, members of Congress, career public officials, influential academics, important business leaders, provider organizations, employers, insurers, health advocates—thought somebody had to do something soon.

Yes, a strong policy stream flowed then. Dozens of proponents inside and outside the public policy arena supplied comprehensive policy solution options.

And so the three streams converged, and pushed open the window of opportunity. National healthcare reform was, as Victor Hugo put it, “an idea whose time had come.”

Unfortunately, marathon negotiations among the proponents of reform delayed the policy solution. Proponents were deter mined to design complete, comprehensive healthcare reforms. As one participant said, “Any problem with the word health in it, we tried to fix.”

The opposition used the delay to sow seeds of doubt in the public's mind. They effectively narrowed the open window of opportunity to a slit too small to jam through the complex, complicated package finally proposed to Congress. The window closed completely after a Republican Congressional victory in November 1994.

Whole books have been written trying to explain why the proponents of national health reform failed to design an achievable solution that they could push through the open window before it closed.

This much is clear:

They misjudged the size of the open window and how long it would remain open.

They overestimated their power and their ability to push a big policy solution through.

They underestimated the opposition's power and ability to narrow and finally close the open window.

Who's really to blame? It doesn't matter. What matters is that we can apply the lessons learned here at the federal level to our state and local public policy campaigns.

Lesson Number One

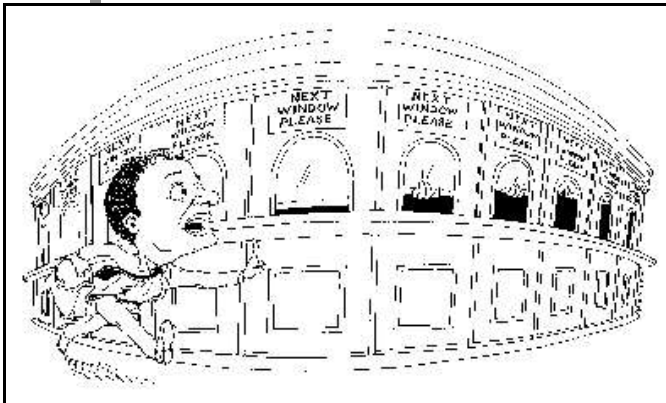
Community health activists must make informed judgments about the size of the open window and their organization's strength and ability to design and push through an achievable policy solution.

Engineering an achievable solution in a public policy campaign is not a neat and tidy process, especially for newcomers who enter the public policy arena ready and willing to fight for reform but reluctant to work hard to win incremental or partial solutions. The strategic planning tools in this chapter will help activists assess their organizational strengths, and suggest ways to bring allies into a large coalition with greater power and capacity than several smaller organizations.

Lesson Number Two

Community health activists must make informed judgments about the power and ability of the opposition to close an open window before they can push through a policy solution.

The providers (insurance and corporate stakeholders in this country's healthcare system) are very powerful, have great resources, and are everywhere. (How's that for an understatement?) The key to winning achievable policy solutions is the development of a simple, sympathetic, compelling message, and a simple, affordable solution that can be reached quickly. The strategic planning tools in this chapter and the campaign implementation tools in Chapter 6 will help activists define a winning message, mobilize public support, and move their solution for ward.



Looking for an Opening Window

The following brainstorming and discussion guide is designed to help community activists identify gaps in knowledge and expertise, such as important information

Racing to the open window.

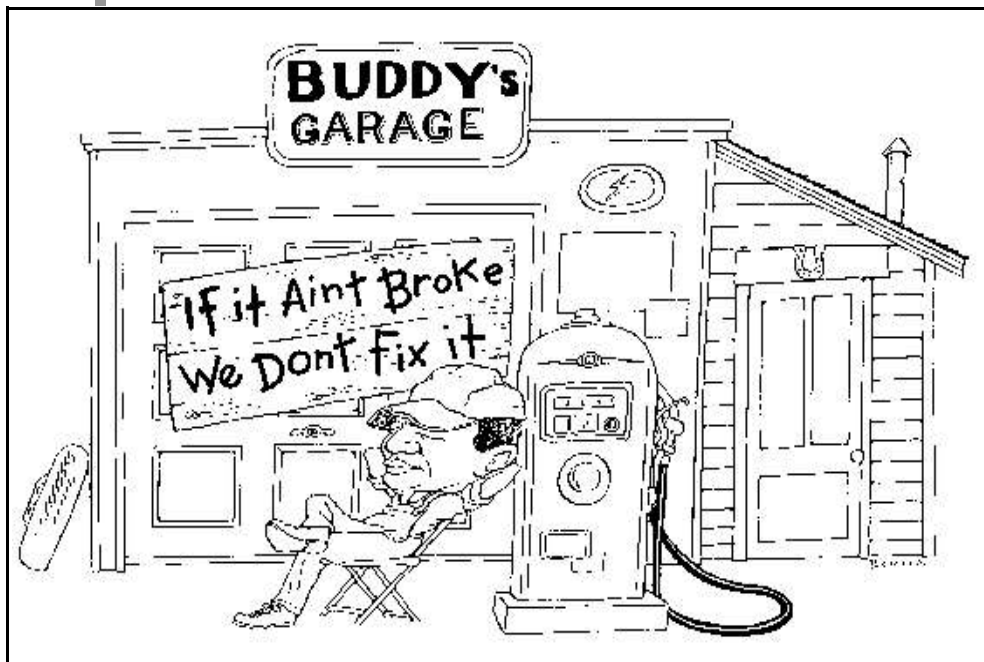
they can glean from past debates on the issue, the ambitions of key policy-makers, or the level of public awareness. Activists may decide it is worthwhile to buy, beg, or borrow experienced consultants to help them plan an administrative or legislative campaign, or decide not to move forward at all. (More on hiring consultants is discussed in Chapter 6.)

Brainstorming and Discussion Guide

Problem Stream

2. Describe the policy change you want to make as a compelling problem that needs to be fixed immediately.

3. Has anyone tried to fix this same problem in the past?



Only "broken" public policies need fixing.

3. If so, who were the proponents and the opponents, and what happened?

4. Does the problem have some emotional appeal and public interest? Can you document it? For instance, has the media been defining the broken public policy you want to fix as a scandal?

5. Has the media portrayed the problem dramatically and emotionally?

6. Has a public official, local university, think tank, or allied organization recently conducted a poll to document public attitudes about the problem?

Policy Stream

1. Do you have a well-researched, workable policy solution in hand? Can you explain the problem and solution simply?

2. Can a simple policy directive from the commissioner solve your problem?

3. Can money in the budget be earmarked to solve your problem? Which monies?

4. Can you ask the commissioner to write a regulation to solve your problem?

5. Do you need a whole new law?

6. Can you change a word or two in a current statute to solve your problem?

7. Can the governor sign an executive order?

How small of all
that human hearts
endure, that part
that law or Kings
can cure.

Are they well liked
and respected?

—Samuel Johnson,
1709–1784

8. Do others in the public arena have alternative but acceptable solutions they've been trying to peddle for years? If so, what are they?

9. Does your solution gore any influential oxen?

10. If so, exactly how powerful are these potential opponents?

11. How many public policy campaigns have your opponents won or lost recently?

12. Is your solution salient and emotionally appealing?

13. Have newspaper, television, or radio features discussed your solution to the problem?

14. Has anybody done a poll or a survey on this issue? What are people most concerned about, and how can you appeal to this concern?

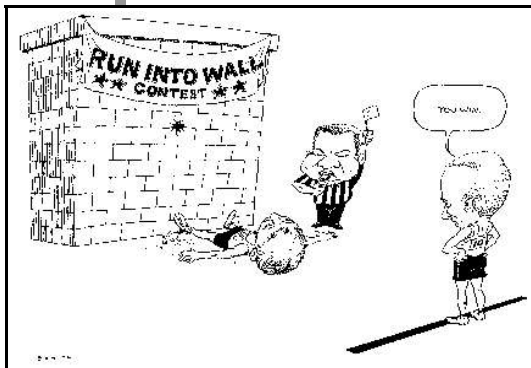
Political Stream

1. Is the legislature going to be in session soon enough and long enough to address your problem?

2. Does the administration plan to write or rewrite regulations dealing with your problem?

3. What are the rules and deadlines for a referenda campaign?

4. Do you (or does someone in your campaign) know a friendly member of the administration who might be able to change things by administrative fiat?



Be careful of what you
compete for . . . you may win!

5. Has your public policy issue been debated publicly lately?

6. Is your proposed solution enough like term limits (that is, unpopular among public policymakers but popular with the public) that you can launch an initiative petition or referenda campaign?

7. Who are the leading administrative and legislative players involved with your issue?

8. Have you ever dealt with any of these key players, and are any of them interested in your problem or your solution?

9. Can you identify powerful people looking for hero opportunities, who might be willing and able to champion your public policy campaign?

10. Do newly elected or appointed officials have a special interest or history with your issue?

The First Step: Preparing a Preliminary Campaign Plan

Use the Brainstorming and Discussion Guide to create a one-page document that summarizes your preliminary campaign. Make sure your plan:

- articulates a compelling problem
- explains the problem in a way that makes it easy for public policymakers to want to do something about it
- suggests a practical public policy solution
- lists potential political champions
- describes an opening public policy window

The Second Step: Determining the Size and Scope of the Campaign

Two of the trickiest jobs for newcomers to the public policy arena are figuring out whether their problem requires a big or a little solution and whether this solution lies in the executive or the legislative branch. Experienced community health advocates find it helpful to think about the problem as needing either a small, simple fix or a big, complicated fix.

Small Fixes

Members of the administration—from a governor down to an intake manager—can make many small to medium policy fixes simply by deciding to do something differently. Sometimes, administrative public policy campaigns take only a few months of meetings with a responsive member of the administration, a couple of research memos, and a hero-maker press event or two. At other times, it takes a yearlong effort complete with a paid lobbyist and a media consultant. How long it takes depends on how long it takes you to spot an open window or open one up. (See Chapter 3 for more on influencing administration officials.)

Sample Preliminary Campaign Plan

To: Executive Committee, The Coalition of Health Coalitions

From: Jack Doright, Consumer Advocates and Marie Realistic, Hospital Association

Proposal: Expand health care to children, the disabled and seniors funded by the tobacco settlement revenues and/or an additional state tax on tobacco

We have worked for three years to document the health needs of children from uninsured working families, senior citizens and the disabled in our communities. (See attached report)

We have convened and established a state wide coalition that includes most of the major advocacy groups in the state already working on behalf of children, senior citizens and the disabled, plus a wide range of provider organizations and trade groups representing the hospitals, health centers, physicians and nurses etc., plus a long list of related consumer organizations, church groups, organized labor and business organizations. (See attached list of members and supporters.)

We have produced a report stating the problem and distributed it to the key policy makers, and have had some success in getting some of the stories into the statewide media. (See attached press clips.)

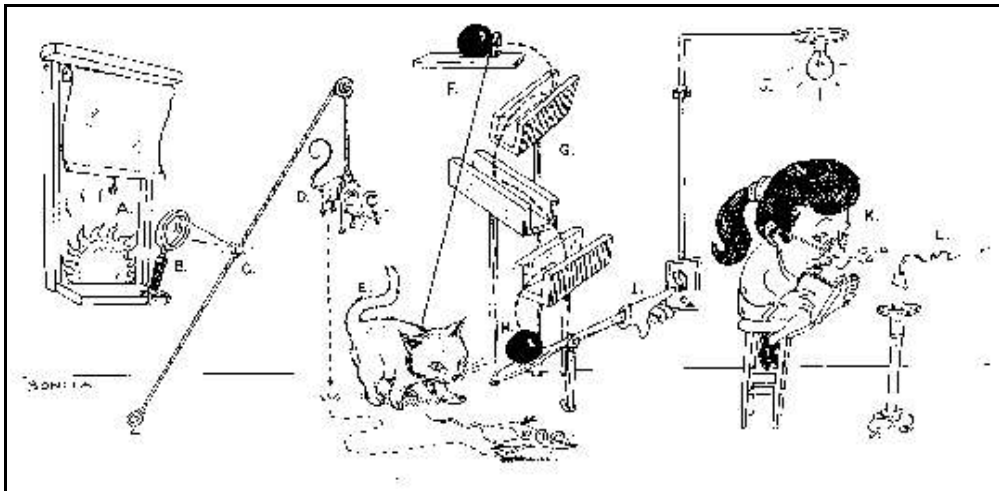
We have met with the members of the administration and most of the key legislative leadership. Without exception, they have all advised us that this new health initiative will succeed if it is tied to the incoming tobacco settlement dollars or to another brand new revenue stream.

We have identified a number of ?merging leaders in the House and Senate who are interested in sponsoring legislation and or budget proposals that would establish a new state program for children, and expanding existing programs for the elderly and disabled funded by the revenues from the tobacco settlement. We have a shorter list of legislators who are willing to sponsor similar legislation and budget proposals that would be funded by additional tobacco taxes.

We recommend

1. The executive committee of the Coalition of Health Coalitions should immediately reach out and brief the tobacco control community, especially the Cancer Society, the Lung and Heart Associations about our interest in working with them to use the tobacco settlement dollars or increase the tax on tobacco to fund expanded health care. They should be asked to join the executive committee of our coalition.
2. The executive committee of the Coalition of Health Coalitions should begin to work now with key potential sponsors and administration officials to draft legislation and budget proposals creating a new Children's and Senior's Health Care Plan.
3. The executive committee should begin now, in collaboration with our friends in the administration and the legislature to try and persuade the Governor and the Legislative Leadership to support the Children and Seniors Health Care Plan and agree that it should be funded out of the tobacco settlement dollars.
4. The executive committee should begin now to tap into national resources like Tobacco Free Kids to get technical assistance to plan and run a tobacco tax campaign to fund the "Children's and Seniors health Care Plan."

Preliminary Campaign Plan



A big, complicated fix may not always be necessary.

Big Fixes

Members of the legislative branch must tackle big, complicated fixes. They might have to create a new agency or endorse a new policy initiative. Even when a governor proposes a big fix, the members of the legislature may be slow to respond, especially if the proposal provides wonderful hero opportunities for the governor to the exclusion of the legislative leaders.

Legislative campaigns to make major public policy can take years if the window is closed and three months if the window is opening up. (See Chapter 4 for more on influencing a legislative body.)

The Third Step: Completing a Power Analysis

One of the most maturing experiences for newcomers to the public policy arena is to honestly evaluate their powers and capabilities. Answering the following questions honestly will help community health activists analyze themselves, their issue, and their opponents.

Warning!

Power is not about feeling powerful. Power is not about being right. Thinking lovely thoughts like Peter Pan will not make your campaign fly.

Discussing how powerful a person is will cause heated exchanges among campaign planners. First, campaigners always have honest disagreements about how powerful anyone is, and second, they are always reluctant to start a public policy campaign with a small first step—but start they must!

Power Analysis

1. How much experience and political clout do you think you have in the public policy arena?
 - ☐ Enough to ram the whole thing through uncompromised?
 - ☐ Enough to take a small first step?
 - ☐ Not much at all?
2. How much experience and clout do the administration officials whose behaviors you hope to change have?
 - ☐ Enough to stop you cold?
 - ☐ Enough to help you win the whole thing?
 - ☐ Enough to help you win a small, first step?
3. How much experience and clout do your legislative supporters have?
 - ☐ Enough to help you ram the whole thing through?
 - ☐ Enough to help you make an incremental first step?
4. How much experience and clout do your legislative opponents have?
 - ☐ Enough to stop you cold?
 - ☐ Enough to force you to accept a small, first step?
5. How much power does your problem and proposed solution have among the public?
 - ☐ Does anybody besides you know or care about this problem?
 - ☐ Does the affected constituency know about this problem?
 - ☐ Does the press know about this problem?
 - ☐ Do politicians know about this problem?

6. How much power can you borrow from allies?

7. What compromises to your solution will you have to make to persuade them to join your coalition?

The Fourth Step:

Assembling the Ingredients of a Winning Campaign

After completing the power analysis, most community health activists come to some kind of a conclusion. Here are four samples:

- We have the experience and power to win a small, simple campaign.
- We don't have enough experience and power to win a big, complicated campaign all by ourselves, but we're willing to recruit powerful allies and negotiate a policy solution with them.
- We have enough experience and power to win a big, complicated campaign all by ourselves, but it will take us three years to build public support.
- We have the experience and power to win a small, simple campaign all by ourselves as long as we agree on a few changes.

The Real Clout Model

We developed the Real Clout model by observing savvy public policy advocates identify and recruit policymakers to champion a winning campaign, mobilize ordinary people into a statewide network, and build real clout where it really counts—in each and every legislative district of the state.

The ingredients of a winning administrative, legislative, or referendum campaign are:

- an operational coalition of affected constituent groups capable of making strategic decisions and managing a public education campaign
- a hero opportunity for persuasive statehouse champions, who can forcefully articulate your sympathetic compelling problem and move an achievable policy solution forward
- an internal capacity to organize and mobilize a grassroots network of people able to define the problem and solution to their own elected officials
- a skilled coalition staff and lobbying team that coordinates activities in the public policy arena

A Special Note on Coalition-building

If you have concluded that you lack the power to win a campaign by yourself, you need to build a coalition. Please think hard about including more than the usual suspects. Health activists who are providers should think about recruiting consumer organizations into an untraditional partnership. Health activists who represent consumers should think about recruiting providers into an untraditional partnership. Both should think about creating a partnership with members of the administration and the legislature who are supportive of their solution.

Coalition building can be especially hard if the partners have been on opposite sides in the past. But remember, it is just as difficult for health activists to work collaboratively with former targets like hospitals and drug manufacturers as it will be for providers to work with former critics from the advocacy world.

If you build an untraditional coalition, you should expect cultural conflicts around the following two issues.

Power-sharing. It's hard to share power, credit, and blame. Even traditional coalitions have problems over turf and competition. Untraditional coalitions encounter additional problems because of differences in culture and methods of working. These clashes occur especially around decision-making issues.

Winning. Some folks would rather lose than compromise, and this is especially true of consumer or provider groups that feel injured, betrayed, or passionately committed to a narrow set of principles. Even a one-step-at-a-time campaign is seen as compromising one's principles or moving forward too slowly. (More on coalition building and maintenance is discussed in Chapter 6.)

Assessing Internal Capacity

Our Internal Capacity Assessment tool is designed to help community health activist organizations assess their internal capacity to mount and implement a winning campaign. We encourage activists to walk through this guide with staffers and board members to assess their internal expertise and talent and to identify gaps in expertise and experience.

After a first walk-through, it is smart to assign staffers and board members to meet with organizational family and friends in and around the public policy arena to solicit a little free advice. This may also be the time to invest briefly in experienced professional lobbyists or public policy experts to provide advice about political dynamics in the executive and legislative branches or about relevant and recent public opinion polls. (Some hints on recruiting hiring consultants are found in Chapter 6.)

Brainstorming and Discussion Guide

Internal Capacity Assessment Tool

1. Can you put together a coalition of affected constituents and manage a strategic decision-making process?

List potential allies, traditional and untraditional. Identify those with whom you have had a productive partnership or working relationship in the past. Estimate as best you can your ability to recruit them into a power-sharing coalition.

Evaluate your internal capacity or your ability to hire a consultant to provide the data and policy expertise you need to develop a compelling problem statement and a winning solution.

Evaluate your internal capacity or your ability to hire a consultant to measure the public's knowledge about and interest in the problem and solution.

Evaluate your internal capacity or your ability to hire a consultant to analyze the political dynamics in the public policy arena and identify the most appropriate policymaking processes and timetables.

2. Can you identify hero opportunities for public policy champions in the executive and legislative branches who can forcefully articulate your problem and its sympathetic solution?

List influential policymakers who might champion your campaign because it makes them look like heroes.

Evaluate each potential champion as best you can. How popular is each with colleagues and the general public?

Evaluate as best you can each potential champion's understanding of and interest in your problem. How willing are they to publicly commit time and political credibility to your campaign?

Evaluate as best you can the strength, determination, and effectiveness of your opponents in the executive and legislative branches. In a referendum campaign, evaluate your opponents' visibility and approval among the general public.

3. Can you organize and mobilize a district-based network of people able and willing to describe the problem and solution to policymakers, including local public officials and their own legislative delegation? In a referendum campaign, could you organize them to talk to their neighbors and friends?

Assess the capacity of people in your organization to motivate and move your members into action at the local level.

Assess the capacity of people in your organization to develop and deliver a grassroots training program.

Assess the capacity of people in your organization to develop and maintain regular communications with your grassroots activists.

4. Can you build a skilled team to coordinate campaign activities in the executive branch or the legislative branch? Can you build a team to manage a referendum campaign?

Assess your organization's experience, skills, viability, and credibility among key players in the executive branch, the legislative branch, or in a referendum campaign among the general public.

Assess your potential allies' experience, skills, visibility, and credibility among key players in the executive branch, the legislative branch, or, in the case of a referendum campaign, in the general public.

List highly regarded professionals with experience working on your issue (or related issues) in public policy campaigns directed at the executive branch, the legislative branch, or in referendum campaigns.

Terms Used in a Winning Campaign Assessment Tool

Affected Constituencies People who are affected by the problem and will be affected by the solution. They, therefore, have a stake in the problem and in achieving the solution.

Articulate, Forcefully A public champion's ability to develop convincing and persuasive arguments at each stage of the campaign.

Champion A public official from the administration or legislature who has your campaign at the top of his or her must-do list and who is willing to spend political capital to win the battle.

District-based Grassroots Network The organizational ability to mobilize groups of people to talk with the elected and appointed officials in their own locality.

Hero Opportunity A public opportunity for a public official to look like a hero by making a difference in the lives of constituents.

Informed Strategic Decision A group decision made by honest, intelligent people with good judgment, some experience, and all the information they need to accurately assess a situation.

Internal Capacity The staff and funds needed to carry out campaign activities and actions.

Lobbying Activities Monitoring and evaluating the human and political dynamic in the public policy arena; advising clients when windows open or close; acting as a liaison between key public policymakers and clients.

Lobbying Team A group of experienced advocates who work in the public policy arena as a liaison between key policymakers and the coalition leadership.

Mobilize To organize members and campaign supporters to take actions and perform activities.

Moving a Solution Forward A public champion moves a solution forward when he or she is able to get a proposed action approved at the next step in the policymaking process.

Operational Coalition A group of people committed to sharing equally with each other decision-making power, credit for wins, and blame for losses.

Persuasive Champion A person who is well liked and respected by colleagues as an expert on the issue, or a person who has an important leadership position and a long memory.

Practical Policy Solution A proposed solution to a complicated problem that is correct and constitutional and could work with enough time and money.

Public Policy Problem A current community crisis or condition that key public policymakers are already convinced should be fixed soon.

Public Policy Solution A decision by a public official or a government institution that directs public officials or private individuals or institutions to take a series of actions to fix a public policy problem.

Skilled and Savvy Experienced advocates who can move easily between the public policy campaign leaders and the key players in the public policy arena, often translating each party's actions and language to the other.

Sympathetic and Compelling Public Policy Problem A public policy problem that most taxpayers think should be fixed soon.

Sympathetic Problem A public policy problem that captures the concerned attention of most taxpayers.

Willing and Able to Define Problem and Solution What happens when an individual affected constituent has been motivated, trained, and organized into coordinated campaign activities.

Winnable Policy Solution A proposed solution to a complicated problem that is correct, constitutional, and affordable and sounds sensible to most taxpayers.

PRACTICAL APPLICATIONS: CAMP IMPLEMENTATION TOOLS

The Public Servant, the Politician, and the Preacher
(continued)

Understanding and Using the Two Rules of Influencing Public
Policy

Mounting a Public Policy Campaign

Ways to Get Your Message Out

Model Work plan

Mobilizing Grassroots Activists

Local Activities

Follow-Up Activities

State Capitol Activities

A Special Note on Consultants ("Hired Guns")

CHAPTER 6

The Public Servant, the Politician, and the Preacher (continued)

In Chapter 2, we profiled three community health activists trying to preserve and protect publicly funded health programs in their community.

- First, they assessed the approaching changes in the county's Medicaid reimbursement system as a compelling problem that needed to be fixed ASAP.
- Second, they identified an achievable and effective policy solution.
- Third, they identified the public policymakers with the power and authority to move their solution forward.
- Fourth, they planned and executed strategic activities designed to persuade the policymakers to adopt their solution to the problem.

Their past experiences had taught them to realistically assess their political clout and internal capacity. They had learned how to build power by working in coalition with each other. They had learned the importance of presenting a clear, compelling campaign message and mobilizing affected constituents into campaign activities. They knew how to create hero opportunities for key policymakers. They knew how to win!

A public policy campaign is a series of actions and activities designed to persuade public policymakers to make something happen or to do something differently (i.e., pass a new law or amend an old one, write a new regulation or enforce a current one, appropriate some new money or make a budget allocation or reallocation, or even cut money from the budget). Sometimes, it's just to listen. When the campaign succeeds and the new policy is launched, it is sometimes called a community-government partnership.

The purpose of this chapter is help you win. You will find some message development tools, model timelines, and work plans designed to help develop your own campaign message, organize your campaign resources, and mobilize a district-based network of constituents.

Understanding and Using the Two Rules of Influencing Public Policy

In the face of an emerging crisis, public policymakers do not have the time or the resources to engage in a scientific decision-making process. They do not posit and test hypotheses for a governor trying to figure out if the state can stop the purchase of three community hospitals by an out-of-state, for-profit corporation.

"Just stop the sale!" say outraged community activists.

"Can't!" says the governor's lawyer, citing laws that limit the state's ability to interfere in private business transactions.

"Can too!" say the advocates' lawyers, pointing to existing regulations authorizing the governor to set standards for community benefits. (By community benefits we mean efforts by local healthcare institutions to invest in community health improvements.)

In the end, the governor, like all elected officials, makes policy decisions very much like apparent who, after careful or not-s-careful deliberation, proclaims a family policy. To family and government policymakers, opinion is as important as facts, and public opinion is a fact.



Family policy in the making: "No dear, I don't care how cheap it is or how safe it is. I am not paying for you to get a nose ring."

This decision-making dynamic, however goofy it seems to trained scientists and lawyers, is a critical component of our democracy because it forces elected

policymakers to make their decisions based not only on objective facts but also on our expressed and subjective opinions about the facts.

Rule #1

Elected and appointed public policymakers make different decisions when watched by the affected constituency.

In the parable of The Endless Unlesses (see Chapter 4), we described how one legislator decided, during a roll call, how he would vote on a bill. While this legislator had plenty of input from his constituents, many public officials make many policy decisions in a vacuum. There are no urgent pleadings from lobbyists, no probing questions from the media, no commentary from family and

friends, and no concern from constituents. Facts or opinions are often gratefully received: "At last, I know what somebody thinks about this issue!"

Rule #2

Get the right information to the right person at the right time.

Remember how relieved the legislator in the Parable of the Endless Unlesses was to find his staff notes about the calendar? It is not uncommon for a legislator, approaching the chamber for a roll call alert, to ask colleagues or any lobbyists in sight, "What's this vote about? Do you know how it

affects my district?"

Neither is it uncommon for an assistant commissioner, in the middle of reviewing the seventeenth draft of the Medicaid regulations, to plead with staffers to get feedback from somebody on the front lines—a real provider or consumer who is actually going to have to deal with this stuff daily.

The legislator and the commissioner both want their decision to be molded by constituents and citizens affected by the issue.

The right information is persuasive, relevant facts.

The right person is the specific policymaker who must make the decision:

The right person could be the legislator who must decide whether to support or oppose a proposal to offer a no-cost loan to a troubled community hospital.

The right person could be the public health commissioner who must decide which of three finalists would run the tobacco control program.

The right time is before the decision is made. The second best time is before the decision is announced.

How Do Advocates Working With the Executive Branch Find the Right Time?

Savvy activists closely monitor the pronouncements and policy decisions of public officials who run the departments or agencies that affect their programs. They build a professional, trusting relationship with the department or agency staffers and share information about public policy initiatives and pending crises. They invite key policymakers to speak at their annual meetings to announce initiatives and alert them to pending crises.

Never combative, always discreet, these advocates offer input on any pending policy decision, and they step in after a public crisis or scandal to offer policymakers help in devising an appropriate response.

How Do Advocates Working With the Legislative Branch Find the Right Time?

Smart advocates closely monitor legislative leaders' public pronouncements and the legislature's daily decisions. They try to spot an opening for their policy solution. They develop trusting, professional relationships with leaders and committee staffers and share information about upcoming debates on their issues. They monitor debates on related issues to identify and evaluate potential heroes and opponents.

As a bill or budget moves from the legislative process—clerk's office to the relevant committee(s) of jurisdiction to the floor for amendments and a vote, to the other legislative body, then to the conference committee where differences in the two versions are worked out—the message may change, but the delivery schedule is consistent. Committee members are briefed before the bill is heard; rank-and-file members are briefed before the floor vote; leaders are briefed before the conference committee deliberations.

Mounting a Public Policy Campaign

Step 1: Developing a Campaign Message

The strategic planning tools in Chapter 5 helped you present your community's healthcare access problem as sympathetic and compelling, your solution as effective and achievable.

The following message development tool can help you persuade others to advance your campaign.

Fill-in-the-Blanks Message Tool

_____ is in crisis because _____
_____.

You should care because _____.

We know that this solution will begin to fix it: _____
_____.

You can help by _____.

Use it:

- to persuade allies to join your coalition
- to convince private donors to contribute to your campaign
- to recruit constituents into your grassroots network
- in a meeting with an elected policymaker
- in an elevator conversation at the state capitol with a trapped public policymaker
- to ask a legislator to be a key sponsor for your bill
- to ask a public manager to amend regulations
- to ask the governor to issue an executive order
- to ask legislative leaders to schedule your bill for debate
- to ask the commissioner to stand with you at a press conference

You can use the message tool to develop fact sheets, research reports, talking points for press statements, public hearings, and even campaign slogans or bumper stickers. Every message, even slogans and bumper stickers, should tell the audience the following:

- what the public policy problem is that must be fixed
- what your solution is

- why the audience (public policymaker, constituent, allied organization) should care about it
- what they can do to help
- who they should contact to get involved or to get answers

Ways to Get Your Message Out

A One-Page Fact Sheet

(Yes, you can use both sides of the page.)

1. The first part should describe a compelling problem and the sympathetic, affected constituents.
2. The second part should establish the credibility of the campaign by describing the coalition and naming its leaders.
3. The third part should outline the campaign's goal (i.e., to persuade a public manager to change a practice or to get legislation passed).
4. The fourth part should describe the campaign's general plan and current activities.
5. The fifth part should name contact people and give their phone and fax numbers and their office and e-mail addresses.

A good fact sheet is updated as the campaign progresses.

Use the fact sheet to develop press releases, membership mailings, newsletter updates, direct-mail fundraising, and fax and e-mail alerts.

FACT SHEET

Emergency Room Interpreter Bill

H. 1172 /S. 530 of 1999-2000

AN ACT TO REQUIRE, PROFESSIONAL INTERPRETATION IN
THE DELIVERY OF ACUTE HEALTH CARE SERVICES

Sponsors: Representatives Jarrett Barrios, Kevin Fitzgerald, Gene O'Flaherty, Alice Wolf, Timothy Toomey, Antonio Cabral, Anne Paulsen, Kay Khan, Ruth Balser, Elizabeth Malia and Charlotte Golar Rinchi and Senator Robert Travaglini

Status: Joint Committee on Health Care public hearing April 8, 1999, State House Hearing Room A-1, 12 noon.

Problem: Many non-English speakers who are in desperate need of acute health services, both physical and mental, are unable to obtain those services—or are badly served—because of language barriers. The ultimate solution for each person is to learn English: but until he or she can do so (and some, being elderly or disabled, may never do so), each acute health service provider should be required to deliver those services, where necessary, with the assistance of competent interpreters. Many hospitals now do an excellent job; but many do not. There should be an even playing field for all acute providers, so that non-English speakers in need are properly and efficiently served.

What this Bill Does: This bill would mandate an even playing field by requiring in a reasonable and cost-efficient way that all acute-care hospitals provide interpreter services in their emergency rooms, and that all-acute care mental hospitals (or acute mental health units in general hospitals), do the same, if an appropriate bilingual clinician is not available.

The bill also would require that all governmental units that are required to pay for health care services cover the costs of interpreters for any mandated provider.

Finally, the bill gives the Attorney General, or any individual aggrieved by violation of the mandates, a right to seek enforcement in court.

The bill would take effect one year after it is signed by the governor.

For more information contact Rep. Jarrett Barrios (617-722-2130), Ernest Winsor, Esq., for the Babel III Coalition, at the Mass.Law Reform Institute (617-357-0700 X 330, or by e-mail, EWinsoragbls.org) or Torn Louie of the English Plus Coalition (617-457-8885, or by e-mail, Maengplusaol.com).

Loss of Income Support and Nutritional Benefits for High Risk Populations With Drug-Related Felony Convictions

A Matter of Public Health

Virginia Rector, Program Manager
Bonds Middle School

Bond
AIDS
Coalition
140 Clarendon Street
Durham, NC 27601
Phone: 919/286-0144
Fax: 919/286-0156

A Ten-Page Research Report

(Yes, it can be only eight pages.)

You will establish your campaign's credibility if you produce an official-looking research report written (or at least reviewed and endorsed) by respected experts and opinion makers. Especially if the report includes footnotes and charts that label the problem as significant and support the solution. A research report can be used as the centerpiece of a statewide or local press event; as briefing material for administration officials and key legislators; or as a training document for allied organizations, coalition staffs, and grassroots leaders.

populations it both most complex and needy.⁵

Good Nutrition as a Component of Relapse Prevention

Linkage to health care, substance abuse treatment and other community-based social services is an essential component of discharge planning for incarcerated individuals living with HIV/AIDS.⁶ These services are a key to promoting overall "well" and reducing substance abuse relapse and criminal recidivism. For substance abuse treatment, maintaining adequate nutrition is a core component of relapse prevention.⁷ Using physical therapy, or until care increases (in person), vulnerability to relapse. The M is an "A.L.T." (strong, able, simply, that) service to assist recovering addicts of potential relapse during their stay. Neglecting one's health and physical needs, including the need for proper exercise, rest, and nutrition, can be indicative of an overall lack of sufficient self-care to carry the (person) through recovery.⁸ It takes that person through recovery, increasing the need for self-care and physical health may ultimately result in increased relapse and increased substance abuse treatment costs.

Risks Resulting from Loss of Income and Food Stamp

Adequate nutrition and good dietary habits are essential to health maintenance throughout the lifespan of HIV/AIDS. Poor nutrition has been shown to compound other HIV risk factors: loss, opportunistic infection and abnormal vision.⁹ Many medication regimens must be accompanied by special diets in order for the medication to be properly absorbed and metabolized.¹⁰

⁵ "All in the Family: The Impact of HIV/AIDS on the Family." *Journal of Family Psychology* 1994, Vol. 8, No. 3, 332-340.

⁶ J.B. Tinkley, M.D. White. Screening for Substance Abuse in Jail and Prison. *Journal of Public Health*, Feb. 1995, Vol. 58, No. 2. Peter Schwan and Steven Roth. *Community Panel Co-Chairs. Substance Abuse and Mental Health Services Administration. Treatment for HIV-Infected Alcohol and Other Drug Abusers. Treatment Improvement Protocol*. (TIP) Series 15, 1995.

⁷ *Journal of the American Dietetic Association*. *Treatment, Recovery and Relapse Prevention*. 1992.

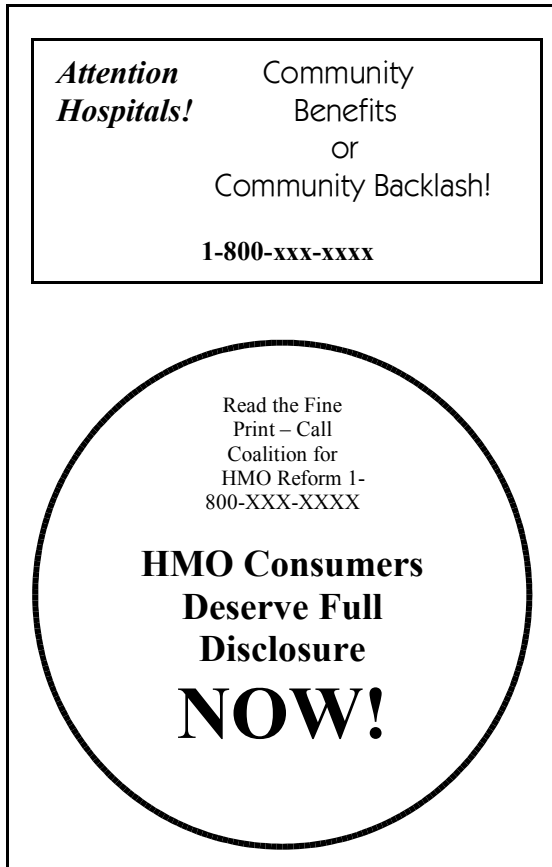
⁸ Peter Schwan and Steven Roth. *Community Panel Co-Chairs. Substance Abuse and Mental Health Services Administration. Treatment for HIV-Infected Alcohol and Other Drug Abusers. Treatment Improvement Protocol*. (TIP) Series 15, 1995.

⁹ *Journal of the American Dietetic Association*. *Treatment, Recovery and Relapse Prevention*. 1992.

Talking Points for a Five-Minute (or Thirty-Second) Rap

All workers on your campaign need talking points to help them handle short telephone or face-to-face conversations about the campaign. The script will change as the campaign progresses. For instance, a legislator will be asked to take a series of actions as the bill or budget item moves through the legislative process. First, the legislator might be asked to sponsor the legislation, then to write a letter of support to the joint committee, and finally to participate in a floor debate. A potential ally might be asked first to endorse the campaign, then to participate in a coalition decision-making process, and finally to mobilize a letter-writing campaign.

Research Report



Daily Tribune

"Consumers won today. The Commissioner's ruling means that HMO consumers will be able to appeal a decision that denies them medically necessary care. We look forward to working with the Commissioner to iron out the details," says Suzie Goodheart from the Health Coalition. . . .

The Herald

"The hospitals won today. The Senate gutted a bill requiring non-profit hospitals to provide minimum benefits to people in the community. Our Coalition will work with the governor to restore language requiring hospitals to help the communities they serve," said Marc Maddog from the Health Consumers Watch. . . .

Slogans, Bumper Stickers, Buttons, and Sound Bites

We all use a shorthand method to describe even the most complicated campaign, if only for our meetings and to-do lists. Some coalitions have a resident wit capable of transforming a managed care reform campaign into a slogan or 20-second sound bite for the morning paper or evening news. Other campaigns hire, or get free advice from, pollsters or public relations consultants.

Bumper stickers and buttons should deliver a message that prompts the reader to support the campaign or take action. It also gives a way to contact someone on the campaign (even if it's in teeny-weeny print around the edge).

Two spokespeople should deliver sound bites: an affected constituent and a coalition member who can deliver a punchy quote to describe the current situation and reinforce the campaign's goals.

Step 2: Building and Sustaining Coalitions

The strategic planning exercises in Chapter 5 can help activists identify the elements of a public campaign and figure out more about the political dynamics in their statehouse than they really wanted to know. The self-assessment exercise in Chapter 5 can help organizations focus their internal resources and figure out what kinds of expertise they may have to beg, borrow, or buy.

Your next step is figuring out how to build and maintain an operational coalition. Get ready to deal with the politics of coalition building! Some of us who are more controlling and impatient than we should be used to think that coalition politics made the state capitol seem like a church—until we learned about church politics.

Coalition Politics

We can learn lessons from operational coalitions built by health access and tobacco control advocates in Massachusetts, Arizona, California, and Oregon during their successful campaigns to fund healthcare access with tobacco taxes.*

By reaching out to untraditional allies in the business community and to powerful trade associations, the advocates managed to build a powerful, well-funded campaign governed by a steering committee made up of coalition members.

Lesson 1. Build a power-sharing coalition. In operational coalitions, participating organizations make an official, board-approved decision to share power, credit, and blame with other coalition members.

Lesson 2. Recruit untraditional allies. Untraditional allies have several distinguishing characteristics. First, they usually have very different perspectives on the same issue (i.e., consumers and providers). Second, the two sides often have a long history of conflict and confrontation. Third, the two sides often have great differences in organizational capacity, resources, and decision-making cultures, which go beyond the usual turf and competition issues in traditional coalition partners.

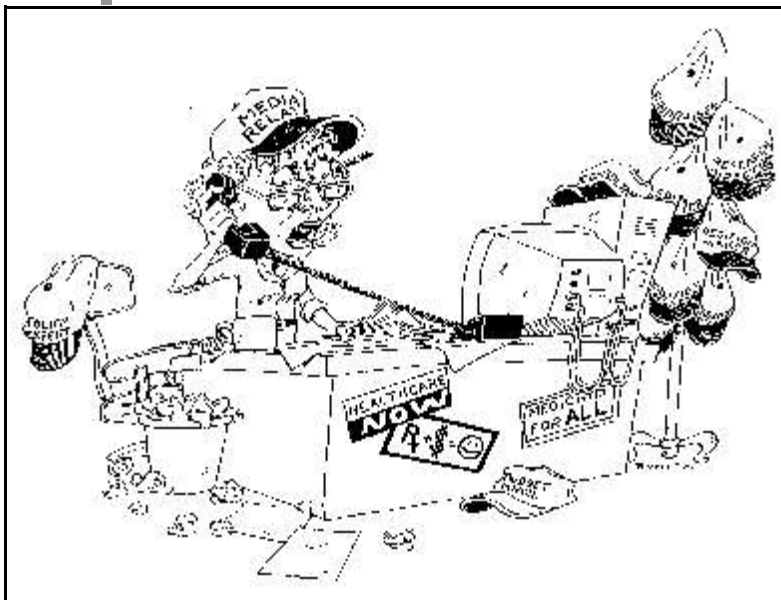
Lesson 3. Recognize and respect differences. The first symptom of distress among untraditional allies is shock over process issues, which mask unresolved questions about the balance of power. A typical balance of power question is, which organization has more power, the partner who has a lot of money (usually a provider) or the partner who has the ability to deliver and mobilize sympathetic constituents (usually an advocacy organization)?

* Funding Children's Health Care Through State Tobacco Taxes Building Winning Coalitions with New and Unexpected Allies Heller School/Brandeis University Robert Wood Johnson Foundation, Waltham, Massachusetts, July 1998.

The struggle over power is finally resolved when the consumer organizations realize how much the campaign depends on the providers' resources, and the providers realize how much the campaign needs the consumers' sympathetic stories.

Words to the Wise

1. Set up a steering committee composed of major partners committed to the campaign. Each organization should contribute something of value to the campaign in at least one of three categories:
 - cash/fundraising ability
 - grassroots capacity to deliver sympathetic consumers/beneficiaries able to inform and motivate public policymakers
 - political expertise and demonstrated credibility at the statehouse
2. Set up a democratic governance structure that allows for full and fair discussion of issues, honest conflict resolution, and a satisfactory planning and evaluation progress. In other words:
 - establish a clear decision-making process (Majority rules? Weighted votes? Consensus? Veto power?)
 - adequately brief coalition members in writing or e-mail before scheduled and emergency meetings
 - communicate between meetings about future plans



Campaign Operations

Campaign Operations

We defined a public policy campaign as a series of connected events and activities that, over time, result in new or improved public policy.

Campaign operations are planning, coordinating, and connecting the events and activities in a campaign.

The best advice from successful public policy advocates is to organize campaign jobs by type. The chart below lists titles of team leaders and what their responsibilities are. Most low-budget campaigns do just fine with two or three talented people who wear multiple hats. Some medium-budget campaigns find it useful to hire an experienced consultant to help with press, message development, or political analysis. (More on hiring consultants is presented later in this chapter.)

Team Leader's Title	Job Description	Qualifications
Coalition Operations	Managing coalition decision making and budget Managing fundraising and internal communications Reports to steering committee	Experienced project and people manager Good consensus-building skills
Director of Policy and Research	Managing policy and message development	Policy wonk who writes clearly Possibly a short-term consultant
Grassroots Mobilizing Director	Managing membership outreach, education, and mobilization	Inspirational cheerleader who can manage mass communication tools
Media Relations	Managing earned media, paid ads, and other public awareness activities	Experienced public policy "spinmeister" Possibly a short-term consultant
State Capitol Operations	Coordinating professional and grassroots lobbying activities directed at policymakers in the executive or legislative branch	Experienced public policy advocate Possibly a short-term consultant

A Campaign Timeline

If you thought our definition of a public policy campaign was a bit understated and simplistic, wait until you see our timeline chart.

We defend its simplicity, however, because most healthcare access advocates have put together campaigns before—money-raising campaigns, public-awareness campaigns, outreach and education campaigns, or membership campaigns. For each campaign, somebody listed pre-campaign activities, followed by implementation activities, followed by celebration and evaluation activities.

The excellent publication *Medicaid Managed Care: An Advocate's Guide for Protecting Children*, published in 1996 by the National Association of Child Advocates, summarizes several dozen campaigns waged by healthcare access advocates across the country. Each effort involved thoughtful coalition planning, quick and intelligent analysis of developing policy, clever message development, and artful implementation of strategic activities. We assume they all partied afterwards, for they certainly deserved it.

Planning and Other Pre-campaign Activities		
Task/Activity	Team Leader(s)	Product(s)
Message Development	Policy Research, Media Relations	A verbal rap, 1-page fact sheet, 10-page background for public policy arena, media, potential coalition members, potential statehouse champions
Policy and Political Analysis	Policy Research/Statehouse Operations	Identification of solution options for executive and legislative branches and briefing of potential statehouse champions
Coalition-building/Solicitation of Partners	Coalition Operations	Choosing of steering committee who, in turn, devise and approve a coalition governance agreement
Coalition Fundraising	Coalition Operations	Budget developed, money-raising plan in place
Internal Membership Education and Mobilization	Grassroots Mobilization, Policy Research, Steering Committee, Media Relations	Develop training materials, identify grassroots leaders

Another series of successful healthcare access campaigns was highlighted in 1998 at a conference in Massachusetts called Funding Children's Health Care Through State Tobacco Taxes. Sponsored by the Heller Graduate School at Brandeis University, Health Care for All, the Tobacco Control Resource Center, and Community Catalyst, the conference brought together the three

states that had successfully engineered campaigns to improve children's health care by increasing tobacco taxes.

Each of the three states—Massachusetts, Oregon, and Arizona—sent delegates from their untraditional coalitions to share with other states the lessons they had learned. Two of the states (Oregon and Arizona) went directly to the people with an initiative campaign. Massachusetts used a legislative campaign. All three coalitions urged other states to—guess what?—plan carefully, develop clever messages, and implement procedures skillfully.

Implementation, or Herding Cats

Task/Activity	Team Leader(s)	Product(s)
Focused Message Development	Policy Research, Steering Committee, Statehouse Operations, Media Relations	Specialized verbal raps, fact sheets, customized background piece for each audience, regional media events
Policy and Political Analysis	Steering Committee, Policy Research, Statehouse Operations, Statehouse Champions	Refined solution options, thoroughly analyzed and prioritized, bottom lines established
Coalition Communications and Maintenance, Solicitation of New Partners	Coalition Operations, Steering Committee	Coalition trust-building through ongoing communications, regular briefings, open decision-making procedures and a fair process for resolving differences
Budget Fundraising	Steering Committee, Coalition Operations	Prompt reporting of expenditures, ongoing solicitation of funds
Internal Membership Education and Mobilization	Grassroots Mobilization, Policy Research, Steering Committee, Media Relations	Develop training materials, identify grassroots leaders

Model Work Plan

Here is a model work plan that comes with its own self-assessment tool, which was developed for distribution after the 1996 Children's Health Care/Tobacco Tax conference.

A successful healthcare access/tobacco tax campaign:

- identifies a compelling, winnable legislative or referendum fight that pays for expanded access to health care by increasing state taxes on tobacco products
- identifies and recruits an organized, mobile base of affected constituents and powerful allied organizations

- is governed by a representative coalition of organizations and community leaders who are smart, informed, strategic thinkers and doers
- is managed by competent, hard-working staffers with enough resources

Phase I

The first phase of a successful healthcare access campaign typically involves the following activities:

- conducting legal research to determine the proper legal processes, procedures, and deadlines for amending state law or for referenda initiatives. Additional legal and regulatory research may be needed to resolve questions relating to new federal laws about health insurance and Medicaid eligibility, ERISA preemption issues, new (and pending) federal tobacco taxes, and tobacco control policies
- gathering data to identify healthcare recipients, healthcare providers, tobacco consumers, and tobacco distributors, who might be affected by a new state program that improves healthcare access by increasing tobacco taxes
- identifying potential partners and allies (including untraditional allies), their resources, their public images, and their political clout. Partners are defined here as organizations willing and able to provide significant organizational resources, including, but not limited to, turning out many people for grassroots and volunteer activities

identifying potential opponents, their resources, their public images, and their political clout, including their involvement in other anti-tobacco tax or healthcare access expansion activities

- conducting polls to determine the public's attitude about healthcare access issues, increased tobacco taxes, other tobacco control efforts, potential opponents, and potential allies
- developing and testing messages for the campaign
- developing preliminary materials for coalition building
- identifying and developing networks of uninsured families committed to working on the campaign

Phase II

The second phase typically includes the following:

- forming a diverse, representative coalition of key advocacy organizations, providers, insurers, and other untraditional allies, such as business organizations that participate as partners to govern the campaign—each partner should donate money and staffers, and turn out volunteers for campaign activities
- establishing a campaign committee to open campaign bank accounts and develop fundraising and expenditure procedures that comply with the law
- establishing a campaign staff to carry out day-to-day activities
- refining a final campaign message through additional polling or focus-group testing or consultants
- developing a public education campaign to deliver messages through free and paid media
- researching the opposition, including identifying local targets and planning activities for Phase III
- putting together grassroots volunteers to distribute campaign material to targeted workers, potential allies, the media, and elected officials

Phase III

Phase III of a successful campaign typically marks the implementation stage of the initiative or legislative campaign.

People working on legislative campaigns must:

- be informed about the political history and current political dynamics of the state legislature
- have a well-thought-out strategy for assembling a majority and winning the support of the governor
- understand legislative rules controlling the committee process, hearing schedules, timetables, and voting and amendment procedures
- understand the political dynamics within each legislator's district and within the legislative body (including the election year proximity factor)
- understand which elected officials will be the most effective sponsors of their legislation
- plan and carry out a district-based grassroots lobbying effort

- have a targeted media plan to support the lobbying campaign (open hearings in the neighborhoods, direct actions against targeted opponents, workplace leaflets, canvassing, production of canned op-eds, and letters to the editor, radio talk show spots, print, radio, and TV ads).
- identify and polarize appropriate opposition targets

People working on referenda or initiative campaigns must:

- hire legal experts to develop legally correct ballot language and petitions. Make sure these folks are on top of deadlines and on top of all legal requirements about signature gathering (such as notarization requirements and perfecting amendment procedures)
- have a strategy, which all the partners agree on, for gathering signatures
- have the capacity and accountability to collect signatures using volunteers and paid signature gatherers, if necessary
- have a plan and the capacity to manage the campaign message through free and paid media—this includes everything from neighborhood meetings to passing out leaflets at large events to rallies to detailed press reports on opponents to paid ads

- have a good get-out-the-vote strategy, which includes a collaborative and productive relationship with allied organizations statewide
- have enough polling data to permit targeting potential voters by neighborhood or relevant geographical area
- have the capacity to carry out the traditional activities during the last 30 days of the campaign (phone banking, literature drops, canvassing, election-day poll coverage)

Be prepared to take advantage of what luck brings you! Good luck is an essential element of any winning effort. The Tobacco Kids Campaign in Massachusetts benefited from having new House and Senate leaders looking for opportunities to make public statements about their priorities for the Commonwealth. Visionary leaders in organizations like the Mass Teachers Association, the Mass Medical Society, and the United Way provided crucial support. The campaign also coincided with a national mobilization on children's issues that helped mobilize hundreds of additional activists during the drive for two-thirds vote in the Senate. Last but not least, the legislative champions of the bill were not only committed, but strategically placed as heads of the Health Care Committee. Hostile leadership in these positions could have doomed the effort from the beginning. —Rob Restuccia, Executive Director, Health Care for All Boston, Massachusetts

Mobilizing Grassroots Activists

A winning plan depends on a campaign's ability to mobilize a network of constituents into performing activities that will persuade policymakers to fix a community problem.

Action Alert

Legislative Hearing On Environmental Justice

The Problem: Environmental Justice

Because low-income communities of color are disproportionately selected for the placement of new pollution sources, they also bear the extraordinarily high environmental and public health problems associated with the presence of these sources. For example, is it any wonder that []—which hosts several diesel vehicle depots and solid waste facilities—also has an asthma hospitalization rate five times the state average?

The Solution: ACEJC Designation

Senator [], in collaboration with a local grassroots organization, has recently proposed the Environmental Justice Designation Bill (Senate 1060), which would give the Executive Office of Environmental Affairs (EOEA) the authority to designate Areas of Critical Environmental Justice Concern (ACEJC). This designation would prevent new polluters (e.g. solid waste facilities) from operating in neighborhoods which are already overburdened by exposure to environmental and public health threats.

The proposed bill is modeled after an existing law for Areas of Critical Environmental Concern (ACEC), which has been used to restrict the siting of solid waste facilities near valuable natural resources. The Environmental Justice Designation Bill is legislative affirmation that humans living in underprivileged communities deserve similar protection.

Take Action

Here is what you can do to support the ACEJC Legislation:

1) Testify at the legislative hearing which is at 11 AM in Room B2 at the STATE HOUSE on JUNE 16, 1999. Tell the natural resources committee how your community has been overburdened by the environmental and public health risks stemming from pollution in your area. Demonstrate firm public support and need for this bill! If you are unable to attend the hearing, submit written testimony to the following addresses:

Senator [] Representative
State House State House
Room 109 C Room 473 F

2) Call [], at the EOEA to urge EOEA Secretary [] to testify in favor of the Environmental Justice Designation bill.

For more information on the hearing or the proposed regulation, contact [] Alternatives for Community & Environment (ACE), Bowdoin Street Health Center, Environmental League [], and Dudley Street Neighborhood Initiative (DSNI).

Call to Action

The recruitment, training, and mobilization techniques that follow are drawn from the experiences of the public policy entrepreneurs who are quoted throughout this book. They have learned that mobilizing constituents into campaigners is not only the best way to inform and motivate public policy-makers, but it also provides a platform for leadership development and empowerment.

Recruiting Local Activists

Start with your base. Draft coalition partners. Because some organizations do not demand much from members except dues, be prepared to give these partners help in developing a good education and outreach effort to recruit members for the campaign. Encourage all coalition partners to customize the campaign message for their organization and figure out how to get a call-to-action message out during regular meetings and newsletters, or even a special mailing. The call to action should help members see that the campaign benefits them, that their participation in district meetings with local policymakers is critical, and that they will be part of a powerful statewide coalition effort that will improve their lives.

Expand your base. Ask local activists to list community organizations and institutions that might support the campaign and provide volunteers to meet with public policymakers. For instance, tobacco control activists can usually get endorsements and volunteers from local Heart and Lung Associations, the American Cancer Society, and Boards of Health. Advocates for the underserved and uninsured can get support from churches, social service agencies, and neighborhood health centers. They can locate affected constituents by distributing fliers at neighborhood meetings and posting notices in Laundromats.

Use the local media, including the bulletins of other community groups and weekly shopping brochures, to invite the public to community meetings. Check out local radio and cable TV shows for opportunities to reach affected constituents and volunteers.

Organizing Activists

Identify local coordinators. Each organization's board and staff should identify key members throughout the state who can take on a coordinating role.

Some campaigns bring local coordinators into a statewide training and briefing meeting in order to build solidarity and a sense of power. Other campaigns hold regional training meetings. In both cases, the agenda always includes:

- briefing on the problem and the proposed solution
- briefing on how the administration or the legislature makes policy, and how to influence the process by offering a solution to the problem
- information on key public policymakers with addresses, phone numbers, pictures, and background on the issue, if possible

CPR: Campaign for Patients' Rights

3006 Beverly NE; Building 1, Ste 21; Salem, OR 97305
phone: 503-581-6830; 1-800-789-1599 fax: 503-544-1859

LEGISLATIVE ALERT

YOUR HELP IS NEEDED!!

**SB 21, 1997's Patient Protection Act
has been scheduled for a hearing.**

Thursday March 27th 3 PM Hearing Room B

Show your support for protecting the rights of people
enrolled in managed care by:

- ✓ Attending the Thursday March 27th Public Hearing on SB 21.
- ✓ Attending the Tuesday March 25th "Invited Testimony only"
overview of SB 21.
- ✓ Writing to your legislator and asking her/his support for 21.
- ✓ Writing to any or all members of the key committees and
asking them to support SB 21.

- ◆ We have scheduled an informal informational meeting and
discussion about the Patient Protection Act from 1:30 to 3 PM on
Thursday March 27th at the State Capitol in Room 350. Join us
before the hearing on SB 21 to share your opinion and ask
questions!!

Ask local coordinators to go home and organize a local training session that includes the three items listed above as well as a detailed briefing on local policymakers. Include input from community activists who have worked well in the past.

Sample Flyer

Mobilizing Activists

The campaign's job is to put Rule 2 into action: Get the right information to the right person at the right time through a series of coordinated campaign activities.

Local Activities

District meetings with local elected and appointed officials have two goals: briefing officials about the policy problem, and asking the officials to support the proposed solution. District meetings may take many forms, but all should allow affected constituents to tell their own stories and provide a role for each of the coalition partners.

AGENDA—Grassroots Training Emergency Room Interpreters Campaign

7:30

Welcome and Introductions

7:45

Problems faced by limited English-speaking persons in our communities Hugh Barrios, Newcomers Assistance Coalition

8:00

The Emergency Room Interpreter Bill—A solution to one problem What it does. Where it is in the legislative process. What you can do. State Representative Margaret Tisme

8:15

How to talk to your own elected officials and when. Marian Mular, Government Relations, Association of Neighborhood Health Centers

8:30

Break out by legislative districts for role-playing a meeting and follow-up phone calls with your legislator. (Materials include pictures and background of each district legislator, fact sheets, and talking points)

9:00

Next Steps and Wrap-up

Hugh Barrios

Smart local coordinators hold a pre-meeting and prepare a rough script, which includes an introduction, time for affected constituents to talk about the problem, time for coalition members to present a solution, and a follow up plan prepared by the local coordinator.

Legislative/policymaker breakfasts are held in a conference room or a restaurant function room before normal business hours. This time of day is very good for public officials and many community leaders and volunteers, but not so good for people with problems getting their children to school and attending an early morning meeting.

Small community meetings are often held in the evening or on the weekend in an accessible public place with parking (and sometimes even child care). The public nature of these meetings can be intimidating for some affected constituents, who might need coaching and support to speak up. Avoid stages and podiums. Arrange chairs in large

circles, if necessary, to make newcomers feel comfortable and the policymaker human and approachable.

Accountability sessions are usually large affairs where public officials sit onstage and listen. After at least an hour in which constituents and community leaders present problems and solutions, the officials Local Training Session onstage respond. Their responses are recorded on large a poster board on the stage. A labeled, empty chair onstage sometimes represents invited public officials who fail to attend these sessions. As you might imagine, many public officials hate this format. They will come, however, if the press covers the event or the sponsoring organization tells community members about their participation.

Victory Rallies/Award Ceremonies. Local public policymakers who work to solve a community problem deserve a thank-you party. Sometimes including marchers, bands, and music, these events are good ways for affected constituents to obtain support from community leaders and public officials alike. If you can't get the local press to come, take your own photos to submit to editors.

Follow-Up Activities

Getting a commitment is one thing, holding public policymakers to their commitment is another. Remember the legislator in the parable of The Endless Unlessees who thought the bill on neighborhood health centers looked familiar? Our short version of the story didn't mention how health activists had called once a week for a status report on the bill. Thank heaven for staffers who write down everything.

Letters. Public officials hate form letters but love Mom-and-Pop letters that end with "God bless." Good letters include a short personal note explaining the writer's involvement with the public policy problem, offer a solution, and ask for a commitment to help. Good letters also include the writer's full name and address. While it is true that legislators place more weight on letters from their constituents than on letters from people outside their district, statewide officials and legislators do pay attention to letters from constituents and community leaders on issues impacting state policy.

Calls. We advise calling public officials at their offices with a script. Use the Message Development Tool in this chapter, and add a request that the official get back to you with a reply. Don't be disappointed if your public official is not available to personally take your call. Staffers are probably more up-to-date on pending issues, anyway.

Petitions/preprinted postcards. These are excellent public awareness activities but do little to persuade public officials. Politicians figure, and so do we, that anybody will sign almost anything to get rid of the person circulating the petition or postcard. Calls and letters represent a real effort on the part of constituents; petitions and postcards don't.

E-mail. Most public officials haven't yet figured out how to value constituent e-mail messages. (Many depend on staffers to read or send their e-mail messages!) It's especially important to include your full name, address, and

phone number in any e-mail communications, so they can respond to you by snail mail.

State Capitol Activities

A large event at the state capitol or county seat can be an empowering event for participants in a public policy campaign. It's exciting to be part of a huge gathering of people working on the same issue. It's fun to see and hear your organization's leaders on the podium with key players in the public policy arena.

It can also be discouraging when you get lost in the capitol annex and are late for your 10-minute meeting with your legislator, who then leaves early for a roll-call vote. Although we have already revealed our preference for district-based lobbying activities, we'll tell you how to pull off a couple of state capitol activities anyway.

Lobby days. Every organization likes to put on a lobby day to promote its legislative agenda. During legislative sessions, the state capitol corridors are jammed with folks from different trade associations, each with a lobbying package to hand to his or her legislator. Our best advice is to:

- arrange a short rally at the statehouse just before participants head off to visit their representative
- find a keynote speaker (coalition leader or legislator) capable of making a stirring speech
- help participants call their legislator for an early morning appointment well before lobby day
- distribute maps of the state capitol that include handicapped accesses and bathrooms.

Legislative briefing sessions. Complex, complicated issues like health care and illness prevention are perfect topics for an issue briefing aimed at legislators and policy staff. Get a friendly legislator to help you schedule these events in a room at the state capitol or in a private conference space close to the capitol. Show off political support from prominent coalition members, and display facts from experts at local universities or well-known think tanks. Although it's good to have one or two constituents telling their story, this is not an event for the whole coalition.

Victory rally/awards ceremonies. Every statewide public policy hero needs and deserves recognition in the presence of peers and media. As a way to reward friends with a bit of favorable public relations, many consumer organizations and trade associations have an annual awards ceremony near the state capitol. One critical element here is the press photo that's sent to local papers as hero proof positive.

You can get more done with a kind word and a gun than you can with a kind word alone.

—Al Capone

A Special Note on Consultants ("Hired Guns")

Fans of *The Untouchables* will find it easy to believe Al Capone used guns to encourage bootleggers to share profits with him; they may wonder, however, whether Capone wasted any time uttering words, kind or otherwise.

Issue advocates new to the public policy arena, however, usually have plenty of words—single-spaced on stacks and stacks of paper. They have reports analyzing the issue and proposing solutions, memos describing affected constituents and documenting their woes, and cost estimates. These all add up to an irresistible hero opportunity for a public official. If only they could get someone to pay attention!

And that's why the first hired gun, or consultant, that newcomers hire must have the experience to help them direct their campaign to the appropriate public policy stage:

- someone who knows the history and political dynamics in the executive and legislative branches
- someone who knows the hidden agendas of the key players
- someone who can help choose the perfect, powerful person in need of a hero opportunity

Finding a consultant is easy. In fact, after a few discreet inquiries, they will find you, as word of your search gets out among professional political consultants, lobbyists, pollsters, and public relations specialists. Newcomers find themselves deluged with phone calls and proposals from well-known political operatives, who all claim to have direct access to high-level public officials.

Choosing the right consultant is another matter. A political strategist's product is hard to define and harder still to evaluate. We will define it here as an ability to predict the behavior of the players in the public policy arena as they confront a public policy debate.

Political strategists use intuition and imagination as well as institutional knowledge, experience, and observation. In fact, a good political strategist's brain is like a computer, with imagination and intuition acting like a program that processes incoming data—institutional knowledge, experience, and observation of players and their interactions. It's fun to watch a bright consultant get fidgety and excited listening to a client's proposed policy campaign, hardly able to contain himself or herself from giving away free advice.

Another wonderful, but dampening observation comes from academia. There, consulting is comparable to teaching a required ethics course to graduate students—one gets to show people consequential things they'd rather not see, and tell them consequential things they'd rather not hear, and still get paid for it.

Developing a Job Description and Fee Structure

Using a media consultant as an example, let's start with the huge assumption that your campaign has a budget for the entire campaign. This campaign budget has a ballpark estimate for media expenses, including money for a part-time staffer for 6 months. The salary is based on comparable salaries among member organizations that have the money to hire a media person.

First, take the total salary listed in the budget and divide it by six to find out how much to pay per month. Develop a straightforward job description that lists specific tasks a part-time media person is expected to carry out. Write this up into a Request for Proposals, and start circulating the request among consulting firms and freelancers.

Campaign managers won't have to wait long to get good feedback from potential consultants. Some will say straight out that they can do the job more cheaply if they can work from home most days and only come in two mornings per week. Others will say that they would be happy to sit at a desk in the campaign office, but the fee would have to be increased to cover transportation and lunch expenses. Still others will say that their firm requires payment up front. Any negotiated arrangements can be put into a simple contract or memo of understanding outlining the work expectations, payment, and schedule.

A good system can be set up by organizing media people from member organizations to form an advisory committee to help choose a consultant and carry out a program of ongoing support and assistance.

A FINAL WORD

We both started out as community-based activists over 30 years ago. We've learned a lot about how to address the obvious and visible injustices visited upon too many residents living and working in our communities.

We've worked inside governments as public policy managers. We've worked outside governments as public policy movers. We've worked alongside governments as public policy partners.

It's hard work, with long hours that most often result in an incremental improvement in the lives of fewer people than we had hoped to help. And after 30 years, we can't help but notice there are still too many in our communities who are poor, sick, underserved, undernourished, unsheltered, and uneducated.

Sometimes when we're especially tired, or a family member asks us when we're going to get a real job, we can't help but wonder if we've been in this social and economic justice business for too long.

We have to remind ourselves about how much we have accomplished: how many times we celebrated the initiation of a new government program or policy that brought real, measurable, positive change to a community or population that probably didn't even know we existed. We have to remind ourselves how many other community activists are out there working inside and outside government for better public health policies.

Producing Real Clout has been an opportunity for us to gather and document some of the best practices used by other activists winning better health policies and programs in their communities.

Just hearing the stories has recharged our batteries, renewed our optimism and refocused our energy into getting the good news out: Community health activists can enter the public policy arena with confidence, using timeless techniques tested by colleagues from all over the country, and make a difference.

We hope Real Clout serves to both inspire newcomers to engage in the formation of more and better public health policies and lift the spirit and energy of veteran community health activists as we all march, one day at a time, toward the goal of universal health care.

APPENDIX A

Si se Puede! Yes We Can!

Or

Obligations of Nonprofit Organizations Engaged in Influencing Public Policy

We all pay taxes. Individual citizens pay taxes. Corporate citizens, pay taxes- unless they are organized as a charitable nonprofit 501(c)(3).

Advantages of Being a Not-For-Profit Tax-Exempt Organization

Presumably, in an effort to encourage citizens to organize and support private charitable activities, our Founding Fathers, as a matter of policy, passed laws to permit the establishment of tax-exempt charities.

Today organizations that wish to be considered as a nonprofit, tax-exempt, “charitable, educational or scientific organization” apply to the Internal Revenue Service to become incorporated under Section 501(c)(3) of the Tax Code. (Examples of typical charitable organizations incorporated as 501(c)(3)s are fine arts museums, symphony orchestras, teaching hospitals, neighborhood health centers, social service providers, colleges and universities, social and fraternal organizations, consumer protection organizations, civic associations, community development corporations, environmental and conservation groups, and neighborhood improvement associations.)

Organizations approved by the IRS as nonprofit, charitable organizations have no federal income tax obligation.

Tax-exempt nonprofits can also use lower bulk rates at the post office and, in most states, are also exempt from state and local sales and property taxes.

Aside from the tax and bulk mail implications, the chief reason organizations choose to be incorporated as nonprofits is because of the fundraising implications-any contributions to them will be tax deductible, allowing individual donors to reduce their taxable income by the amount of their contribution. Even more important to most non-profits, most foundations and many other private, corporate, and public funders limit their grant making to 501(c)(3) organizations.

In return for the favorable tax treatment of nonprofits, Congress has set some obligations and restrictions on 501(c)(3) tax-exempt organizations. They include limitations on their participation in elections, limitations on the

You do not forfeit your rights as an individual citizen to write or contact your representatives to express your opinions. You don't lose your access to free speech when you take a job with a nonprofit. You must, however, not associate yourself with your organization when conveying those opinions.

amount of organizational resources that can be devoted to lobbying to influence legislation, and limitations on engaging in voter registration activities.

Elections - Limitations on participation

501(c)(3) organizations may not engage in activities supporting or opposing a candidate for public office.

Advocacy organizations who are 501(c)(3) and who wish to engage in electoral activities are advised to find an experienced lawyer to help them incorporate an independent 501(c)(4) organization. That entity can then establish a connected Political Action

Committee (or Separate Segregated Fund) to communicate their organizational electoral positions to the general public and contribute to candidates.

Resource Materials

Playing by the Rules from The Independent Sector. http://www.independentsector.org/programs/gr/Playing_by_the_Rules.pdf
1200 18th Street, NW, 2nd Floor, Washington, DC, 20036, (202) 467-6100,
www.independentsector.org.

Rules of the Game: An Election Year Guide for Non-Profit Organizations, written by Gregory Colvin and Lowell Finley for the Alliance for Justice, (202) 822-6070, www.allianceforjustice.org.

Lobbying - Limitations on Expenditures

Important Note: Lobbying is defined in considerable detail in almost 100 pages of federal regulations in almost plain English, including the definition of what is and what is not "grassroots" lobbying. The most important thing to remember in the definition is that lobbying is defined as influencing the legislative branch's process of producing legislation. Influencing or participating in the administrative branch's process of producing administrative policy doesn't count as lobbying to the IRS.

IRS gives 501(c)(3) organizations the choice of two standards by which their compliance will be measured.

One standard is called the insubstantial part test, and it requires that no substantial part of a charity's activities be devoted to influencing legislation. (Again we mean legislation-meaning influencing legislators who are considering passing a law.)

The other standard is known as the Section 501(h) expenditure test, which sets specific dollar limits on a charity's activities devoted to influencing legislation. This is calculated as a percentage of a charity's total exempt purpose expenditure - for example, 20% of the first \$500,000 and 15% of the next \$500,000 and so on. (Again, we mean legislation-meaning influencing legislators who are considering passing a law.)

The experts in the non-profit world recommend that non-profits choose to elect the Section 501(h) expenditure test, because of the ease and unambiguity of the record keeping and reporting. The two publications listed below are extremely helpful in helping non-lawyer managers understand how to set up and keep a bookkeeping system to record official lobbying expenditures.

Resource Materials:

The Nonprofit Lobbying Guide prepared by Bob Smucker for The Independent Sector, (202) 467-6100,, www.independentsector.org.

Being a Player, A Guide to the IRS Lobbying Regulations for Advocacy Charities prepared by Gail Harmon, Jessica Ladd and Eleanor Evans for the Alliance for Justice, (202) 822-6070. www.allianceforjustice.org.

Fundraising and Private Foundations

There is a general IRS rule that private foundations may not spend a dime on lobbying, and if they do, they will be subject to a penalty tax on their existing donated trust funds. This would not only diminish their trust funds but also certainly discourage any additional donors.

Private foundations have understandably always been cautious about giving to charities with a history of advocacy, never mind lobbying. A major education effort during a 1995 debate in Congress on lobbying by nonprofits and new IRS regulations has loosened things up a bit.

The new IRS regulations make it clear that private foundations may make a general support grant to a "lobbying" nonprofit charity as long as it is not earmarked for lobbying. They may also make a specific project grant when the grantee provides the foundation with projections of both the lobbying and non lobbying budgets with regard to the specific project.

Resource Materials:

Being a Player, A Guide to the IRS Lobbying Regulations for Advocacy Charities prepared by Gail Harmon, Jessica Ladd and Eleanor Evans for the Alliance for Justice, (202) 822-6070. www.allianceforjustice.org.

Supporting and Conducting Lobbying: An Overview for Foundations prepared by Thomas Asher for the Advocacy Forum, a project of the Alliance for Justice.

Foundations and Lobbying: Safe Ways to Affect Public Policy prepared by John Edie for the Council on Foundations, (202) 466-6512, www.cof.org.

Federal Grantees - Limitations and Prohibitions

Federal grantees may not use their federal funds for either electioneering or for lobbying federal, state, or local legislative bodies.

Nonprofit charities applying for federal grants will certainly be advised of the restrictions and reporting requirements by the Office of Management and Budget, who will most certainly give them OMB Circular A-122.

Resource Materials:

Lobbying and Political Activity Restrictions for Federal Grantees and Contractors prepared by Janne Gallagher for OMB Watch, (202) 234-8494, <http://www.ombwatch.org/las/1995/galrpt.html>.

Ballot Measures

Statutory Initiatives, Initiative Constitutional Amendments, Referenda Bond Measures and Policy Declarations.

The IRS treats ballot measure advocacy as "influencing legislation," and those rules apply for all 501(c)(3) organizations.

Federal grantees should note that the Office of Management and Budget treats ballot measures as electioneering, in effect prohibiting the use of federal funds to support or oppose a ballot measure.

Resource Materials:

Seize the Initiative, prepared by Gregory Colvin and Lowell Finley for the Alliance for Justice, (202) 822-6070. Information from The Office of Management and Budget on Circular A-122, (202) 395-7584.

ABOUT THE AUTHORS

Judith C. Meredith, Executive Director of the Public Policy Institute., founded her own company in 1980 after 30 years of political activity that started as a volunteer lobbyist for her adoptive and foster parent group. Meredith and Associates was a political consulting firm specializing in state legislative advocacy and government relations for low-income people. Clients included groups of public and private sector clients, legal services, health and human service advocacy associations.

Judy has been a policy advisor, parent organizer, and lobbyist for health and human service issues in and out of government. She has also served as a national consultant to the Service Employees International Union, the AFL-CIO, and the Public Affairs Division of the United Way of America. In addition, she has served as National Director for a Coalition of Community Foundations for Children and Youth, a national network of local partnerships between United Ways, Community Foundations, and children's advocacy organizations.

Judy has a B.S.Ed. in Home Economics from Framingham State Teachers' College in Massachusetts. Real Clout is her second book. She is also the author of Lobbying on a Shoestring (1984), now in its third edition. This widely-used handbook shares an insider's view of lobbying in Massachusetts.

Catherine M. Dunham, Ed.D., is currently a national program director for the Robert Wood Johnson Foundation in collaboration with the Heller Graduate School at Brandeis University. She launched The Access Project, a new initiative of the Foundation to assist community coalitions across the country who are working to improve access to care and coverage for people without health insurance. She also directs the Community Health Leadership Program supported by the Foundation.

From 1984-1991, she was the chief health and human services policy advisor to Governor Michael S. Dukakis of Massachusetts. Prior to that, Cathy was the Executive Director of the Massachusetts Council of Human Service Providers.

She received her Masters in Education and her Doctorate in Social Analysis in Education from Clark University in Worcester, Massachusetts. She has faculty appointments at the University of Massachusetts Medical Center and Brandeis University.

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