

CHAPTER 1

Introduction

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Scope Note

This introductory chapter addresses the three principal rules of influencing public policy, namely, the rule of elected officials’ behavior when watched by their affected constituency; the rule that requires getting the right information to the right person at the right time; and the rule that governs the importance that elected and appointed officials place on opinion. The chapter offers key elements of a winning campaign, and provides some practical advice for shoestring lobbyists.

§ 1.1 OVERVIEW

Unlike the Ten Commandments, our laws were not carved in stone. While the Author of the Commandments apparently saw no need for future amendments, those who drafted the U.S. Constitution both provided a framework for national and state laws and created a way to change those laws and the Constitution itself. Although changes in the law must be approved by the appropriate legislative bodies, citizens can both

instigate changes in the law and affect the outcome of the legislative process by exerting influence over their elected representatives—that is, by lobbying.

Lawmaking takes place on two levels. First, the U.S. Congress, which is made up of the Senate and the House of Representatives, has the power to write and amend the federal law. All 435 members of the House stand for election every two years. Senators are elected for six-year terms; every two years one-third of the 100 senators are up for election. Second, each state has its own constitution describing a legislative body similar to Congress. A state legislature has the power to write state law that does not conflict with federal law. In Connecticut, there is a General Assembly; in California, a State Legislature; in Massachusetts, the Great and General Court. In all fifty states, the legislative body is composed of individuals who must stand for election or reelection every few years.

While each state's political structure may accommodate regional differences or geographical limitations, there is relative uniformity in legislative organization and procedures. In the end, each legislative body organizes itself into some sort of leadership structure, develops rules governing debate and voting procedures, and sets a meeting schedule. Eventually everybody meets in a large room where the members take turns proposing specific changes in the law, argue back and forth, vote one way or another, and go on to the next proposal. At some point they decide they have finished and go home. It's all pretty simple when you get down to it.

Sometimes ordinary citizens who are directly affected—even hurt—by an existing law or regulation, or the absence of any law or regulation to protect them from a threatened harm, get angry enough to try to do something about it.

They are angry because they or someone they know has been harmed; feel helpless because they aren't sure if they can do anything to change things; and are anxious because this business of changing a law involves “lobbying,” a new and unfamiliar game. Even the word “lobbying” conjures an image of a slick, high-priced lawyer lobbyist whispering in the ear of a key politician to whom he or she has contributed thousands of dollars. If you are a board member, professional staff, or grassroots volunteer in a nonprofit organization that aspires to change a particular public policy and have felt uncertain how to go about it, then *Lobbying on a Shoestring* is for you.

You may be looking at a law, regulation, rule, or management decision that has created a seemingly insurmountable barrier for your program's operation. You may have the policy solution to a pressing public problem—a specific suggestion that would permit a certain public program to run better, more efficiently, and more effectively.

Like any smart person thinking about getting involved in an organized effort to change anything in the public-policy arena around your state capital, county seat, or city hall, you may be asking yourself: “What do we have to do? How do we do it? What do we do first? Are there any restrictions?”

As a matter of fact, one of your authors, Judy Meredith, was a medium-priced professional lobbyist, representing human service professional and provider associations,

parent and tenant organizations, and various advocacy groups, including legal services. Judy is not a lawyer, but does her share of whispering with key legislators and regularly makes modest contributions to their reelection campaigns. Here's part of the story of how she became a lobbyist:

Like many women in this business, I started as a volunteer. I belonged to an adoptive parent group. We had decided to “do something” about an existing law that forbade the adoption of children across religious lines. Through our parent support network we had learned that more than a thousand children, legally free for adoption, were “stuck” in foster care. While many of these kids were considered hard to place because they were older, handicapped, mixed race, or part of a sibling group, the main stumbling block seemed to be the adoption agencies' unwillingness to place a child in a home where the religion was different from that of the birth mother. It was against the law, we were told.

Even though we did not believe that the religious background of the birth mother should have such a disproportionate weight in placement decisions, we tried for a time to assist in recruiting families with the correct religious credentials. It soon became painfully apparent that eager families with minority, mixed, or no religious background could never even be considered for the waiting children. If only the law could be changed!

Of course, the law could be changed! I agreed to chair the legislative committee, and was lucky on three counts. I had a good state representative who helped draft the legislation and told me what to do and when. I had the membership list of my adoptive parent group and was able to build an enthusiastic network of folks who were willing and able to talk to their own representatives. Finally, the organization raised money to pay for phones, postage, and child care so that some of us could spend some time at the State House.

It was frightening and frustrating moving around the State House with all those important and powerful looking people, but we kept bumping methodically from step to step. Eventually we won, and the sweetness of that victory is just as fresh today as it was in 1972. We had actually changed a bad law and enabled hundreds of children to be freed for adoption. We felt good. And powerful!

During that effort, we were given booklets and charts usually entitled, “How a Bill Becomes Law,” describing the three reading process in Massachusetts. But, I yearned to find the real book, one with the title, “How the State House Really Works.” Such a publication would reveal the secrets I suspected were shared only by the legislators, lobbyists, and staff who seemed to be forever huddling and whispering to each other in

the corridors. Years later, after participating in thousands of corridor conferences convened by boredom and dominated by idle gossip, a fellow lobbyist told me what he had said to a staff person as they watched me walk by during that first campaign.

“What do you hear?”

“Not much.”

“Who’s that woman over there with the kids? She’s been around a lot lately.”

“Something to do with kids stuck in foster care. She’s got a bill in Ways and Means.”

“Any chance?”

“I dunno, we got some letters. With pictures! This family in the district has a houseful. My guy’s sold.”

“Do you think I could get him if I sent in some pictures of cute bankers?”

“As long as they’re not mugshots.”

I stopped looking for the “How the State House Really Works” book when I finally figured out that there were no secrets, only a long list of planning and organizing activities, all adding up to what is called a public policy campaign.

§ 1.2 THE BASICS

What is a public policy campaign? Unfortunately, these days the word “campaign” often has negative connotations. Maybe when you think of this word, you think of a lone, self-serving politician trying to get himself or herself elected into office. You are correct to use the word “campaign” in this context.

You may have organized a fundraising campaign for your church, or you may have organized a hundred testy relatives to participate willingly in the annual family reunion. Organizing different and sometimes difficult people to do what they should be doing anyway are campaigns too.

Now think about working with your neighbors to force the state to clean up a toxic-waste dump or your city council to pass an ordinance decreasing the speed limit on local streets, or requesting a local health center to open evening clinics.

You might find that after doing all this good organizing you need to orchestrate change on the state or county levels, for one or two reasons:

- One, your problem cannot ultimately be fixed at the local level—the solution requires your state or federal government to change the way it funds or manages a specific program, or to create a new one. Or, it may require the reinterpretation of already existing laws.
- Two, you will need to figure out which state or federal government agencies are accountable for causing your problem and figure out the elected or appointed officials at those agencies with the power to fix it.

§ 1.3 THE HERO OPPORTUNITY

One of our basic operating assumptions is that of the “Hero Opportunity.”

Hero Opportunity (n): A compelling problem or crisis that provides policy makers with public occasions to propose and champion a policy change that brings a measurable difference to a critical mass of constituents. As in, “desperate for Hero Opportunities.”

Elected and appointed public officials are ordinary people. Like most of us, they are smart in some ways and not so in others. They just happen to hold highly visible public jobs that don’t pay as much as the private sector and demand long hours of endless meetings with various public constituencies, who, for the most part, view them as politicians rather than policy makers.

And as we all know, most ordinary citizens have a dim view of politicians, thanks in some measure to a long list of unsavory local, state, and national scandals that have exposed some as personally greedy and morally corrupt.

Actually, most elected or appointed policy makers got into the business because they wanted the power to make good public policy. The logic is sound: make policy that will make a measurable positive difference in the lives of your constituents and you will get reelected or reappointed and be able to make even more public policy. They love their jobs and the excitement of being in the middle of the political action in a capital city. They love being able to make a difference in the lives of their neighbors and friends by exercising their power and influence. They love the satisfaction of being and feeling important, of knowing they have been key players in important policy changes that have improved the lives of thousands of people—most of whom never give the state capital, county seat, or city hall a second thought. And that’s why as politicians they are especially responsive to a critical mass of their constituents offering them a Hero Opportunity. They are eager to champion a public-policy initiative that will win them the genuine respect and gratitude from constituents who might support them in the next election.

Your campaign’s main goal is to design a true Hero Opportunity for a grassroots network of affected constituents to offer to their local public policy makers.

§ 1.4 THE THREE RULES OF INFLUENCING PUBLIC POLICY

§ 1.4.1 First Rule: Elected and Appointed Decision Makers Make Different Decisions When Watched by the Affected Constituency

You might ask, “What exactly is ‘public policy,’ and how and when is it ‘made’?”

We define public policy as a set of rules (policies) that people (the public) must abide by. Making public-policy decisions is what governments do. In our representative democracy, each branch of government has a decision-making process, guided by our federal and state constitutions. Few people know what their elected and appointed policy makers do all day, but many dimly remember learning about the three branches of government in middle school.

The administrative branch—the governor and appointees—issues executive orders, new regulations, and (less formal) policy letters that reflect their interpretations of existing laws and policy decisions.

The legislative branch meets regularly in each state, chooses leaders, sets a schedule and some rules, takes up proposals to change existing statutes or its state constitution, debates, and decides by votes until they have run out of proposals or time.

The judicial branch makes rulings based on the constitution and existing law and is officially influenced only by the facts and the law as practiced by attorneys.

In truth, policy makers in the administrative and legislative branches are often overwhelmed by trying to keep track of the hundreds of policy problems and the thousands of proposed policy solutions being offered by their colleagues. Few of them know what their own constituents think about current or pending policy debates until they begin to hear from them. And then, as you have learned from the preceding pages, they do pay attention—especially to a well-organized, well-informed group of affected constituents promising to follow and support them through the whole policy-making process.



Rule 1: Elected and appointed decision makers make different decisions when watched by the affected constituents.

§ 1.4.2 Second Rule: Get the Right Information to the Right Person at the Right Time

In other words, get accurate, compelling, sympathetic, and completely factual information about your Hero Opportunity to the appropriate policy maker before he or she decides about your policy initiative.

(a) *Right Information*

Complete information includes: how the policy problem affects constituents; how the proposed policy solution will help; how much it will cost the taxpayers; who else supports it and why; and who is against it and why. If you are working with others as part of a larger statewide campaign, you will get this information from the state campaign committee, and we guarantee you there will be times when you find yourself buried in factsheets and fancy reports and muttering that you already know more than the policy makers themselves.



Rule II: Lobbying is simply getting the right information to the right person at the right time.

(b) *Right Person*

This is the specific key policy maker with the authority to change the particular policy. If the policy change can be made by the governor—simply transferring money or announcing a new policy initiative—then the governor and his or her closest advisors

are the key policy makers. If a law must be amended or a new line item inserted in the budget, the key policy makers will be among the members of the legislature.

(c) *Right Time*

This is just before a specific policy is to be considered by key policy makers. You will get a “just before” schedule from your state campaign committee throughout the campaign. Typically, after you have received a training and briefing on the issue, you will be asked to participate in an introductory meeting with local policy makers to educate them about the problem and the options for solution. You will receive further instructions about when to follow up and what you should say in various updates. Your job at the grassroots level is to make sure you are getting regular briefings and updates and following the instructions cheerfully, or at least willingly.

§ 1.4.3 Third Rule: Elected and Appointed Officials Weigh Opinion as Equal to Fact

Attention all readers rolling your eyes about public officials making sloppy decisions—consider these two facts:

- Fact #1: Public policy makers don’t have enough time, staff, or technical expertise to make a fully informed decision about every policy issue before them. When forced to vote on an issue on which they have limited information, they need to make judgments that are based largely on personal values and experience. Their judgments depend, of course, on their opinion on the issue.
- Fact #2: Ordinary folks like you and me make private policy decisions the same way. We make family policy about body piercing for teenagers. We make office policy about which benefits to offer our employees. We make church policy when we decide to hire two pastors who will share the job, instead of one.



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 navel ring.”

On some private policies like the ones above, the facts weigh very little, which is fine for those who agree, but disgusting to those who don't.

Actually, this decision-making dynamic, however irrational it may seem to trained scientists and lawyers, is a critical component of our democracy. Elected policy makers are forced to make their decisions based not only on the objective facts, but their subjective opinions as well. And of course, that might be great for us, but disgusting for the opponents. Your job at the grassroots level is to confidently express your informed opinion to your policy makers and hope to inform their opinions.

§ 1.5 KEYS TO A WINNING CAMPAIGN

The key elements of a winning lobbying campaign are as follows:

- A smart, savvy decision-making coalition of individuals and organizations authorized to plan and implement the campaign. Coalition members should include people with leadership skills who can help develop a compelling sympathetic problem statement and fashion an effective, achievable legislative solution; help figure out the legislative process and the current political dynamic; help identify the key players and opinion makers in the state house willing to champion the cause; and, most important, organize and mobilize a district-based grassroots network of affected constituents.
- An official state house lobbying team (paid or volunteer). The team members should include perceptive, observant people with good interpersonal skills, who know or can learn the procedural rules and who can spend the necessary time at the state house. A sense of humor and a good book will help a lobbyist survive long waits between appointments, and comfortable shoes will help cushion marble floors.
- Enough money to pay for campaign expenses, including organizing and training affected constituents into grassroots lobbying networks. These expenses include postage, printing, Internet access, phones, travel, and child-care expenses for volunteer lobbyists, and maybe even a stipend for a professional lobbyist.
- A social network system for organizing and mobilizing a base of affected residents and supporters willing and able to build a personal relationship with their own elected officials. Success depends almost entirely on the campaign's ability to mobilize a network of individuals to lobby their own legislators with letters, phone calls, and meetings in the district. Legislators appreciate a good lobbying campaign that presents accurate, timely information, and they respond to a campaign that presents that information in face-to-face, personal conversations with real voters from the district. In fact, timely, informed constituent contact is so rare that twenty-five handwritten letters from constituents and another set of phone calls is considered enough "heat from the district" to keep most legislators on course. The most effective way to use social media—e-mail, Facebook, Twitter, etc.—to mobilize support into effective lobbying activities is discussed further, primarily in chapter 9 of this book.

§ 1.6 SOME FINAL ADVICE

Many parts of this book use the legislative process of Massachusetts to illustrate the general principles of building and executing an effective lobbying campaign and to provide anecdotal evidence of what should or should not happen when using any of the suggested lobbying tactics. “Boston Pols” have a long rowdy history going back to the American Revolution and the Boston Tea Party. They have been practicing politics by overthrowing each other ever since. They’re so good at it that when they get bored they either run around the country calling themselves political consultants or they rewrite their rules to make them a little harder for newcomers to understand. The procedures in the Massachusetts House and Senate are likely to be more complicated than those in other states. Readers from more sensible states can take comfort in that.

Readers planning a lobbying campaign in Massachusetts or in any other state should not use this book as their sole authoritative source; rather, they should be sure to know the legislative and lobbying rules for their state as well.

Keep in mind that all fifty states embrace the same checks and balances that are embodied in the U.S. Constitution. For instance, all states except Nebraska have bicameral (i.e., two-branch) legislatures. Although the particular names, dates, places, and rules may differ from state to state, all the state legislatures (including Nebraska)

- are elected;
- are organized into hierarchical leadership schemes;
- are organized further into specialized-issue committees that hold some sort of hearing on bills;
- have at least one committee more powerful than all the others, with control over the appropriation process;
- have rules that govern the legislative agenda, the length of debate, and the postponement of debate;
- must either have gubernatorial approval to enact laws or must override the governor’s disapproval;
- have a clerk’s or a counsel’s office where petitions and bills are filed and where any question can be asked (though not always completely answered); and
- have a central location where copies of bills and the day’s agenda can be found.

Finally—have fun! The process and the players can be goofy, but most politicians are, by profession, charming and colorful. Resist taking them, or yourself, too seriously. And remember, significant changes in public policy have been made by individuals and small groups with determination, tenacity, and a sense of humor.



A lobbyist is born.