Speak Out Speak Up

When Where How

A PROCEEDINGS PAPER BASED ON THE “THINK TANK ON THE ROLE OF NONPROFITS IN PUBLIC POLICY AND ADVOCACY” HOSTED APRIL 4, 2007 BY THE ARIZONA STATE UNIVERSITY CENTER FOR NONPROFIT LEADERSHIP AND MANAGEMENT AS PART OF ITS 9TH ANNUAL FORUM ON NONPROFIT EFFECTIVENESS, “SPEAK OUT! EMPOWERING NONPROFITS TO HELP SHAPE PUBLIC DIALOGUE.”
From Reflection to Ongoing Dialogue

For nearly a decade, the ASU Center for Nonprofit Leadership and Management has hosted an Annual Forum on Nonprofit Effectiveness. This year’s forum, “Speak Out! Empowering Nonprofits to Help Shape Public Dialogue,” drew approximately 125 sector leaders to discuss their experiences with regard to advocacy and public policy.

What followed was a “Think Tank” on this issue designed to stimulate thought and dialogue regarding the question of whether nonprofits should engage in advocacy and how best for them to engage in the process of public policy. The following proceedings paper captures this lively debate, answering some questions and raising others, about if and when nonprofits should add the role of advocacy to their long list of priorities and responsibilities.

This Think Tank model has become a regular feature of the Annual Forum in an effort to encourage further dialogue and research on the issues that are most important to the nonprofit sector in Arizona and beyond.

After reading and reflecting upon the information presented here, if you would like to contribute thoughts of your own to this ongoing dialogue, please feel free to e-mail us at nonprofit@asu.edu or call us at (602-496-0500).
Does advocacy play a role in the nonprofit sector?
Absolutely. But how it’s carried out can vary enormously.

Among Think Tank participants, the answer to whether advocacy plays a role in the public sector was a resounding “yes.” But among the 13 nonprofit professionals and community leaders gathered around the table, the consensus ended there. Once they began discussing not “if” but “how” nonprofits should engage in advocacy and public policy, the answer seemed typically to come down to – “it depends.”

Nonprofits run the gamut in terms of size, purpose and function. In a sense, comparing nonprofits and their ability and need to serve as advocates is like comparing a lemonade stand to General Foods. Both are interested in making a profit but they share many more differences than similarities.

Many nonprofits see advocacy as inherent to their mission – organizations like the Sierra Club and the Children’s Action Alliance, for example. But for others engaged in direct client service, the link is not so clear. Then, of course, there’s the very definition of advocacy itself in terms of when and where activities engaged in by volunteers or staff create problems related to nonprofit tax exempt status. And, even when an organization is adept at playing in the public policy arena, what are the rules in terms of respectful engagement? Who is successful and invited back to the table and who is seen as a “trouble-maker” and shut out of the game?

These were just some of the questions considered as Think Tank participants shared opinions, experiences and ideas around the idea of nonprofits and their role in terms of advocacy and public policy.

For purposes of this discussion, the terms “lobbying” and “advocacy” were discussed in the sense defined by the Center for Lobbying in the Public Interest: “People sometimes confuse the words ‘lobbying’ and ‘advocacy.’ The legal definition of lobbying usually involves attempting to influence legislation. Advocacy covers a much broader range of activities that might, or might not, include lobbying. One way of differentiating between the two terms is to understand that lobbying always involves advocacy but advocacy does not necessarily involve lobbying.”

“As we work together to create community value and social changes at all levels of society, our success still fundamentally rests on respect and the quality of our relationships. You can’t move a mountain without a team effort.”

Nancy Dean, CEO, Arizona Foundation for Women
What – if any – business does the nonprofit community have in advocacy, lobbying and public policy?

It depends—for some organizations the primary mission IS advocacy, for others it’s direct service. Both types are included in the nonprofit community.

Although consensus was strong that nonprofits do have a role in advocacy and public policy, the discussion among Think Tank participants was spirited, nonetheless. Sometimes nonprofit activity in this arena is a function of whether it’s seen as contributing to the mission of the organization itself. Regardless of whether a nonprofit actively seeks to engage in public policy issues, there are often competing factors at play – board member perceptions of whether or not it’s a good idea; questions regarding legal and tax implications; support from regional and national organizations; and at times, a sense of fear and subsequent desire to “stay out of harm’s way.” Then, of course, there’s the very real issue of time and the balancing act between the day-to-day work of running a nonprofit and the capacity to focus on advocacy.

At the outset, the point was raised that there are those nonprofits that work directly “in the field” and then there are the “advocacy groups.” While both are established as nonprofits they may serve vastly different roles. Within the nonprofit arena, you might have someone whose uncle died of cancer who has created a small nonprofit to fill a specific need vs. a large nonprofit healthcare system. These are two dramatically different models of nonprofits. Both may fit within the same “box” in terms of the tax code, but have vastly different missions and capacity.

While most in the group agreed with this, there were varying opinions regarding the level to which these two types of groups could and should participate in advocacy. Some felt it’s the responsibility of a nonprofit to engage in public policy and that to shy away from advocacy is a missed opportunity. Others acknowledged that with service-based agencies, there’s often an understandable reluctance to use money for anything other than simply helping the people they serve. One suggestion to perhaps do both is to create alliances that allow nonprofits to “link arms” with regard to broad-based advocacy, allowing each individual nonprofit to focus more resources toward the day-to-day functions.

With regard to the more direct service-oriented nonprofits, would they tend not to get involved with advocacy because they don’t see the need or because they simply aren’t resourced in this area? Good question. According to Janet Regner, lobbyist with Husk Partners, Inc., “you first need to see the need in order to be resourced in this area.” But, as many nonprofit leaders can attest, staff members and board members may see needs in different ways. Sometimes there’s an unspoken rule about this. A board member may simply want to perform community service without getting involved with the messiness of public policy.

If you are engaging in public policy, who specifically are you engaging?

Precisely targeted messages have the greatest impact.

At the outset that might seem like a simple question. Many might say “the more the better!” But, reflect back to the 1964 War on Poverty, which called for the maximum feasible participation among nonprofit groups. Political support whittled away quickly once “poor people started coming into City Hall and speaking out.” The sentiment of the time was that nonprofits should go back to simply being providers of service.
Still, there seems to be power in bringing those in need directly to the forefront. As Robert C. Booker of the Arizona Commission on the Arts points out, “when you’re able to mobilize your constituents to speak toward an issue, then you’re really firing with all guns.” Obviously, nobody can tell the story better than somebody experiencing the power of a nonprofit directly. For example, children who’ve literally grown up with Boys and Girls Clubs are much better at “selling the need” even than adults who’ve spent a whole career working there.

Ultimately, it was brought up that in issues of public policy, there’s a need to look for those with the power to truly make a significant change. One suggestion is to look for opportunities to “follow the money”. Since change often takes funding, the reality is that being at the table is important, especially at budget time when a trickle of dollars is being doled out for issues such as the environment, poverty, education and the arts.

Still, others argued that it’s not always about money. One example given was the lobbying efforts of domestic violence shelters to make sure their information did not show up on caller IDs when that legislation was being enacted.

**How well are nonprofits equipped to be effective advocates?**

There are huge differences among organizations in their capacity to advocate.

Each participant felt that, at least in some way, advocacy was an important role for nonprofits. So, if the question isn’t “if” then it becomes “how.” And that is a much trickier question that first begins with how the nonprofit is prepared to tackle advocacy and how they’re perceived by those with whom they’re engaging.

Bob King of the Arizona Community Foundation provided a good perspective based in large part on his own experience in the New York state legislature. One of the key lessons he took from that experience was that nonprofits, when engaging in public policy, need to present a balanced understanding of their issue(s), as well as a way to communicate who they were representing and that the membership was, by and large, in agreement and willing to stand together. Sometimes this involves polling membership and other times, especially in terms of contentious issues, it might even mean creating partnerships and coming to the table ahead of time to find common ground and then joining arms and going together to the legislature. According to King, “The less conflict around an issue those at the legislature need to resolve, the better!”

Although a nonprofit organization’s staff may feel the time is right for advocacy, there still seems to be a need for broader education in terms of just what this means. Sometimes advocacy includes a lobbying effort and sometimes it doesn’t. The latter term implies politics, which is often seen as “dirty” or at a minimum, “messy.” But whether or not you can or should get involved in legislative actions, Think Tank participants were in agreement that there are always things you can do simply in the name of awareness, which may in itself be advocacy. The key is knowing what the tools are and how to use them.
Which tools are most effective when it comes to advocacy?
One size doesn’t fit all. Use the right tool at the right time.

As with most things, the answer depends. Think Tank participants were asked to react to The Aspen Institute Report, “The Nonprofit Contribution to Civic Participation and Advocacy” (see sidebar) and discuss which tools were realistic and effective and which might not be worth the risk.

Most agreed that looking at the range of tools and deciding what’s doable and what’s not was reasonable, acknowledging that it’s not effective or efficient to expect that most nonprofits would even venture into using most of the available advocacy tools. It was also suggested that the sector itself create a self-assessment against which nonprofits can gauge their readiness and willingness to participate in the public policy process and to help them wade through work involved. Some national organizations even have these sorts of check-lists available for their member organizations.

When it comes to activities such as public education, most agree there’s a return on the investment. Still, feedback is key to determining the true value gained from such activities. But, when it comes to issues such as voter registration and candidate forums (a tool that was not on the Aspen Institute list), there was great debate as to the merits and hazards of each, especially as it relates to the reality or even the perception of partisanship. Some felt it was absolutely wrong to participate in such activities. Others felt it was a disservice not to reach out to those who might not otherwise be informed and/or to give a forum for candidates’ voices on particular issues. Some felt it was the responsibility of nonprofits to help citizens make the connection between the decisions of elected officials and the consequences to the issues they care about.

Other hot spots for debate were activities such as litigation, referenda or initiative campaigns; Grassroots organizing and communication with local leaders; and, Testifying before governmental bodies.

“People really believe that if you tell people there are hungry children, someone will do something about it. But yet, 20 years later, there are still hungry children. The facts are important but nonprofits need to be prepared to play inside issues of power.”

Timothy J. Schmaltz
Coordinator/Chief Executive Officer
PAFCO*

*Protecting Arizona’s Families Coalition

What do you do when you feel it’s time for advocacy work – but your board is not so sure?

Keep the organization’s mission at the forefront, but be prepared to make the case.

Nonprofit work, especially when involved in “charity” efforts, is frequently viewed as “soft.” Board members often become involved because they legitimately want to help people and do work that benefits the community. Contrast that with the “dirty” world of politics and you can see why many might shy away from getting involved in the messier work involved with advocacy. Further, as mentioned earlier, any resources directed toward this effort are dollars that could be given toward charitable work and that’s a difficult pill for some nonprofit leaders to swallow.

Even when there is agreement that it’s time to act, board members are frequently not prepared for the realization that support is often a function of power and not so much about the facts.

Many nonprofits at the table had a process both for deciding whether or not to advocate and for recruiting board members specifically to help fulfill the advocacy role. While some, admittedly more sophisticated and experienced board members join a board with the assumption that advocacy is part and parcel of the expectations, that doesn’t seem to be the majority opinion. Of those participating in the Think Tank about half specifically mentioned advocacy when recruiting board members.

Once the hurdle of whether or not to engage in advocacy has been cleared, training was seen as key to preparing nonprofit boards for the triumphs and tribulations of taking on the advocacy role. Since many nonprofit board members come from a middle management level, this training may take on an even broader role as nonprofits begin to view themselves not only as advancing their mission, but also of literally training people to be good civil servants.

What are the financial implications of getting into the public policy game?

Public policy advocacy has attendant risks and rewards.

When considering advocacy, it’s well documented that nonprofit executives struggle with two groups – boards and funders. Once the board is “on board,” what about the financial implications? Everyone may be in agreement that stepping up to the advocacy plate is a good idea, but if a major funder takes exception, that can have a chilling effect. Then, of course, there’s the very issue of making sure you’re following the rules that come with accepting certain types of money, especially when funding from government sources is involved.

Just as there is an education process with boards, so too is there a process to go through with foundations, corporations or individual donors. Everyone involved can disagree without being disagreeable, but it needs to be understood that in the arena
of nonprofits there is bound to be controversy somewhere along the line, especially when the line is crossed into public policy issues. Even with the best laid plans, there will come a time when most nonprofits will fly contrary to the wishes of one or more of their funders. Of course, this is why it’s best to not rely exclusively or even primarily on one funding source!

Although few nonprofits are this sophisticated, some do establish criteria regarding acceptable funding sources. Since money often comes with strings, this seems to be prudent, especially for the larger advocacy groups. Even for smaller service-based nonprofits, however, leaders need to understand that the journey into advocacy might also be fraught with financial risk.

"Without sacrificing the integrity of your position, be prepared to responsibly compromise.”

Bob King  
CEO & President  
Arizona Community Foundation

Summary

Clearly, the question was not whether nonprofits should engage in advocacy, it was how they should do so. But who do you engage? What tools do you use? How do you get the support of your board? What will your funders think when you do participate in public policy? The answers to these questions are not so obvious and, of course, are dependent upon the nonprofit itself.

In general, there was consensus that in the nonprofit sector, there is a need for:

➢ better tools in terms of the nuts and bolts of what it really takes to get involved in things like lobbying and litigation;

➢ an assessment whereby nonprofit leaders could see where they fall in terms of ability and willingness to engage in advocacy and the “where to go and what to do next” in terms of various types of activities;

➢ a clear understanding in terms of legal ramifications as to what nonprofits can and cannot do with regard to lobbying and public policy issues; and,

➢ an awareness of the “messiness” of public policy work, especially as it relates to shifts in the source of power.

“Rather than shying away from advocacy because it’s difficult, controversial or even hard to do, Think Tank participants urged the sector to find ways to work together and to become empowered around advocacy, individually and as a whole.”

Over the Line?

How do you know when you’ve gone too far?

The voice of experience knows that there are some situations where speaking out – or speaking too loudly – doesn’t pay. There are those times when you know you’ve gone too far. Perhaps it’s crossing out a line in something you’ve written, raising your hand to speak and then thinking better of it or literally – biting your tongue. For each person, the line is in a different place. Think Tank participants offered their thoughts on where to draw the line.

➢ Before you speak, strategize what you’re going to do and what you’re going to say.

➢ Pause before you act. Think before you speak. Don’t act – or react – too quickly.

➢ If you’re becoming partisan, stop.

➢ Think: Do you want to make a point or do you want to make a difference? Don’t sacrifice the long-term for the short-term.

➢ Stick to the issue.

➢ Make sure what you’re saying is truly representative of the community you represent, rather than your own personal opinion.

➢ Ask yourself: When I’m through, will the door still be open to return and talk to these people again?

➢ Remember: There’s something called tomorrow.

➢ If you’ve lost respect for the person you’re talking to, you’ve gone too far.

➢ If nothing else, respect the office.

“Rather than shying away from advocacy because it’s difficult, controversial or even hard to do, Think Tank participants urged the sector to find ways to work together and to become empowered around advocacy, individually and as a whole.”
Addendum

Advocacy Activities: A Continuum

Public Education: Communicating about your cause, area of interest, or organization so as to affect attitudes and understandings that will provide involvement and support.

Government Relations: Interacting with government agencies and entities that relate to your cause or area of interest so as to generate greater understanding of the issues with which you deal; a committee that recommends the creation of a government relations plan and the organization's public policy agenda to the governing board.

Advocacy: Presenting information on behalf of a particular issue or idea so as to influence the course of events. Advocacy can include a wide range of activities including writing letters to the editor, contacting political representatives, organizing community meetings, distributing public education materials, participating in a public protest, or other means to communicate one’s views for the purpose of policy and social change.

Lobbying: Advocating a point of view, either by groups or individuals, so as to attempt to influence legislation through communication with any member or employee of a legislative body or with any government official or employee who may participate in the formulation of the legislation. Volunteers may lobby as well as paid staff or specialists.

Sources: Center for Lobbying in the Public Interest, American League of Lobbyists, the NSFRE Fund-raising Dictionary, Merriam-Webster On-line.

About The Participants

Sandy Bahr
Conservation Director, Grand Canyon Chapter of the Sierra Club

Bahr has worked actively on environmental and political issues in Arizona for the past 20 years, both as a volunteer and as a staff person for organizations including the Arizona Audubon Council, Arizona Common Cause and the McDowell Sonoran Land Trust. Bahr received the 2006 Wilburforce Foundation Conservation Leadership Award and the 2004 U.S. Environmental Protection Agency award for Outstanding Environmental Achievement.

Robert C. Booker
Executive Director, Arizona Commission on the Arts

Prior to his 2006 appointment, Robert C. Booker served for 20 years on the staff of the Minnesota State Arts Board, the last eight years as executive director. Booker has also served as a panelist for the National Endowment for the Arts and most recently was president of the National Assembly of State Arts Agencies board of directors. He is currently Co-Chairman of the Arizona Mexico Commission Arts and Culture Committee and serves as a member of the Arizona Centennial Commission.

Nancy A. Dean
President & CEO, Arizona Foundation for Women

Dean has 20 years of nonprofit administrative and development experience in healthcare and higher education, having served previously on the senior development teams at the University of Nevada, Reno, Arizona State University and the Grand Canyon Chapter of the American Red Cross. Active in the community, Dean serves on the Governor’s Commission to Prevent Violence Against Women.
Pat Gilbert  
*Chief Administrative Officer, Marc Center of Mesa, Inc.*

Gilbert is active in advocating statewide for individuals with disabilities and is committed to the guiding values of the Marc Center: to provide opportunities for people with disabilities to be actively involved in determining where and how they live, learn, work and play. An attorney by training, he has a long history of nonprofit leadership and management and most recently served as Executive Director of Mesa Community Action Network.

Chris A. Herstam  
*Principal, Lewis and Roca*

Herstam leads the Government Relations Practice at Lewis and Roca. He served previously as the gubernatorial Chief of Staff and Director of Communications for former Governor Fife Symington, a state representative between 1983 and 1990 and president of the Arizona Board of Regents. He co-chaired Governor Napolitano’s transition team and currently serves as chair of the board of the ASU Morrison Institute.

Todd Hornback  
*Town Manager, Verrado*

Hornback led the Assembly, an organization within Verrado that fosters relationships, not only between Verrado residents, but between the community and organizations like universities, school districts, health care providers and others. He serves on the Board of Trustees for the Alliance of Arizona Nonprofits, the ASU Center for Nonprofit Leadership and Management Leadership Council and Brandon Webb’s K Foundation.

Robert L. King  
*CEO & President, Arizona Community Foundation*

King served previously as the Chancellor of the State University of New York, the nation’s largest comprehensive public university system. He also worked as director of the New York State Division of the Budget; spearheaded the foundation of the Governor’s Office of Regulatory Reform; and served five years in the New York State Assembly.

Leonard J. Kirschner, M.D., M.P.H.  
*President, AARP Arizona*

Prior to his appointment as AARP Arizona President, Kirschner had been a member of AARP Arizona’s Executive Council, where he served since 2001. He is a member of the Arizona State Medicaid Advisory Committee, a board member of Sun Health and served on the Harvard School of Public Health Leadership Council from 2003-2006. He was a member of the 2003 Citizens’ Task Force on the Maricopa County Health Care System and served on the board of the Arizona Hospital and Healthcare Association.

Patrick McWhortor  
*President & CEO, Alliance of Arizona Nonprofits*

McWhortor’s background in Arizona’s nonprofit sector includes leadership at NPow er Arizona, the NPower National Network, Data Network for Human Services and Libraries for the future, along with serving on several nonprofit boards of directors. He is a 2004 graduate of Valley Leadership and was recently elected to the Board of Directors of the National Council of Nonprofit Associations (NCNA) in recognition of his leadership in the national nonprofit community.

Dana Wolfe Naimark  
*President and CEO, Children’s Action Alliance*

Naimark has been part of the CAA team for the past 14 years, conducting analysis, communications and advocacy on a wide variety of policy issues affecting children and families. She previously worked as a budget analyst for the Arizona state legislature and as project manager for “Fiscal 2000,” a year-long special legislative committee examining Arizona’s tax and budget policies.

Alex Perilla  
*Director, Arizona State University, Center for Civil Rights and Community Development*

Perilla enjoyed a 20 year career at the National Council of La Raza, where he helped build the organization’s operating capacity. He is an expert in the governance and operations of nonprofit organizations and regularly advises executives and boards from nonprofits in the U.S. and Latin America.

Janet Regner  
*Partner, Husk Partners, Inc.*

Regner has extensive experience in public affairs, government relations and community development. She routinely works with the Arizona State Legislature, the Arizona Governor’s Office, the Congressional delegation and Arizona Indian tribes. Before joining the firm in 1999, Regner was the executive director of the Arizona Community Action Association for 14 years.
Timothy J. Schmaltz  
PAFCO (Protecting Arizona’s Families Coalition) Coordinator/Chief Executive Officer

Schmaltz guides a diverse alliance of social and health agencies, faith based groups and community organizations dedicated to protecting and increasing health and human services funding. He is a published author in the areas of public policy and social analysis, spirituality of everyday life and family life. He is also adjunct faculty at the graduate school of social work at ASU West where he teaches advocacy, lobbying and social analysis.

Charles P. Thompson  
Rural Community Development Manager, Arizona Public Service

Thompson has served APS for 28 years and is responsible for community development for the company outside the Phoenix Metro area. He has extensive governmental relations and community development experience having served in various positions at the Arizona State Senate and as Chief of Staff for an Arizona Congressman. He has served as president, chair or co-chair of boards for more than 25 Arizona or national non-profit organizations.

Moderator: Rob Melnick, Ph.D.  
Director, Morrison Institute for Public Policy, Arizona State University

As director of Arizona’s oldest “Think Tank” since 1987, Dr. Melnick also holds an academic appointment as research scientist in the School of Public Affairs. He is also ASU’s Associate Vice President for Economic Affairs and Public Policy. Immediately prior to his work for Morrison Institute, Dr. Melnick was a senior fellow and vice president of the Hudson Institute where he was in charge of policy studies on employment and education. In addition to his administrative responsibilities, Dr. Melnick conducts research on urban growth management, education reform and economic development.

About The Center

The mission of ASU’s Center for Nonprofit Leadership and Management is to help build the capacity of the social sector by enhancing the effectiveness of those who lead, manage and support nonprofit organizations. Through a comprehensive portfolio of research, education, technical assistance and conference activities, the center provides stakeholders with knowledge and tools that enhance their effectiveness and impact.

Robert F. Ashcraft, Ph.D.  
Director, Center for Nonprofit Leadership and Management, Think Tank Participant

Ashcraft is founding director of the ASU Center for Nonprofit Leadership and Management and associate professor of nonprofit studies in the College of Public Programs, School of Community Resources and Development, at ASU. His activities are largely focused around furthering the center’s mission to build capacity through “knowledge and tools for nonprofit effectiveness.” In addition, Ashcraft teaches courses and researches in the field, bringing years of nonprofit practice experience prior to joining the academic community. He serves on numerous national boards and is a national leader in organizations such as American Humanics, Inc.

Patricia Lewis  
Sr. Professional-in-Residence, Faculty Associate, Think Tank Organizer

Lewis has more than 30 year’s professional experience in nonprofit management, governance and fundraising. She is the immediate past President and CEO of the Association of Fundraising Professionals (formerly the National Society of Fund-raising Executives). She served as a faculty member at George Mason University in Virginia, where she taught and managed the graduate Nonprofit Management Studies program. She is a trainer for the Leader-to-Leader Institute and has served as chief operating officer of the National Center for Nonprofit Enterprise. She also has served on numerous nonprofit boards.

With Thanks

Think Tank Moderator  
Rob Melnick

Think Tank Organizer  
Patricia Lewis

Proceedings Principal Author  
DeEtte Person

Graphic Design  
Fine Line Studio, Suzanne P. Landtiser
Additional Sources


American League of Lobbyists. Available at: http://www.alldc.org

Arizona Secretary of State, Lobbyist Forms, Available at: http://www.azsos.gov/election/lobbyist/forms.htm

Aspen Institute, The Nonprofit Contribution to Civic Participation and Advocacy, Available at: http://www.aspeninstitute.org/att/ct/(DEB6F227-659B-4EC8-8F84-8DF23CA704F5)/CIVIC.PDF


Association of Fundraising Professionals (AFP), formerly National Society of Fundraising Executives (NSFRE). Available at: http://www.afpnet.org


Center for Lobbying in the Public Interest, Nonprofit Lobbying, You Can Do It! Make a Difference for Your Cause in 3 Hours per Week Lobby? You? Yes, Your Nonprofit Organization Can! Available at: http://www.clpi.org/Press_Room.aspx