



Community Radio Show

"How Your Nonprofit Can Legally Affect Public Policy"

Community Radio Show Text

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Brought to you by Leadership Practice, the consulting and training division of Public Allies, Inc.

TODD: Welcome to "How Your Nonprofit Can Legally Affect Public Policy," brought to you by Public Allies Leadership Practice. My name is Todd Wellman and I am the Director of Training & Learning at the Public Allies National office.

Our guest Ben Marcus is currently the Policy Manager for AmeriCorps Alums. He is a City Year Alumnus, Asset Based Community Development (ABCD) Trainer, and Green Party Campaigner. Today he will share with us his insights on how to affect the change you would like to see while staying true to the nonprofit nature of your organization.

Ben, welcome to the show.

BEN: Thanks for having me here.

TODD: Tell me why I, as a nonprofit professional, should care in the first place about how I could affect public policy.

BEN: There are a couple of reasons. The one that sticks out in most people's minds is funding. A lot of nonprofits are relying on grants, especially from the state and so the field can be extremely competitive. If for nothing else, advocating for themselves to continue to receive funding. It could be as simple as sharing your results with your elected officials or submitting an annual report. The second and more important reason, though, is that being involved in advocacy, regardless of your specific focus, inherently accompanies your mission statement. While the funding piece is important, it's mostly about using advocacy as a tool to forward your mission and increase your level of impact.

TODD: Tell me more about the relationship between mission and advocacy. It sounds like it's something we should all realize but maybe we don't.

BEN: Every organization has a mission, an essential piece for any organization. That mission is connected to some sector: older adults, blue collar workers, youth, etcetera, but can also be interpreted to extend far beyond just the services your organization offers. Every member-based or client-serving organization is innately an advocacy organization since they represent in some fashion specific groups of people. Thus part of your job is to utilize your role to advocate on behalf of people in more than just how you serve them but also how you represent them to the rest of the world. A large part of this, of course, is your potential interactions with those in charge of public policy. You have that role because you might be uniquely positioned with experience and expertise that people in government will not hear about from

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anyone else. If you're serving a large enough population, any elected official would be crazy not to speak with you.

TODD: This sounds like you believe being involved in affecting public policy is not just an interesting option for nonprofits but that it is essential for their survival and growth.

BEN: Yes, most definitely. It's essential for survival financially for those receiving government grants obviously and it's essential for growth because it keeps you at the top of people's lists. But, more importantly it's essential to really accomplishing your mission because you as an agency cannot give your constituents a better quality of life by just providing services—you have to call upon other people to help you and that's where your constituents can come in and help.

TODD: It sounds like a critique on how some nonprofits don't realize that they are keeping people they serve as clients and as in a state of perpetual need. By this I mean, if those nonprofits got involved in advocacy, there's a potential that they might help the people they serve to such an extent that those people will eventually help themselves—and this would thus change the nature of certain nonprofits. Can you speak to this opportunity or fear, depending on how someone looks at it?

BEN: It definitely changes some of the essential functions of some nonprofits. A lot of member serving nonprofits have already added lobbying on behalf of their constituents and are still successful. It's not as if the nonprofits will become obsolete, it's actually that the constituency will feel more supported and want to be more involved in the work. Sure, some nonprofits' services might change, but the nonprofits should be excited about such change—that people are getting to a place where they are in less need of current services. In some cases, you might have to adjust your services or mission to fit your constituents.

TODD: I want to go for a second to financial sustainability as a reason for being involved in advocacy. A lot of community strengthening work that I have been involved in would say that nonprofits should actually be relying less on what we think of as traditional funding and be looking more to alternative economies such as bartering, micro-lending, and other methods that actually enhance the economic state of the people nonprofits are trying to serve as opposed to increasing the budgets of those nonprofits. How does a nonprofit successfully negotiate this concern?

BEN: Again, in this world of budget constraints and picking and choosing the programs that are to be funded, it is important for nonprofits to be looking at alternative forms of funding and looking to the people nonprofits serve as those who can actually be involved instead of just receiving services. This would mean that nonprofits can rely less on funding and more on the talents and previously hidden ways available in a community to do good work. Nonprofits in general too often think of seeking external funding for a project that may very well be successful with the assets already existent in the community they are trying to help.

TODD: I'm hearing that you still believe that nonprofits should be involved in policy around money, regardless of these beliefs. How do you encourage someone on the one hand to do more with less money yet on the other hand tell them to advocate for additional or continuing funding?

BEN: Looking inward you will always find reasons to rely less on grants such as discovering skills sets that your organization finds valuable amongst the people you are trying to serve. The irony of such things is that grant makers are increasingly looking to fund organizations that involve their constituencies for new and different programming. Advocacy for funding, therefore, is inextricably intertwined in a

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nonprofit's willingness to be nimble. This doesn't mean that nonprofits should just chase any money available because that actually creates weak programs. What I mean is that a nonprofit who truly sees the evolution of their services will naturally have strategic alignment with new and exciting ways to continue serving their constituencies.

TODD: We don't have time today to talk further about how to approach grant makers and such in ways that involve constituencies, but we do have two Radio Shows in our archive on those topics that I can share with everyone in a follow up Email to today's show.

Where I want to steer us next is to talk for a moment about the obstacles nonprofits face when considering advocacy, whether those roadblocks are real or perceived. Can you talk about a few of the common ones you have come across?

BEN: Sure. I think fear and misunderstanding in how things operate in the government is one of the major hindrances for nonprofits to be able to advocate on the level they want to. Also, I think there is misunderstanding about a nonprofit's role in society. There's also some level of intimidation nonprofits feel from consultants or accountants who tell them it's safer not to get involved in things like advocacy.

TODD: Let's address these things then. Tell us what the law reads about nonprofits being involved in advocacy.

BEN: Most nonprofits are what's called 501(c)3 charitable organization. There are many more types of nonprofits, but this is type that allows donors to claim their contributions as tax deductible. The other popular type of nonprofit is a 501(c)4 which is an advocacy-based nonprofit.

TODD: Well I'm hearing right away that these two types of groups might cause people to think you have to be a 501(c)4 to do advocacy. But, you're saying something different.

BEN: Right. What the law says about 501(c)3s is that they cannot spend a significant part of their budget on advocacy. Traditionally this has meant no more than 20 percent. So, you can hire a government relations person or hold a dinner that is directly related to advocacy. Common sense says that you should hover lower than 20 percent to remain with the law, somewhere around 10 or 15 percent at most. Of course, certain grants a nonprofit receives may be specially restricted by a donor not to be used for advocacy at all. 501(c)4s, on the other hand, are again mainly for advocacy and since donors cannot claim their contributions as tax deductible, these types of nonprofits are less likely to have any type of restriction on how they spend their donations beyond the overarching nonprofit restrictions like the fact that no one individual can be a beneficiary of a nonprofit's assets.

TODD: What else do people need to know as a foundation along with this 10 to 20 percent rule?

BEN: People should be aware of the overarching history and purpose of nonprofits in this country. The role of nonprofits has been to fill the gap in service to people that the government has been unable or unwilling to do themselves. Nonprofits thus have a long history of advocating for people and it gives them a lot of leverage because they have fulfilled and are currently fulfilling necessary services that the government does not provide for whatever reason.

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TODD: So say that someone is ready to do advocacy work. We mentioned in the description for this show that you would share a tool that would help people start pretty much right away. Let's go to you sharing that tool at this time.

BEN: Okay. Today I have a five step quick start guide for everyone on what to do as soon as the show is over.

TODD: Sounds good.

BEN: The first step is to revisit your expertise on your nonprofit, to embrace your excitement for advocacy by writing a statement about why you're excited and to also discover the history of your organization either through a basic training or through interviewing others and writing a quick speech or a sentence or two that you can share with a coworker. It would be easy to skip this, but this step will strengthen your ability to support your next steps to create the buzz about your nonprofit. It would also be a way to practice what you'll end up using in public and will help those who are doubtful or fearful about advocacy to gain confidence.

The next step is to find those individuals within your organizations, amongst the people you serve, your staff, your board, and other community members who are interested in advocacy and lobbying who want to do some work toward advocacy. These people become your advocacy committee. You must believe that you will find people who are interested in this work. This is a great way to include the people you serve in active roles in your work. Also, the more volunteers you have, a lower percentage of your funding is going to advocacy work, but the same amount of work can still get done.

The third step would be to create an open letter regarding what you believe. This may take the form of a statement regarding a specific issue but it also might be a declaration of what you believe in general about the people you serve. When complete, this should be an actual letter you could send to someone to garner their support. Importantly, this is the first time you will be putting on paper how your advocacy efforts will support your funding and your ability to better the lives of those you serve. An example of the start of letter from my work is the following: "Dear Community Leader: I am writing to you on behalf of the 600,000 AmeriCorps Alumni and all those who continue to support AmeriCorps. As you may already know, the work of AmeriCorps members has been one of the most—if not the most—efficient uses of government money since the Public Works projects during the Great Depression." You can follow this type of opening paragraph that identifies you and makes you important with a second paragraph that states the issue you are trying to address. An example might be something general like reporting your recent successes or you may want to ask for something like a specific amount of money you are requesting support for regarding funding that is up for a vote. The final paragraph is then a thank you wrap up and a hope that your request comes to be.

The fourth step is to decide who, what, when, and how. By 'who' I mean identifying the correct person who has some level of influence regarding your request. You figure out who the most relevant person is by calling your local elected state representative's office. If they are not the correct people, they should be more than willing to guide you to the right contact person. A lot of times, people who want to be involved in advocacy stop here because it can be a bit intimidating to be calling these offices, but they exist to receive your phone calls, so you should not fear calling them.

By 'what' I mean that you need to fine tune your message. What you wrote in your letter should be tailored to the person you are sending it to. This is similar to when you change the purpose statement on

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a résumé depending on which company you are sending it to. This is so that it is more relevant to how your request will support what they care about and perhaps even in language they are more used to.

'When' means you have to look at the legislative calendar. If the people you are trying to contact will be focusing on a different issue, yours might be ignored. This also means finding out when committees meet and if and when the public is allowed to attend meetings.

By 'how' I mean the method of communication you will use to get your message across. This might be in person or via mail or via phone or Email or fax. You shouldn't guess, though. Simply call the office of the person you want to connect with and ask how they prefer to receive correspondence--and make sure to follow their guidelines if you want to be acknowledged in a good light.

The final and fifth step is the accompanying public relations for your request. This could be a silent walk or this could be an advertisement you take out in a publication or a series of coordinated phone calls or some other accompanying action.

TODD: If someone does these five steps then, this could very easily fall under the 10 to 15 percent level—and it sounds like it can be very effective.

BEN: These steps will at the least begin the conversation with those who are elected to represent our communities. We also haven't said it today, but a nonprofit would be smart to find a lawyer versed in nonprofit and public advocacy law who can provide some individualized legal opinions.

TODD: Can you cover some of the specific Corporation for National & Community Service related restrictions regarding lobbying and political activity?

BEN: CNCS-funded staff cannot influence legislation or endorse candidates or participate in political activities on CNCS time or while wearing CNCS program logos. Instead, those people who are CNCS-funded should do the following:

- Participate in activities on your personal time
- Do activities using time at work that is not charged to the Corporation if your funds allow for it – and intentionally document that you and your staff are not using Corporation funds at that time. Remember to follow the 20% rule.
- Sign petitions on non-CNCS time using your organization name and not a CNCS name like AmeriCorps.
- Continue to educate the general public about your project on CNCS time but leave out any requests for lobbying.
- Host an informational session at your Site for an elected official—but not for someone who is currently running for office.
- Visit your elected officials when in Washington, DC—just don't charge the cost of being in Washington, including cabs, travel, food, or lodging, to your CNCS grant.

TODD: Thank you, Ben. We're going to go to audience questions now. Because we have limited time, please focus on asking Ben questions about today's topic rather than sharing best practice and stories. Remember, if you have a question for Ben state your name, organization, and location.

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This text serves as a summarized reference for the Community Radio Show.

It does not serve as an official transcript of the recording.