



ADVOCACY HANDBOOK

2006

I. PREFACE

NAFEO was founded in 1969 by a group of HBCU presidents as the professional association of the presidents and chancellors of the nation's historically and predominantly black colleges and universities, serving 400,000 students and their families. NAFEO member institutions are public and private, 2- and 4-year community, regional, national, and international comprehensive research institutions, located in twenty-five states, the District of Columbia, the Virgin Islands and Brazil.

While they represent just 3% of the nation's higher education institutions, HBCUs enroll 13% of African American college and university students in 4-year degree-granting programs and, most significantly, they *graduate* 30% of African American students who receive 4-year degrees each year. Nearly 40% of those receiving four-year degrees in the sciences, mathematics, engineering, technology, and a large numbers of those going into graduate and professional schools are HBCU graduates. HBCUs on average are doing a better job of sending African American students to graduate and professional schools than majority institutions, except the Ivy League institutions. Indeed the majority of African Americans who have earned Ph.D.s, medical degrees, federal judgeships and officer ranks in the United States Military have earned their undergraduate degrees from HBCUs.

NAFEO serves as a liaison and voice for Historically and predominantly black colleges and universities with federal and state agencies, national associations, corporations, businesses, foundations, NGOs, and the media; and fosters understanding and appreciation of the missions, accomplishments, value, challenges and needs of Historically and predominantly black colleges and universities.

The Association engages in development and implementation of collaborations that enhance delivery of the educational programs of the institutions to a broader global constituency with similar needs as the traditional clientele of the institutions. The Association will continue maintaining a central capability and research repository on historically and predominantly black colleges and universities and blacks in higher education. NAFEO provides an organized forum for the selection, incubation, development and collaborative implementation of projects (and other vehicles that provide solutions to common challenges) by the leadership of its member institutions.

NAFEO is committed to the development of organizational and intellectual leadership to serve both within and without the NAFEO institutions. It is also committed to the coordination and operation of programs that facilitate improvement of services to faculty, staff, students, alumni and administrators as well as programs that support their development and create pathways of opportunity for the community from which they draw students will be paramount in the activity NAFEO.

This handbook is designed to provide information about lobbying and advocacy to those who share NAFEO's commitment to an environment in which higher education preparation, access, success, and equity are foremost on the minds of policymakers, executives and administrators; as well as the missions, accomplishments, value, challenges, needs of and need for historically and predominantly black colleges and universities.

NAFEO is indebted to the following publications:

- “*E Advocacy for Non Profits: The Law of Lobbying & Election-Related Activity on the Net,*” The Alliance for Justice, 1999.
- “*The Internet Non-Profit Center Summary of IRS Rules on Lobbying,*” 1998.
- An Advocate’s Guide to Lobbying & Political Activity for Nonprofits, Children’s Defense Fund, 1991.
- “*Non Profit Organizations, Public Policy, and the Political Process,*” Citizen Vote, 1987.

II. LOBBYING FOR NON-PROFITS

WHAT CONSTITUTES LOBBYING?

Lobbying is any activity whose objective is to influence a federal, state, or local act, bill, resolution, referendum, constitutional amendment or initiative. Non-profits with a 501(c)(3) tax-exempt status are permitted to engage in lobbying activities but federal tax laws limit the amount and volume of lobbying. The IRS sets limits on the amount a 501(c)(3) can spend on its lobbying efforts. Lobbying can take two forms: direct and grassroots.

Direct Lobbying is any activity that involves contact with Members of Congress, state legislators, local elected officials, or staffers of an elected official, or government employees, to persuade them to propose, support, oppose, change or influence legislation which can either be in the hopper or not yet introduced. The IRS also considers efforts to influence public opinion on ballot measures to be direct lobbying. Direct lobbying can involve:

- ◆ Letters/postcards/e-mails
- ◆ Calls/faxes
- ◆ Face-to-face meetings
- ◆ **Unsolicited** briefing papers/fact sheets that support or oppose a particular piece of legislation
- ◆ Presenting testimony before a committee/subcommittee (unless it is requested as TA-- see page 5)
- ◆ Giving advice/information on a particular piece of legislation to a legislator or staff and expressing support or opposition to it

Grassroots Lobbying is any communication or activity that expresses support or opposition to a legislative proposal and calls for public action to support or oppose it. This “call to action” can request the public to contact their elected officials about some legislation or inform the public how to contact their officials, or provide the public with petitions and postcards, etc. If a “call to action” is not solicited, it is generally not considered grassroots lobbying. Paid mass media advertisements on TV, radio, billboards, and in newspapers/magazines may be considered grassroots lobbying even if they do not call for action if they: appear within two weeks of a legislative vote on high visibility legislation; reflect a view on the general subject of legislation and either refers to the legislation or encourages the public to communicate with legislators about the legislation. If a

communication does not express a position on a legislative proposal and does not call for action on it, it can be considered “public education. “

The most common tools for grassroots lobbying are:

- ◆ Legislative alerts
- ◆ Advertisements in print/electronic media
- ◆ Reports/briefing papers
- ◆ Meetings, demonstrations and other public events
- ◆ Organized letter writing/phone call campaigns

NOTE: If a membership organization takes a position on a legislative proposal and informs its members to take action, it is considered direct lobbying. If its members are urged to contact their fellow members or people outside their membership organization to get them to oppose or support a piece of legislation, it is considered grassroots lobbying.

WHAT’S NOT LOBBYING?

IRS does not consider the following lobbying for non-profits:

- ◆ Legislative analyses/reports submitted to legislators or their staffers that are made available to the general public and contain non-partisan, factual, information that enables the public to make up its own mind about the legislation.
- ◆ Communications about legislation that do not call for public action even if the non-profit expresses an opinion about it.
- ◆ Workshops/training sessions or the distribution of “how-to” written materials on lobbying or the legislative process, so long as the workshops/training sessions do not focus on specific legislation.
- ◆ Technical advice, report, or analysis of a specific legislative proposal that is requested in writing by a committee or legislative body (but not by an individual), and is made available to every legislative/committee member. The advice, report or analysis can contain the non-profit’s opinion or position on the legislation.
- ◆ Communications sent to legislators or their staffers about legislation that impacts directly on the existence of the non-profit, its duties, and tax-exempt status or tax deductibility.
- ◆ General correspondence to legislators/staffers for purposes other than influencing legislation.

- ◆ Communications with government officials about administrative procedures, regulations or enforcement after a bill is passed or working with the executive branch staff during the regulatory process, and monitoring enforcement as long as the tone is educational.
- ◆ Inviting government officials or their staffers to visit a non-profit's programs, and discussing its programmatic thrusts so long as no specific legislation is discussed.
- ◆ Advocacy on a broad range of social issues that are not tied to specific legislation.

“IFFY” ACTIVITIES

There are some activities that are difficult to classify. They do not clearly fall into the category of “influencing legislation” but they may or may not be viewed by the IRS as lobbying. Some examples are:

- ◆ Participating in a briefing about specific legislation. It's not lobbying if the meeting is for educational purposes but if the meeting is to plan lobbying strategy, or agreeing on a position, etc., this is lobbying.
- ◆ Supporting or opposing the assignment of particular legislators to committees that deal with issues of concern to a non-profit.
- ◆ Influencing the legislature's vote on an executive appointment such as the confirmation of a judicial appointment.

HOW MUCH LOBBYING CAN A NON-PROFIT DO WITHOUT JEOPARDIZING ITS TAX-EXEMPT STATUS?

There are two “tests” for determining how much lobbying a non-profit can do without jeopardizing its tax-exempt status: the **substantial part test** and the **expenditure 501(h) test**:

The Substantial Part Test: Under this test, a non-profit has to demonstrate that its lobbying activities do not constitute a substantial part of its total activities. The problem with this test is that the IRS does not define how substantial is “substantial”. Some courts have interpreted it to mean much less than half the non-profits activities. Others have interpreted it to mean 15% or more of total activities. Lobbying by volunteers for the non-profit, and other activities that do not cost the non-profit money may be factored in when determining “substantial” lobbying. No distinction is made between direct and grassroots lobbying. IRS can use the impact of the non-profit on the legislative outcome to determine “substantial” lobbying irrespective of the non-profit's actual effort on the issue.

The Expenditure 501(h) Test: Under this test, a non-profit that is not a church, religious organization or private foundation can “elect” to come under the test by filing a short and easy form 5768 with IRS, (which remains in effect until the non-profit withdraws it). The non-profit is then permitted to use a formula to determine the percentage of its total budget (save some fundraising expenses) that can be spent on lobbying. It works this way:

- ◆ If a non-profit annually spends \$500,000 or less on all its activities, it can spend up to 20% on lobbying activities. In other words, \$1 for every \$5 it spends.
- ◆ If a non-profit spends in excess of \$500,000 per year on its total activities, it can spend as follows:

Yearly Expenditures Permitted on Lobbying	
\$0.5-1M	\$100,000 + 15% of all expenditures over 0.5 million
\$1-1.5M	\$175,000 + 10% of all expenditures over 1 million
\$1.5M +	\$225,000 + 5% of all expenditures over 1.5 million up to a maximum of 1 million per year

All expenses associated with lobbying activities must be factored in when determining how much grassroots and direct lobbying a non-profit has done, including overhead, staff time, etc. Expenses associated with the preparation of a report or general research or publishing costs associated with both when done as part of an education campaign is usually not counted even if the written materials are later used in connection with a lobbying effort.

Clearly, the expenditure 501(h) test has advantages over the substantial test:: a 501(c)(3) is less likely to be audited if it elects to come under the expenditure test because it is a more objective test; what is and what is not lobbying is more clearly defined. The amount of permissible lobbying is clear-cut and is greater; it is based on a mathematical calculation rather than on a nebulous adjective like “substantial”; and the work of volunteers and other cost-free activities are not counted as lobbying expenditures. Unlike the “substantial test” where a tax-exempt status can be lost if lobbying is “substantial,” under the “expenditure test” if a non-profit overshoots its lobbying limit, it is usually fined an excise tax amounting to 25% of the amount of money it overspent rather than lose its tax-exempt status. If the lobbying expenses exceed the limit by averaging 30% over any four-year period, the non-profit can then loss its tax-exempt status. The downside of the expenditure test is the extensive and burdensome reporting requirements.

NOTE: In calculating its total expenditures to determine lobbying allowance limits, non-profits can factor in funds it receives that cannot be utilized for lobbying activities because though restricted, the money increases the amount that the non-profit can spend on its activities.

Only 25% of a non profit's allowable lobbying budget can be spent on grassroots lobbying i.e., if a 501(c)(3) spends a total of \$500,000 on all its annual activities, only 20% (\$100,000) can be spent on all lobbying activities, and of the \$100,000, only \$25,000 can be spent on grassroots lobbying.

IRS calculates expenditures of all "affiliated" 501(c)(3)s as a single unit e.g., those with interlocking directorates, in order to discourage multiple non-profits from circumventing the lobbying limits. So, some non-profits create 501(c)(4) organizations that are permitted to conduct direct and grassroots lobbying activities without limits thus increasing the amount of lobbying they can do. While the two organizations can share offices, employees, board members, etc., they must be legally and financially separate organizations. Also, contributions to 501(c)(4) organizations are not tax-deductible.

Generally, any organization that can legally lobby may do so on the Internet. The rules regarding traditional lobbying and lobbying in cyberspace are not fundamentally different. What is advantageous about lobbying in cyberspace is that mass e-mailings are quicker and relatively less expensive when compared to direct mail, advertising, canvassing, etc., which means a non-profit can do more lobbying within its expenditure limits. A full discussion of cyberspace lobbying is beyond the scope of this manual but the Alliance for Justice publication, *E-Advocacy for Nonprofits: the Law of Lobbying and Election Related Activity on the Net*, is indispensable for the cyberspace lobbyist.

FEDERAL & STATE LOBBYING REGISTRATION REQUIREMENTS

Federal Requirements: Prior to the Lobbying Disclosure Act of 1995, most non-profits did not register as lobbyists. Rather one or more of their employees registered individually and filed the requisite reports. When the Act went into effect in January 1996, 501(c)(3)s as organizations were required to register, and file reports on a semi-annual basis with the Secretary of the Senate and Clerk of the U.S. House if they met the following test:

Have at least one salaried employee who makes more than one lobbying contact and spends a minimum of 20% of his/her time on lobbying activities. (If a 501(c)(3) has no employee who meets this description, it is not required to register even though the organization may be engaged in extensive lobbying activities; and (2) the non-profit's total lobbying activities exceed or are expected to exceed \$20,000 in a semi-annual period.

State Requirements: All state and some local governments require registration as lobbyists persons and organizations that are active in defeating or supporting state or local legislation. Most states require periodic report filing. States vary with regard to establishing minimum thresholds of activity that require registration. Few define what constitutes lobbying. Most do not exempt 501(c)(3) organizations from registering but some do exempt representatives of religious organizations. Some states include only direct lobbying in their registration requirements and exclude grassroots lobbying. It is best to consult the State Office Secretary

to get registration requirements. Information on state offices regulating state lobbying and election activities is available on the Alliance for Justice website at www.afj.org.

LOBBYING RESTRICTIONS ON RECIPIENTS OF FEDERAL FUNDS

Not all the funds a non-profit receives can be used for lobbying purposes. In the main, monies received from federal agencies may not be expended on lobbying activities. The authorizing statutes for some federal programs prohibit or limit the expenditure of federal funds on lobbying. The annual appropriations acts for some federal programs place restrictions on the use of federal monies for lobbying. Some allow direct lobbying but not grassroots lobbying. Some permit neither. In any case, the federal grant agreements and other documents made available to a federal grantee usually contain any limitations on the use of the funds for lobbying purposes.

NOTE: Restrictions on the use of federal funds for lobbying do not apply to other monies a non-profit receives. Non-federal funds can underwrite lobbying activities so long as the funds were not used as a match to get federal funds. In addition, federal funds that cannot be used for lobbying can still be counted when calculating how much direct and grassroots lobbying a non-profit can do under the IRS expenditure test.

Two documents that are useful in spelling out for non-profits the prohibitions on lobbying with federal funds are **OMB Circular A-122**, and the **Byrd Amendment**.

OMB Circular A-122 contains the guidelines for expenditure of federal funds on lobbying activities by community-based, non-profit organizations. It prohibits the use of federal funds to lobby Congress or state legislatures directly or indirectly, through state or local officials. It prohibits the use of federal funds for grassroots lobbying on federal or state legislation or to attend hearings on supporting unallowable lobbying activities.

However, Circular A-122 does not prohibit the use of federal funds to “influence” federal, state or local administrative agency actions that are not connected to developing legislation. A-122 does not prohibit the use of federal funds to influence local legislation. OMB Circular A-122 allows federal funds to be expended on such activities as: providing solicited technical assistance reports/ presentations, to a legislative member or staffer on a topic related to the performance of a grant or contract; travel and per diem costs related to delivering testimony at the written request of the chair or ranking minority member of a congressional committee or subcommittee; lobbying that is specifically authorized to be paid by grant funds; or for analyses of pending legislation for public information but not to influence public opinion. Public education and voter participation activities that are related to the performance of a federal grant, contract or loan are also permitted.

The Byrd Amendment prohibits the use of federal funds to lobby for or against the awarding of federal grants, contracts, or loans or to pay someone to do so. However, federal funds can be expended on preparing the application for a federal grant, contract or loan. And the Byrd Amendment requires a non-profit that receives or applies for a grant, contract or

loan in excess of \$100,000 to certify that it has spent no federal funds on lobbying for or to obtain the grant, contract or loan.

LOBBYING RIGHTS OF NON-PROFIT EMPLOYEES

Employees, officers, directors, etc., of a non-profit can lobby for or against any legislation so long as they do so in their capacity as private citizens and do not represent themselves as acting on behalf of their employers. They cannot utilize their employer's equipment, facilities, supplies or personnel, and the lobbying must be done on the employee's own time.

III. VOTER EDUCATION AND PARTICIPATION BY NON-PROFITS

501(c)(3)s are absolutely prohibited from engaging in any political activity on behalf of or in opposition to any candidate for public office. They can engage in voter education and voter participation activities. It is therefore essential to distinguish between political activities and voter education/registration activities.

What is Not Permissible under IRS regulations: Non-profits are prohibited from participating in partisan political activity on pain of forfeiting their tax-exempt status but non-profits can engage in candidate and public education and some voter education activities without endangering their tax exempt status. Non-profits cannot support or oppose any local, state or federal candidate for elective office by endorsement/condemnation; make a cash or in-kind contribution of any kind (mailing/ membership/ donor lists, facilities/office space, volunteers, opposition research, etc.) to the candidate or his/her campaign, PAC or party; give an approval or failing rating to a candidate even if the rating is based on objective criteria and does not urge a vote for or against the candidate; or establish or administer a PAC.

What is Permissible under IRS regulations: Non-profits can engage in non-partisan efforts to educate the public about issues and encourage them to vote. The efforts cannot reveal a preference for or against a party or candidate. **Caution should be exercised when engaging in any of the following:**

☛ **Voting Records:** They can only be disseminated if they are not included in a partisan publication, include all Congressional members/state legislators, point out that they do not reflect the official's overall qualifications and fitness for the office, and do not endorse or oppose the official. Officials who are up for election should not be so identified and non-incumbents' views cannot be included at all. The voting records should include a broad range of issues of interest to the general public. Distribution of voting records near an election should be avoided and their dissemination should not be targeted to areas where elections are being held. If a voting record is narrowly focused, indicates the organization's position on the issues and whether the incumbent voted the organization's position, distribution must be restricted to the organization's members.

☛ **Candidate Positions/Questionnaires:** It is permissible to get a candidate to endorse a non-profit's legislative goals and objectives during an election. It is not permissible to make a public announcement about who does or does not support them. It is permissible to submit

a questionnaire to determine what a candidate's position is on certain issues (the questionnaire must be submitted to all candidates for a given office) but It is not permissible to release the answers to the public during the campaign unless all candidates' responses are included without major editing, the questionnaire is fashioned in such a way that it is not perceived as an endorsement or condemnation of the candidate and the questions are open-ended and center around a broad range of issues. The questionnaire should contain no hint of the non-profit's position on the issues nor should it judge or evaluate a candidate's responses.

☛ **Voter Registration and GOTV:** It is permissible for a non-profit to participate in voter registration and GOTV activities such as informing people how and where to register to vote (and serving as a registrar if state and local law permits), transporting them to the polls, providing kin-care while they register or vote, etc. A non-profit can even target particular groups to register and vote and provide voter education but it is not permissible to favor one candidate or party over another. It is not permissible to consult with a party or candidate about the non-profit's registration or GOTV activities or to select a site for the activities that will influence the outcome of an election.

☛ **Candidate Forums/Debates:** It is permissible for a non-profit to hold them but ALL viable candidates must be invited to participate and have an equal opportunity to speak and answer questions, and the non-profit must make it clear that it neither opposes nor endorses any of the candidates. An independent, non-partisan moderator or panel should pose questions, and the questions should be non-partisan in nature and carry no hint of how the non-profit feels about the issues or the candidates. Topics covered should be broad-based and designed to appeal to the general public. It is not permissible for the non-profit to endorse or oppose any candidate nor should its agenda be made public at the forum. Before a non-profit invites an individual candidate to address its constituency, clients, or members, a lawyer should be consulted.

☛ **Public Education:** It is permissible for a non-profit to engage in its normal education and advocacy work during an election and it is permissible for it to insert its issues into the debate and to get the support of the candidates for its issues and agenda. However, it is not permissible to solicit support for the candidates who support a non-profit's agenda or to publicize the candidate's support for or opposition to the non-profit's agenda during an election. Bear in mind that issue advocacy during a campaign can be risky because it could be construed as an endorsement of a candidate whose views coincide with those of the non-profit--particularly if the issue is a cutting edge one in the campaign.

☛ **Issue Information for Candidates:** It is permissible for a non-profit to provide candidates with information, reports, analyses of particular issues so long as the data are made available to all candidates at the same time and on the same terms, i.e., if the information is made available to the public for a fee, the information should be made available to the candidates for the same fee. If a candidate asks a non-profit for information and it is already available, it is permissible to give it to the candidate. It is not permissible to specifically do research or write a report for a particular candidate.

☛ **Testimony on Party Platforms:** The testimony must be delivered to both parties' platform committees. The testimony must be oral and written and contain a statement that it

is for educational purposes and is not intended to influence the election outcome. The testimony can be included in a regularly scheduled publication meant for the 501(c)(3) members and not the general public but it cannot be printed in a publication created solely for its distribution.

The four rules to remember about voter education and voter registration activities vs. political activities are:

- ◆ Partisan statements about candidates or party preference are verboten.
- ◆ Voter education projects must not be designed or targeted to influence voter acceptance or rejection of a candidate.
- ◆ Coordination of a charitable or other 501(c)(3) activity and a candidate's campaign or political party is prohibited.
- ◆ All materials and publications connected with voter education activities should include a disclaimer indicating that the materials are in no way an endorsement or condemnation of any party or candidate.

As a final word of caution, in planning any voter education or voter registration activity, get professional legal advice to ensure that you do not cross the line and enter into the political activity arena.

Employees of non-profits in their capacity as individual citizens can engage in partisan voter education and GOTV activities as long as it is on their own time and they do not utilize their employer's equipment, facilities, supplies or personnel. If there is a chance that the work of an employee will be construed as support by his/her employer, disclaimers are required.

IV. GETTING STARTED: DEVELOPING A LEGISLATIVE AGENDA FOR NAFEO

Being aware of the limitations on lobbying imposed on a non-profit by the IRS and federal election law, and knowing how NAFEO can attempt to influence public policy within the confines of the law and in how much lobbying it can legally engage, the next step is to develop a clear and concise legislative agenda. The agenda should include a limited number of top priority issues on which NAFEO will serve as the lead organization, and a number of ancillary issues on which NAFEO will work in coalition with others on which it will not take the lead. Inasmuch as there are many issues of importance to the HBCU community and its allies, it is important to focus on only as many issues as NAFEO can reasonably cover. It is better to have an affirmative impact on a few issues rather than spread NAFEO too thin.

V. TECHNIQUES FOR EFFECTIVE GRASSROOTS LOBBYING FOR NAFEO

Members of NAFEO can individually foster an environment in which historically and predominantly black colleges and universities, equal educational opportunity, educational access, success, and equity are foremost on the minds of local and federal legislators, foundations, corporations, and the media. This can be done by organizing an effective

grassroots lobbying effort, which keeps NAFEO and its members in constant contact with their elected officials before, during and after elections, letting them know what is expected of them, that NAFEO and its members are an important and valuable resource to them, and making sure they know when NAFEO and its members are either pleased or displeased with their positions.

Effective grassroots lobbying requires ten (10) steps that are interdependent and have equal importance:

Step One: Legislative Agenda Development

Establish a process that involves all segments of the constituency we are trying to reach in the development of an educational legislative agenda. Persons tend to feel a greater urgency to implement and lobby for an agenda they help shape.

Step Two: Monitor Existing Laws

Establish a process to involve all segments of the constituency we are trying to reach in ongoing monitoring of legislation, implementation of enacted laws, publicly funded programs and policies related to education. This monitoring should occur at the local and federal levels.

Step Three: Develop Legislative Support Groups

Develop and expand a network of individuals and groups (locally and nationally) who will support and push for items on our legislative agenda. Legislative developments within the state, city, ward/precinct should be examined in relation to our national agenda.

Step Four: Coalition Development

Form linkages and alliances with other groups whose interests coincide with ours or who share common issues and needs, in order to broaden our impact in advancing our legislative agenda.

Step Five: Media Perspective and Strategy

Develop a national perspective and strategy for effectively using print and electronic media to protect the Historically and predominantly black colleges and universities legislative agenda. Do the same with regard to our local agenda.

Step Six: Legislative Research & Information Dissemination

Research, assemble, review, analyze and disseminate information about our legislative agenda to our legislative support network.

Step Seven: Legislative Training

Encourage and establish vehicles for training and involving members of our constituency in the legislative/political process, through on-site experiences in how the legislative process works at all levels of government and how to affect it.

Step Eight: Financial Resource Development

Develop a systematic and creative procedure for securing the financial support of our target constituency for all legislative activity and agenda development needs.

Step Nine: Candidate Development and Support

Identify and develop candidates for elective office who support our agenda. Assist them in projecting our local and national goals.

Step Ten: Voter Education and Registration

Increase the size of our target voting populace thereby leveraging our political and legislative influence. Voter registration should be among our top priorities. This should be accompanied by an intensive voter education effort.

GRASSROOTS LOBBYING TOOLS

As referenced on page one of this manual, there are many ways to impact the legislative process but the most commonly used tools for lobbying are:

- Letters
- E-mails
- Postcards
- Mailgrams
- Faxes
- In-Person Visits
- Attending Meetings Addressed By Elected Officials
- Telephone Calls

1. LETTERS

Constituent letters are a principle form of voter contact and the prime source of opinions. Legislators need to hear from constituent groups. Letters make them sit up and take notice.

Individually written letters are highly effective lobbying tools. Letter writing parties or meetings are the best way to amass a large number of individually written letters. The persons from whom letters are sought should be provided with a sample letter, paper, pen, envelopes and stamps. They should be asked to write and deposit the letter at the meeting. The collected letters should be mailed promptly following the meeting. (If people elect to send the communications via e-mail, a letter writing meeting is still advisable so that everyone is on point and carries a unified message).

Letter Writing Tips:

- ◆ Writers should identify themselves as voting constituents and members of the NAFEO Education Action Support Network. If the writer played an active role in the official's campaign, this should be noted in the letter unless you are writing as an employee of the College Board or other 501c(3) organization. In this case, you should not make reference to private political activity.
- ◆ The subject of the letter should be clearly stated. The name and number should be referenced when referring to a particular piece of legislation.

- ◆ Letters should be confined to one topic or one piece of legislation.
- ◆ The reasons for writing should be clearly stated and the desired action of the official should be spelled out. Writers should try to personalize the issue, relating it to their own experiences or how the issue will impact their families, friends, work or community.
- ◆ Request a response from the official. Specifically ask him/her to let you know his/her position on the issue.
- ◆ Letters should make reasonable requests. A writer should not threaten to withhold his/her vote if the official does not support the issue.
- ◆ Letters should be typed or legibly handwritten, signed by the writer, and have the writer's home address displayed so that the official will know that the writer is a constituent.
- ◆ Keep the letter brief!
- ◆ Be sure to send the official a "thank you" letter if s/he votes correctly on an issue or responds affirmatively to a request made. If the official does not vote correctly or responds negatively to a request, do send a note expressing your disappointment

2. POSTCARDS

Well thought-out, a personalized letter is perhaps the most effective lobbying tool, and as a general rule, postcard lobbying is discouraged. However, in cases where sheer volume is the goal--for example to counter a mass anti-education mailing by a rival group--postcards are appropriate. In those cases, a pre-printed postcard message is the way to go. Simply have NAFEO allies sign their names and print their addresses on the cards.

3. FACE-TIME WITH ELECTED OFFICIALS

The optimum time to meet with Members of Congress or state legislators is during recess periods or in the case of locally elected officials, on non-legislative days. Copies of the Congressional Calendar can be obtained from the clerk's office. Check with the appropriate state and local offices for their calendars.

Meeting Tips:

- ◆ The aim is to impress upon the official the breadth and depth of community support for the measure for which support or opposition is sought and to solicit his/her support for the NAFEO position.
- ◆ Organize a delegation with an eye to demonstrating broad-based support. If possible, try to include one or more people in the delegation who supported the official in his/her last election and with whom s/he identifies. For example, if the official identifies with the HBCU community, go to some trouble to select and include in your delegation a well-known HBCU leader, HBCU students, or alumni who support the NAFEO position on the bill. If this is not possible, then go with a group of highly interested citizens.

- ◆ Have someone who is not perceived as an enemy of the official, who ideally worked in the campaign of the official and knows the official or someone on his/her staff to make the appointment for the delegation visit. Be sure to provide a list of the persons who will be in the delegation and their organizational affiliations. An elected official may delay but will rarely refuse to meet with such a delegation because s/he does not want to risk offending the organizations delegates represent.

- ◆ Prior to the meeting, the delegation members should study briefing materials so that they are comfortable with and conversant about the issues and are on point with the central message. Delegation members need not be experts about an issue and if they are asked a question and do not know the answer, they should admit it and respond that they will get back to the official with an answer. Briefing materials can take many forms but the most effective are backgrounders; briefing papers; talking points; and Q&A Sheets (see below).

- ◆ The delegation should meet to discuss how to conduct the meeting and determine:
 - ◆ The points to be made.
 - ◆ What questions should be anticipated and how they should best be answered.
 - ◆ How to deal with the questions in a short period of time and still remain focused on the purpose of the meeting-- the legislation to be supported or opposed.

- ◆ Determine who is to be the spokesperson for the group. The group must be perceived as focused, united and organized.

- ◆ Dress appropriately. Business or professional attire is a must. Attire should not detract from the message. Fad dressing and signature haircuts are out. It is acceptable for a group to wear tee-shirts that identify them and create higher visibility for the whole group. Placards, posters and other signs may be displayed outside the halls of congressional buildings or state and local office buildings. Typically, they are prohibited inside.

- ◆ Arrive for the meeting with time to spare. Be patient because an official is likely to be running behind schedule. The meeting should be kept brief. Long speeches are a no-no. Find out what the official has to say. Try to get him/her to be specific in terms of supporting or opposing the NAFEO position. Ask if s/he will either co-sponsor a bill NAFEO supports or lead a challenge to a measure it opposes. Members of the delegation should remain courteous even if the legislator does not agree with the group. Do not make threats. Do not get into an argument. Do not be intimidated. Do not get angry. The time to express anger is at the polls.

- ◆ If the official will not support a bill or oppose a measure that NAFEO supports or opposes, and there appears to be no chance of changing his/her views, conclude the meeting in a cordial manner that keeps the lines of communication open, and permits the delegation to return at a later date on the same matter or a different one. Do not waste the legislator's time or the delegation's. After the meeting decide whether a general press release on the meeting

or no press release is to NAFEO's advantage. Make a note of the points in the meeting that seemed to carry the most weight with the official. This is important information to relay to allies. It will prove helpful in planning future lobbying activities. The Education Action Support Network has time to change the legislator's mind up until the bill is voted on.

- ◆ When the meeting is over, write a report on the meeting so that a record of what transpired is available. Write a thank-you note to the official and stress the points on which agreement was reached.

4. PHONE CALLS

As with letters and meetings, a telephone call to a legislator should be planned in advance. Prepare the same information that would be used in writing a letter. A legislator's office is inundated with daily calls so keep the message brief--between 3-5 minutes. Discuss the general nature of the bill, the NAFEO position on it, and the action being requested of the legislator.

Telephone Call Tips:

- ◆ When placing a call, the callers should identify themselves as members of the NAFEO. Ask to speak directly to the official. If the official is unavailable, ask for the staff that is responsible for the issue to be discussed. This assures that a person who knows the issue and can relay the message properly to the official taking your call. If the appropriate point person is also unavailable, leave a message with the receptionist for the official or the appropriate staff to return the call.

- ◆ When you speak to the official or staff, take notes on what is said, particularly what is promised. Immediately following the call, prepare and send to the legislator a letter memorializing the conversation and thanking the official for taking the call and for any commitments made.

- ◆ Any member of Congress, committee or subcommittee can be contacted via phone by calling the Capitol switchboard at 202-224-3121. State legislatures and county and city offices also have central switchboards that will connect callers to the persons or committees they want to reach

COALITION BUILDING

It is essential for the success of any grassroots lobbying effort that coalitions and alliances with others whose interests intersect be forged and maintained. The first step is to bring together as many groups as possible that share a common interest. Once these groups are brought together, there are some definitive steps that must be taken to build and maintain a coalition:

Step One: Compile a list of local and national organizations, which are likely to coalesce around a particular issue. It is most helpful to compile the list based on narrow issues rather than generic ones. For example, with regard to Historically and predominantly black colleges

and universities and blacks in higher education, a list of possible allies on the separate issues of institutional aid, student financial aid, retention, diversity, multicultural teaching and learning, teacher preparation, math, sciences, and technology could be compiled both for local and national coalitions. An attempt should be made to balance the list with representatives from varied organizations: alumni, religious, social and fraternal, civic, civil rights, education access (TRIO), women, students, teachers, counselors, administrators, community service groups, business, government, and non-profits.

Step Two: Develop a list of individuals who generally support education issues and Historically and predominantly black colleges and universities. For example, radio and TV personalities, legislators, religious and labor leaders, lawyers, community activists, entertainers, athletes, etc.

Step Three: Contact the well-known individuals and potential ally organizations and invite them to join NAFEO and its allies on a particular issue. As a first step, request that they agree to participate in drafting a statement of principles, and sign off on them.

Step Four: Develop a steering committee of 6-10 reliable people. They should meet and be provided with a list of possible activities for their organizations and other members of the coalition. The suggestions the steering committee should be solicited.

Step Five: Be specific about the type of action requested of each coalition member. The assignments should be designed to tap the strengths of each member. A media person should be asked to identify TV and radio talk shows, newspapers, and an educator should be asked to identify education-affiliated organizations.

Step Six: Maintain contact with coalition members. Share information with them and call and meet with them at scheduled times. The frequency of the meetings should depend on member timetables but the meeting times should be set in advance and cleared on each member's schedule.

In between each meeting, coalition members should be assigned specific tasks that are designed to expand and strengthen the coalition, and to get its message across. For example, the coalition members may be asked to get from among their organizational members 50 letters to their state legislators and generate 75 phone calls to their Members of Congress. They may be asked to represent the coalition on a radio talk or local affairs TV show or write letters to the editor, etc.

A coalition communications vehicle is essential for keeping members of the coalition engaged and informed.

Step Seven: Periodically issue news releases about coalition activities. The releases should be sent to newspapers, radio and TV stations. Establishing a coalition newsletter should also be considered.

NOTE: One way to save valuable time and resources is to join or work with already formed coalitions that were created for other purposes.

MEDIA PERSPECTIVE AND STRATEGY

Publicity is vitally important in lobbying for or against particular legislation. It will inform others of the necessity to pass or defeat a bill, why the bill is important, and what effect it will have.

The more favorable news stories that are generated in a legislator's hometown papers, radio and TV, the more important the legislation will become to a legislator.

To receive maximum positive media coverage, a strategic communications plan is essential. The plan must affirm and be driven by the goals and outcomes, mission, vision and values of the group. It must identify target audiences, be grounded on research and have messages and messengers appropriate for each target audience. High quality public relations materials or a public relations "toolbox" is also necessary for a successful communications strategy.

A member of the coalition should appear on as many radio and TV talk shows as possible. Weekly news briefs should be provided to editors and talk show producers. Press releases about action the coalition will take with regard to particular legislation should be issued. Highlight in the press release the potential impact the legislation will have on the citizenry and personalize the message as much as possible.

Letters to the editor are singularly good sources of publicity. They are widely read by constituents and legislators. Many legislators view them as good indicators of what the voters are thinking and as supplements to their own mail.

Letters to the editor should explain why the writers support or oppose a particular legislative action and should provide local reasons for supporting or opposing the legislation, and why it will benefit or harm the area. The letters should be clear and concise. The less written, the less the paper is likely to edit.

Cable TV is a prime vehicle to reach targeted audiences. It is cost-efficient and effective. Public access cable TV should be factored into an overall media plan.

Finally, the minority press has long been a vehicle for getting across messages about issues of particular concern to minority communities. Many times, majority news organs, TV and radio will not understand the urgency of a matter of concern to minority groups or they will disagree with a position the community takes and will create a news blackout. Minority media is more in tune and in touch with minority communities. Minority newspapers will, by and large, carry articles or letters that are unedited thus providing a greater opportunity to get a message across. Moreover, when attempting to mobilize minority communities and their allies, the minority press goes directly to the targeted audience.

The same is true of urban-oriented radio and TV. If what is desired is support for a bill, which will have significant impact on underrepresented minority students, for example,

programs that have a wide minority audience should be targeted for coalition member appearances. Request that NAFEO allies and associates tune in so that viewer ratings are increased. If the ratings rise, the host or programmer will remember and invite NAFEO members back.

As with other strategic plans, the strategic communications plan should have a built-in evaluation component.

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