

LOBBYING SUCCESS STORIES

**Examples of How Nonprofit Lobbying
Has Changed Organizations and
Changed Lives**



LOVE CANAL HOMEOWNERS' ASSOCIATION

In the spring of 1978, a 27-year-old housewife, Lois Gibbs, discovered that her 5-year-old son, Michael, was attending an elementary school built next to a 20,000 ton, toxic chemical dump in Niagara Falls, New York. Gibbs questioned the school, the school board and the town, but was dismissed as one mother with an ill child looking for someone to blame. Out of desperation, she organized her neighbors to form the Love Canal Homeowners Association and fought for more than two years to get the entire community relocated by the government to a safer town.

Gibbs and the Love Canal Homeowners Association faced opposition from a major chemical manufacturer and local, state and federal government officials. These representatives claimed that the chemicals leaking from the thirty-year-old dumping ground – like dioxin, known to be one of the most toxic – were not the cause of the neighborhood's unusually high rates of birth defects, miscarriages and cancer. But Gibbs and her neighbors knew otherwise. Through research, Gibbs found the piece of the puzzle connecting her children's and her neighbors' devastating illnesses.

The Love Canal Homeowners Association battle, though long and arduous, was successful. In 1980, President Jimmy Carter delivered an Emergency Declaration, moving 900 families from the hazardous area. Love Canal was a significant victory for grassroots environmental efforts.

Love Canal became a household name and a synonym for the often horrific but hidden human costs of the improper use and disposal of the thousands of chemicals that have come into commercial use in the United States every year since the end of World War II. The attention focused on this issue in upstate New York led to a dramatic increase in public attention to similar problems elsewhere in this country and abroad. The Congress and many state legislatures created new systems to deal with the failure of both public and private sector contributors to address the consequences of toxic waste disposal practices that are a hazard to public health.

Through the Love Canal success, Gibbs gained considerable skills and experience – deciphering complicated scientific information, untangling the maze of all levels of government, and navigating the daunting reference section of the library. She also gained notoriety and received numerous calls from people across the country who were experiencing similar problems in their own communities. Gibbs realized the problem of toxic waste went far beyond her own backyard.

She put her experience to work for the health of many communities in 1981, by establishing the Center for Health, Environment and Justice (CHEJ), a clearinghouse for environmental and organizing information and support for grassroots efforts. Gibbs serves as the executive director of CHEJ and speaks with communities around the world about the dangerous potential of dioxin and hazardous waste pollution. CHEJ has assisted more than 8,000 grassroots groups working to clean up their towns.

There are thousands of instances of women and men who have led local communities to address problems through the creation of nonprofit advocacy groups in the same way that Lois Gibbs did. In most cases there is no ongoing organization once the problem is resolved. Those leaders return to their lives as they were before they were moved to act.

On some occasions leaders see the underlying causes that led to the problem in their community. They transform the narrow mission of their group from a focus on a problem in their immediate neighborhood to address similar problems throughout their city and country. While this is relatively rare, it is rarer still to make use of what has been learned about how to create and sustain local nonprofit advocacy groups available throughout the country.

This is what Lois Gibbs has done. She understands from her own experience the challenges faced by someone who is compelled to address a serious community problem. She knows how difficult such an effort is for an individual who has not started or managed a nonprofit organization; who has no special scientific, legal, political or media expertise; who is struggling with the emotional and financial impact of serious family illness of ill-defined origin; and, who is thrust into the position of leading neighbors similarly situated.

She has brought her expertise to many thousands of individuals and organizations throughout this country and has been an inspiration to people in despair, ready to give up their fight for healthy children and neighborhoods. They know she has been through the same difficulties in learning whole new scientific and political languages and devising strategies while under great personal stress.

Her work has been recognized recently by the Heinz Award in the Environment, which noted that Lois Gibbs' "...early writings on community involvement were the blueprint for a form of participation that is now commonplace." Her work as a citizen activist, over the last twenty years, has raised the capacity of others to improve society throughout the United States.

John W. Gardner Leadership Award
INDEPENDENT SECTOR
June 1999

EFFECTIVE LOBBYING BY THE ALZHEIMER'S ASSOCIATION

It was a dilemma that just about any nonprofit organization would love to have. In 1984, the local Alzheimer's Association chapter that serves Washington, DC, and the surrounding Maryland suburbs suddenly got a windfall. The mostly volunteer-run group, which had a budget of less than \$25,000, received \$140,000 in gifts from local federal government employees during the first year it could participate in the federal charity drive.

The money came with few restrictions. It wasn't for a particular program or service. And it wasn't a one-time gift: the money would keep coming year after year. The dilemma: how to spend this new money. The local group's board – a mix of family members of people with Alzheimer's disease, local doctors, researchers, social workers and people involved with Alzheimer's programs – went through a long process to decide. This planning process led to the group to change its initial thinking about what it should do, especially in relation to lobbying.

Initially, most board members wanted to either give away the money to other groups or give it to individual Alzheimer's patients. For a while, the Association did both. But as board members reflected on the needs of local patients and family members, they began to see more ways to meet these needs. Given the number of local people with Alzheimer's – an estimated 33,000 – many board members looked for ways to reach more people.

Giving families money to help pay for badly needed, short-term “respite” care was a very concrete way to help people. But devoting all of the \$140,000 to this approach would buy about one hour of care per family per year.

Many board members began to focus on ways to help larger numbers of people, such as providing a “helpline” where families could get information and suggestions. They also recognized the need to educate many more people – patients, family members, doctors, the public – about this little-understood disease.

A few board members pushed to extend this education to policymakers. They thought that the people who make and implement laws that affect people with Alzheimer's needed to learn much more about this disease, the burdens it imposes on families and what could be done to lessen those burdens. They needed to hear the perspectives of Alzheimer's patients and caregivers.

Initially, the idea that a charity such as a local Alzheimer's Association chapter should actually lobby was met with much unease by most board members. Most had never even considered the idea that a charity would lobby. Lobbying activity and charitable activity seemed completely separate. Was it even legal for a charity to lobby?

They learned that it is indeed legal for charities to lobby, that Congress even encouraged it in a law passed in 1976, and that Internal Revenue Service regulations give charities wide latitude to lobby and do other types of advocacy. Lobbying cannot be the primary activity of a charity, but it can be an important part of its work.

This is exactly what lobbying became for the local Alzheimer's Association. The group even set aside part of the new money to hire (with the Baltimore chapter) a part-time person to lobby on the state level.

Over the years, that lobbying has paid off. The most concrete way was passage of a law that subsidizes respite care (on a sliding scale) for families of Alzheimer's patients – as well as anyone else with a similar, “functional” disability. (Previously, only people with *physical* disabilities could get a subsidy.) This law has provided about \$1 million a year in respite subsidies for families who could not otherwise afford this care. *In other words, investing some of that \$140,000 in lobbying has produced much more in services for Alzheimer's families than putting all of that money into direct subsidies.*

But choosing to lobby has helped Maryland Alzheimer's families in many other, less easily documented ways. It helped make sure that new state rules determining eligibility for nursing home subsidies would include people with cognitive impairments such as Alzheimer's disease. It helped make sure that state rule governing “assisted care” homes would require that people with dementia get the kind of supervision they need to insure their safety.

“There are a lot of decisions concerning care and services that are now being made at the state level,” explains Cass Naugle, long-time executive director of the Alzheimer's Association Baltimore chapter. “It is so important to have a voice there.”

It's not just as important that policymakers hear the voice of charities such as the Alzheimer's Association. Not only do they communicate the needs and views of family members; they also can communicate the day-to-day reality of dealing with a problem such as dementia.

Indeed, the DC-area Alzheimer's group's ultimate use of its newfound money – a mix of direct services, education and lobbying – was ideal in many ways. Providing services – dealing directly with people's day-to-day needs and problems – greatly strengthened the group's lobbying. It could advocate policies that would really make a difference in people's lives. And it could use individuals' stories to effectively communicate the needs to policymakers.

Tim Saasta
Center for Community Change
August 1999

NEW HAMPSHIRE NONPROFITS SAVE THE DAY

The incredible work of New Hampshire community serving nonprofits from all over the state led to the state House's unprecedented steps in June of 1999 in the:

- Defeat of its own Finance Committee's recommended Budget, and, in turn,
- Immediate passage of a responsible Senate Budget over the House Leadership's strong opposition.

This was a tremendous victory for New Hampshire communities. The Finance Committee's budget made substantial and destructive cuts in every area -- from health and human services to the arts and the environment -- which would have hurt thousands of New Hampshire's most vulnerable citizens. In reality, it is virtually impossible to build strong communities and a vital civil society when the State budget providing basic community support is inadequate. If the House leadership had succeeded (and they almost did!) in their strategy of using the shortfall in Claremont School Funding to cut basic community services, it would have taken years for New Hampshire communities to recover from the damage caused by these budget-busting measures. If New Hampshire nonprofits had not strongly advocated for the people and communities they serve, the House Leadership would have succeeded.

While this historic victory resulted from a very focused team effort between nonprofit organizations and key supporters in the House, Senate, the Governor's office and the government departments, it would not have been achieved without considerable and effective lobbying. Speaker Donna Sytek's simple explanation of why so many of her own Republicans voted against her says it all: "They responded to the phone calls they got." In fact, it was estimated that in the four days before the vote, key Republicans received over 15,000 calls.

The Importance of Lobbying in Achieving Missions

This budget victory is a dramatic example of how important grassroots lobbying (making your case in your communities) and direct lobbying (making your case directly to your elected officials) are in achieving missions. For example, if New Hampshire nonprofits had not succeeded on the budget, over \$100 million per year of public investments in the people and communities would have been lost. This would have been at a terrible cost not only to nonprofits' social, environmental, and cultural infrastructure but, most significantly, to their missions.

Imagine if many New Hampshire nonprofits had not made the difficult effort to make space in their already crammed schedules to lobby, and had lost the \$100 million. This would have been difficult to replace (that is a lot of bake sales and fund raising letters). Looking back, it's hard to think of a more important task nonprofits could have engaged in for achieving their missions than the collective lobbying they did to pass a responsible budget. Further, if nonprofits had not stepped up on the budget, no one else would have, and New Hampshire would be a much different place today. This demonstrates not only how central lobbying is to nonprofits' missions, but also how vital nonprofits are to the fundamental well being of the state.

Gordon Allen
July 1999

AMERICAN CANCER SOCIETY: LEGISLATIVE LOBBYING FOR A TOBACCO USE REDUCTION PLAN

The Tobacco Use Reduction Plan (TURP) is the Oregon health plan that was funded from ten percent of the revenue from Measure 44 – a November 1996 ballot initiative. The passage of Measure 44 increased tobacco taxes, ninety percent of which went to support the Oregon Health Plan, a state health insurance plan for low-income individuals. Ten percent of the tax revenue went towards TURP's creation. The initiative passed by fifty six percent of the vote.

When the legislature convened to create and fund TURP, the challenge for ACS and all of Measure 44's supporters began due to the tobacco industry's efforts to make the plan as ineffective as possible. TURP's supporters' lobbying effort was a combined effort of the Oregon Health Groups on Smoking or Health (OHGOSH), Tobacco Free Coalition of Oregon (TOFCO), American Cancer Society (ACS), American Heart Association (AHA), American Lung Association (ALA) and the Oregon Health Division.

TOFCO worked on the public media issues for this issue and was not involved in any type of direct lobbying. OHGOSH, of which ACS, AHA and ALA are the members, hired a contract lobbying firm to follow the daily progress and pitfalls of enacting this legislation. The lobbyist alerted ACS to the correct timing for the grassroots effort.

ACS has a grassroots network of volunteers who have been recruited specifically for impacting legislation in support of ACS's priorities. When the volunteers were contacted by 'Legislative Alerts' or phone calls, they responded by contacting their state legislators asking them to support the TURP. The National American Cancer Society provided a grant for a paid phone caller who contacted our alert network members, donors, as well as AHA's and ALA's volunteers in designated critical legislative districts.

In addition, Rick North, ACS executive vice president, testified to appropriate subcommittee and full committee for passage of the TURP. Throughout the session, Rick and key staff and volunteers made personal visits to legislators asking for their support for the plan. In summary, the plan was passed unchanged and completely funded through the subcommittee, the full Joint Ways and Means Committee, the Senate and the House and signed by the governor. The American Cancer Society was involved in Measure 44 from the signature gathering; through the campaign to ensure passage on the November ballot, to the creation of the TURP, the lobbying of the legislature, testifying before the key committees, to its final passage.

The American Cancer Society
August 1997
Charity Lobbying in the Public Interest, 2001

EXPANDING HEALTH CARE FOR CHILDREN IN MASSACHUSETTS

For a long time, nonprofits that provide health care services in Massachusetts knew that there was a growing crisis of uninsured children. Rising costs and increasing population meant that hospitals, community health centers, schools and recreation centers were barely able to meet the demand by families whose children were not covered by Medicaid or the State's own children's health care program. In 1995, when the Children's Defense Fund released a report stating that more than 87,000 children in Massachusetts lacked health insurance from 1989 to 1991 and only 70 percent of all the 2 year olds in the state were fully immunized, the charitable community and the families they represent organized themselves to lobby for needed public policy changes.

Many, if not most, nonprofits that provide health care and serve Massachusetts families and children worked in a coalition under the leadership of Health Care for All, a health consumer advocacy organization. The coalition engaged in grassroots organizing and lobbying for legislation that would expand eligibility for Medicaid for children under 18. Nonprofits that never lobbied before urged their elected representatives in the State legislature to support children's health expansion. Their lobbying effort included letter writing, phone calling, personal visits with legislators, working through the media to advertise their cause and, importantly, leveraging the power of the people they serve by encouraging parents and kids to act as spokespersons.

The coalition's efforts paid off. Even though the popular Governor Weid opposed the Medicaid expansion legislation, the legislature overrode his veto. This triumph would not have been possible without the direct and grassroots lobbying effort by community and state-based nonprofits such as the United Way of Massachusetts Bay, YMCA, Family Services of Greater Boston and Parents United for Child Care. Today, many of the children who could not play sports in school and had to live day to day worrying whether they might become ill or injured because they were without health insurance no longer have that fear because of organized and spirited nonprofit lobbying.

David Arons
Charity Lobbying in the Public Interest
June 1998

THE ISTOOK FIGHT

In early 1995, Congressman Istook (R-OK), McIntosh (R-IN), and Ehrlich (R-MD), talked about “Washington’s dirty little secret” that nonprofit organizations were using federal grants to lobby the government. Although the charges were made and McIntosh held several congressional hearings, there was never any evidence of nonprofit organizations using federal funds to lobby. Despite this, Istook, McIntosh, and Ehrlich developed legislation that would have had a sweeping impact on the nonprofit sector.

The principal focus of the legislation was on placing unreasonable limitations on advocacy free speech as a condition of receiving federal grants. Nonprofit organizations would lose federal grants if they used too much of their private funds for advocacy activities. This would have forced many community based groups to face a difficult decision: continue advocating on behalf of people they serve or take federal grants to provide services – both activities consistent with their missions. Furthermore, the Istook amendment only applied to federal grants, not to federal contracts, which account for more federal funds and go to powerful special interests.

The Istook amendment, under the guise of fixing a problem that didn’t exist, would have cut off the ability of nonprofits to provide commentary to local, state, and federal governments, and would have had a chilling impact on the entire nonprofit sector. And although House Republican leadership has spoken of strengthening public charities and the voice of the grassroots, the message of the amendment was clear: you should be seen (and do the work), but not heard. Such efforts only work to undermine the strength of the nonprofit sector.

As might be expected the Istook amendment created a firestorm of protest in the nonprofit sector, galvanizing the sector as never before. A coalition, led by the Alliance for Justice, Independent Sector, and OMB Watch, was created to thwart the Istook amendment. The coalition, called Let America Speak, includes more than 500 national organizations and thousands of community groups from across the country. The coalition has released several reports, distributes information via e-mail, and has a World Wide Web page (the URL is <http://rtk.net/las>).

How the Campaign Was Fought

The objective of the campaign was to defeat the Istook amendment, which seemed formidable. The amendment was strongly supported by a powerful grassroots lobby called the Christian Coalition, along with many other conservative organizations.

It was also supported by some businesses, such as the National Beer Wholesalers Association, that saw itself under attack from nonprofit organizations such as Mothers Against Drunk Driving. With Republicans controlling both the House and Senate, House Republican leadership meeting regularly with conservative organizations about a strategy to “defund the left,” and with momentum in the direction of the new Republicans that were determined to change the way government operated, it seemed that the Istook amendment would likely pass Congress and become law.

The primary focus of the campaign to stop the Istook amendment was to alert nonprofits as to what the amendment would do and to encourage a coordinated grassroots response to Congress. Although paid media was used, it was not the primary mechanism for reaching the nonprofit community, Congress, or the public. Our belief was that our strength was in the diversity of the nonprofit sector and its ability to tell compelling local stories about the importance of advocating on behalf of the people and issues they serve.

We relied on existing institutions and dissemination structures and, where gaps existed created new approaches. The campaign worked with national organizations, providing information and analyses to them to distribute to their membership and affiliates. Many of these national organizations were involved in periodic strategy sessions convened by the coalition co-chairs – so they felt they had control over and an understanding of decisions that were made. The three co-chairing organizations each brought credibility to the campaign and had different strengths, including bringing players to be part of the coalition that traditionally had not worked together before.

Very early in the campaign we decided to conduct a series of community briefings around the country. Local nonprofit organizations organized these sessions and controlled their agendas. The coalition supplied written materials, including analyses of the amendment and suggested strategies for action. A representative from the national coalition attended each of the local sessions, which also had local speakers discussing the local impact of the amendment.

OMB Watch has used the model for community briefing since the early 1980s. The fact that we had done such briefings before – at times on an annual basis – helped the coalition in that OMB Watch could share the strengths and weaknesses of this approach. The major weakness of the community briefings was that there often was a lack of follow-up, so that we did not maximize our opportunities.

Because OMB Watch had done community briefings, we had a base of local contacts that had set up previous community briefings. To find other local conveners, alerts were sent daily (via fax and e-mail) to national organizations to help us find nonprofit groups to sponsor the event locally when we did not have a contact. Another nonprofit infrastructure organization, the National Council of Nonprofit Associations with state affiliates, was very helpful in identifying local conveners for the briefings.

During these community briefings we tried something new. In addition to the briefing on what the Istook amendment was, we did a training session on the use of email. Prior to visiting a city, we would identify free or low cost Internet Service Providers (ISP) in that particular location and ask the ISP representatives to attend the briefing. The ISP representatives were asked to have subscription information available so organizations could get an e-mail account immediately if they did not have one. Thus, the trainings moved directly to how nonprofit organizations could register for an Internet listserv, which was set up to distribute information through the Internet on anti-advocacy proposals such as the Istook amendment. (The use of the Internet as an advocacy tool proved very powerful and is discussed below.)

Within a six-week period, we conducted more than 50 briefings in more than 25 states and reached more than 1,000 nonprofit organizations. These locations for the briefings were selected on the basis of a combination of factors. First, the national coalition had identified members of Congress that we felt could be convinced to oppose the Istook amendment, as well as members who might serve as our leaders. Visiting these locations was our first priority. Second, we went to locations where there was a willing local convener to organize a briefing and where the nonprofit community was already well-organized. Finally, we picked locations that were not economically prohibitive to go to and where we could create a sequence of briefings that made logistical sense.

People who attended these briefings were added to either a fax list or an e-mail list so that they could receive alerts. But we also recognized that many groups would need more information than fax and e-mail updates could provide. Accordingly, the coalition hired six young staff members to regularly stay in touch with state and local nonprofit organizations. These employees became known as the “boiler room” staff and were charged with also expanding our base of community groups to receive alerts on the Istook amendment.

At the height of the activity, a second “boiler room,” comprised of volunteers, was activated through the National Committee for Responsive Philanthropy. The primary mission of the volunteers was to encourage community groups to call their member of Congress regarding opposition to the Istook amendment. Overall, the coalition was in regular direct communication with roughly 2,000 state and local nonprofit organizations, along with roughly 700 national organizations. These organizations, in turn, were redistributing information to large numbers of organizations so that the coalition’s ability to disseminate information was very broad and very quick.

The coalition’s “boiler room” staff not only helped to disseminate information and discuss issues with state and local nonprofit organizations, but they also collected information from these groups. For example, the boiler room staff surveyed nonprofit organizations in every state on what impact the Istook amendment would have on them. The data was presented in a research report called “Handcuffing America’s Charities: Case Examples of Organizations Affected by the Istook Amendment.” The 63-page report had technical appendices describing the chronology of the Istook amendment and summaries of the proposed legislation. But the bulk of the report – and its strength – was in providing for every state a description of the impact of the amendment on at least one nonprofit organization, along with the name of the local organization and a person to contact for further information. This report was distributed to Congress, the media, and members of the coalition.

Other research reports were also prepared for the coalition. For example, on report, “Lobbying and Political Activity Restrictions for Federal Grantees and Contractors,” provided a comparison of federal rules applied to grantees versus contractors. This report was prepared in response to common confusion in Congress that contractors have more restrictions imposed upon them than do grantees; that grantees have virtually no restrictions and can use federal funds to lobby. This report was also distributed to Congress, the media, and members of the coalition.

At one point in the campaign, we instituted a toll-free telephone number that had a brief announcement about the Istook amendment and then would connect the caller to their member of Congress. This helped many nonprofits that either did not have the money for long distance calls to Washington D.C. or did not know who their members of Congress were. This service was announced through the various communications mechanisms we established (e.g., fax, e-mail, through national organizations and directly to state and local groups).

Our national spokespeople for the coalition were selected on the basis of national recognition. In varying respects, the YMCA and Mothers Against Drunk Driving became two organizations that helped to give voice to the coalition through press conferences and other means. To complement these organizations, national organizations joined hands in several Lobby Days. During each lobby day, we compiled letters of opposition from national organizations related to a variety of issue areas and distributed them to every congressional office.

Probably most significant was the use of the Internet. Never before did we have the ability to distribute information as cheaply and as quickly. We would post information about the latest efforts to move the Istook amendment through Congress, alerting community groups as to key congressional targets to call. State and local nonprofit organizations would make these calls and report on the results. The coalition would combine this information with what was obtained through the Lobby Days and other interactions national organizations were having with members of Congress. When information was inconsistent about the position of a member of Congress, another e-mail alert was put out in order to verify the information.

The e-mail alerts were very powerful. For the first time, people not in the nation's capital felt they were more a part of the strategy and action to defeat the Istook amendment than for other federal campaigns. This sense of involvement was critical to the success of the campaign.

The e-mail also was an efficient advocacy tool. One night around 7:00 p.m., it was confirmed that a version of the Istook amendment would be attached to a bill that was going to the floor of the House of Representatives by the next day. That evening we put the alert out as to what was in this version of the Istook amendment and followed it with legislative targets. One target was the chair of the appropriations subcommittee.

According to that office, by 11:00 a.m. the next morning they were so deluged with faxes and telephone calls regarding opposition to the Istook amendment that they turned off the fax machine and put the answering machine on to handle telephone calls. Never before could we have organized as quickly. Use of the Internet also insured rapid widespread dissemination of the information we posted.

We received the following response to another emergency alert that we posted: "Email proves itself once again. Nice job. Small vignette: I was at my desk on Wednesday eve. When your message popped up on my screen. [Rep. Jim] McDermott's [D-WA] office was already closed, and I was headed for Olympia [the capital of the state of Washington] early Thursday a.m., but I took the basic information, and headed off. Early Thursday, just after arriving in Olympia, I ran into people who'd worked with us on the original Istook stuff, barely told them what was up, and

they went off to pay phones – as did I [to make calls to Washington, D.C.]. McD’s staff here hadn’t heard of it yet but said they’d check right away and talk with D.C. In the back of a hearing room, a lobbyist pulled me aside to ask whether I’d done anything yet about the latest Istook alert from you all. More chatter. A few others also received your alert. More people went to pay phones. Back here last evening, I saw the message from Sandy Gill [who runs a regional association for nonprofit organizations that is based in Spokane, Washington] that had spread the word around the state, and I also had a few other messages from people about it. Awesome.”

Thus, we concluded that redundancy, especially during moments of crises in a campaign, is actually helpful to reinforce messages and insure that there is widespread reach. Some have raised that there should be a more “efficient” dissemination to local organizations. However, the advantage of the Internet is that there is no need for such hierarchy. Understandably, this may mean that certain organizations receive multiple alerts on the same subject. But I believe this is a small price to pay for such a powerful tool.

In the end, the Istook amendment was stopped by a coordinated action. Technically, we relied on the Senate and the Clinton Administration to insure that the amendment, in any form, would not be attached to any legislation. However, even on the last vote in the House of Representatives, it was increasingly clear that if there had been another vote on the issue, despite the Republican majority, we could have defeated the amendment in the House.

Gary D. Bass, Ph.D.
Excerpted from the Cape Town International Workshop –
“Making a Difference: The Challenge for
South African NGO Advocates”
November 1996

MADD FIXES THE FLAW IN THE LAW A STUDY ON EFFECTIVE USE OF MEDIA ADVOCACY

The Hawaii Mothers Against Drunk Driving (MADD) chapter saw the prospect of all their hard work to pass a new drunk-driving law going down the drain. To make sure the law was enacted as they had intended they would have to challenge the political establishment. The state legislature would have to convene a special session to fix the “flaw in the law,” and this had never happened before. Indeed, the outward facts suggested that the prospects were virtually hopeless.

The Story

The central problem was that the legislature, influenced by a system that gave committee chairpersons (in this case, the Senate Transportation Committee chair) extraordinary powers, had deleted the “implied consent” provision from Hawaii’s new drunk-driving law. This provision, which had been Hawaii law since 1967, allowed for virtually automatic license revocation for refusal to take a Breathalyzer test when stopped by the police. The deletion would have made Hawaii the only state with such weak sanctions against drunk driving.

The legislature had adjourned on April 28, and the new law was to take effect on July 1. Most observers, including the governor, agreed that something should be done. But doing something would have meant convening a special session just to restore the implied consent provision. It would have also meant challenging the authority of a committee chairperson. No party – the governor, the speaker of the House, the Senate president – seemed ready to get involved, despite the considerable publicity given the situation in the media.

MADD probably would not have taken its plunge without the political intelligence it developed from friends within the legislature and the executive branch agencies – information that told them the situation was not quite as hopeless as it appeared. According to Carol McNamee, MADD’s legislative chairperson, “The Governor had said enough publicly that we were not worried about him. He knew something should happen but did not want to get involved until the House and Senate had taken action.”

The key person was Senate President Richard S. H. Wong because he was the one who could reconvene the session. However, to do this he would have to overturn the decision of the Transportation Committee chair, which would involve some political risk. Wong was somewhat harder to pin down on the issue, but McNamee’s sources convinced her that the senator “perhaps needed something to help him take some action.” In other words, Wong needed a face-saving reason for overriding the position of one of his committee chairpersons. “Positioning ourselves required a lot of deliberation,” McNamee said. “We did not want to look like MADD against the world.” This, plus the belief that Wong was not so much an enemy as a politician needing cover, led MADD to adopt a less strident tone in its public statements than it might have.

Although MADD identified Wong and the governor as the primary targets of its campaign, it depicted Wong as a person waiting to hear from citizens that they cared. MADD’s approach thus concentrated almost exclusively on generating a grassroots movement to show Hawaii’s political

establishment the extent of citizen concern about the flawed law. At no point in the campaign did MADD criticize Wong's position. "We wanted him to look good," said McNamee.

MADD originally believed the publicity given to the need for a special session would quickly convince the governor and the legislature to reconvene for a quick fix. It took two weeks after the legislature adjourned for them to realize that the governor and the legislature would not act without being prodded. By this time it was late May, and the law was due to take effect on July 1.

MADD decided to use the observed Memorial Day, May 27, to launch its campaign. This choice had obvious symbolic value. In addition, MADD's planners realized that the holiday is a slow day for news, so both TV and print media would be likely to give the opening salvo prominent coverage.

In a scene that must have made assignment editors' jobs a little easier that day, MADD staged its action in front of Hawaii's Eternal Flame war memorial. McNamee pointed out that Hawaiians should remember those killed not only in war but also on the highways. A 2-foothigh sign attached to the speakers' podium carried the governor's and Wong's telephone numbers.

On the actual Memorial Day, MADD started collecting signatures for a petition that it would present to Wong. Again, the press and TV cameras were invited to show up at the shopping malls and parking lots where the MADD volunteers were working. Again, the 2-foothigh sign showed up to drive the point home that this was a grassroots campaign and there was something individuals could do to help.

This tactic, asking all Hawaiians who cared to call or write Wong and the governor, became MADD's primary and almost exclusive message. The rationale given for the campaign – "After July 1st, most drunk drivers will not lose their license to drive. They will be legally sharing the roads with us and our families" – was equally simple.

The first Memorial Day ceremony generated more than 3,000 telephone calls to Wong's office -- a record number – and a record number of letters as well. But these calls and letters came within the first week, and it was clear to MADD strategists that the furor would quickly die down unless something were done to sustain the effort and interest in calling for the special session.

Sustaining the Coverage

Much of MADD's planning after Memorial Day centered on generating events that would catch the interest of the media and thus keep up the pressure on the governor and Wong. MADD started a letter-writing campaign to local newspapers. MADD's president also appeared on several talk shows. In each of the governor's and Wong's television appearances, the sign appeared on the front podiums, beside interview chairs, and on top of petition desks.

In a ceremony at Wong's office on June 4, a delegation of MADD state and chapter leaders presented petitions. Each member of the delegation wore a bright yellow T-shirt with "Fix the Flaw in the Law" on the front and "Ring Wong" (with the telephone number) on the back. This parade of visual effects paid off, as the event was covered in full by the media.

In one event that evoked a Hawaiian political tradition, MADD organizers took to the road. Hawaii law prohibits billboards; so political advertising is often done from commuter roadside, with candidates and volunteers holding signs bearing the candidates' names. With TV cameras nearby, MADD volunteers took to heavily traveled commuter routes during several rush hours and flashed signs with the governor's and Wong's telephone numbers.

MADD's chief ally, the Hawaiian Medical Association, also paid careful attention to visual effects during its opening news conference. Hawaiian Medical Association President John McDonnell described the setting: We had an ambulance in front of the building. We invited the Hawaii Nurses Association and the Emergency Physicians Association. We also happened to have the coincidence of a victim: a former world-class swimmer, still in the hospital, who had been hit by a drunk driver while jogging. We were unashamed. We all wore white coats and stethoscopes, although we never wear them at work.

Broad Community Support

The allies that MADD recruited became an important, even vital, force in giving legitimacy to the grassroots movement calling for a special session. The Hawaiian Medical Association, for example, purchased a full-page ad in the local newspaper. According to McDonnell, it also "called in a couple of mearkers" with Honolulu's main morning newspaper so that the paper would print letters supporting the campaign. It coordinated news events with MADD so that interest in the issue would be sustained throughout June.

MADD also targeted as coalition partners law enforcement agencies, insurance groups, the Hawaii Convention and Visitors Bureau, and the chamber of commerce – any group, according to McNamee, that could conceivably have an interest in the legislation. MADD's approach to the chamber of commerce typified the recruitment effort.

MADD knew the chamber's executive director and staff, having worked with them previously. McNamee telephoned the chamber asking to be invited to a board meeting to preset MADD's case. The pitch to the chamber centered on Hawaii's unique stigma as a state with weak drunk-driving laws, and framed this in terms of the harm this could do to the image of the state as a sage place for tourists. Once the chamber agreed to back the legislation, McNamee asked the board to issue its letter of support as a news release.

The final countdown started when a delegation from MADD presented the petitions to Wong. At the time, the senator spoke with the media and indicated publicly his concern about flaws in the new law. Throughout the following 2 weeks, Wong showed that he was intent at least on exploring all possibilities: He visited the Transportation Committee chair, he convened a caucus of the Democratic leadership, and on June 20 he convened a caucus of Senate Democrats.

This was encouraging news to MADD leadership, which by this time had made personal contact with each senator. While not all of them had committed themselves, MADD had a nose count indication that a majority of Senate Democrats favored convening a special session.

Nevertheless, MADD was not leaving things to chance. It decided that the caucus, which was certain to be covered by the media, gave the organization a good opportunity to garner attention through good visuals. The particular medium chosen also reflected MADD's deliberate positioning a positive attitude and no casting of stones.

MADD volunteers were at the state capitol at 7:00 on the morning of the Democratic caucus to present "balloon-a-grams" to each senator. Each helium-filled balloon was tied to a gold key with the inscription "You are the key." A note of appreciation ("We thank you for coming back to the caucus.") was also attached. MADD made a statement to the media along the same lines shortly before the caucus convened.

MADD members held a highly visible vigil outside the caucus room during the session. There were still many obstacles to overcome, inasmuch as the entire administrative license revocation bill, which had taken seven years of intense lobbying to enact, was again placed before the legislature. MADD followed through by being active in the necessary, conventional legislative work such as drafting committee testimony, preparing witnesses, and so on. By the end of the special session, an amended bill with the implied consent provision had passed both houses with only one dissenting vote.

The Lessons

The day after the Democratic caucus, Wong told a reporter "MADD is a giant killer...MADD started something that was totally different in the history of Hawaiian politics" ("MADD Gets Mad," 1991). The senator's administrative assistant, Yen Lew, distinguished MADD's campaign from the kind he often sees in the Senate. "We get a lot of computer generated letters on various issues," said Lew ("MADD Gets Mad," 1991). What Lew saw in the MADD campaign, on the other hand, was a large volume of calls and letters in which voters "had some strong feelings and had paid some attention" to getting these thoughts through to Wong.

MADD had a specific, clear goal and used the media surgically to advance their desired policy outcome. Their excellent visuals got the media's attention and, at the same time, promoted the phone numbers citizens could call. They used a holiday to peg their story and garnered wide community support.

Though the issue was politically delicate, MADD effectively navigated the sensitive territory to achieve their goal and not alienate politicians with whom they might need to work in the future. MADD used narrowcasting to focus wide media exposure on two men, thereby bringing those men's actions into public view. Whatever Wong's decision, the public would know, and he knew they would know. MADD used the media to apply pressure to a specific target, and he responded.

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