

SMART AND ETHICAL PRINCIPLES AND PRACTICES FOR PUBLIC INTEREST LOBBYING

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This report was written by the Center for Lobbying in the Public Interest's staff based on materials prepared for and the discussions that took place at the CLPI National Summit at Pocantico on Smart & Ethical Principles & Practices for Public Interest Lobbying. The report reflects the views of the authors and not necessarily those of the Rockefeller Brothers Fund, its trustees, or its staff. The fund's support for the Summit and publication of this report, therefore, does not imply endorsement of its contents by the Fund. Such support does signify that the Fund believes the report to be worthy of public consideration.



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Democracy depends on citizen participation, and nonprofit organizations provide one of the most effective vehicles for engaging people in the democratic process. Since 1998, the Center for Lobbying in the Public Interest (CLPI) has helped nonprofits across the country, working on every issue and cause, to understand that nonprofit lobbying and advocacy are not only legal, but also critical to achieving their missions and making democracy work.

CLPI promotes, supports, and protects 501(c)(3) nonprofit advocacy and lobbying to strengthen participation in our democratic society and advance the missions of charitable organizations.

In 2006-07, CLPI led a process and convened the National Summit on Smart and Ethical Principles and Practices for Public Interest Lobbying at the Rockefeller Brothers Fund's Pocantico Conference Center to:

- Define and lift up “public interest lobbying” as core to nonprofit work.
- Identify and advance smart and ethical practices in public interest lobbying.
- Strengthen the CLPI Action Network to enrich and expand the climate for public interest lobbying.

The idea to develop “Smart and Ethical Principles and Practices for Public Interest Lobbying” arose at our 2005 CLPI Action Network Retreat, and it gained relevance in light of the Abramoff scandal, the resulting increased scrutiny of lobbying in general, and the ripple effect that has further impacted nonprofit lobbying. Nonprofits – guardians of the *public interest* – must seize the opportunity to proactively define our efforts in terms of both ethical and strategic principles for public interest lobbying as a vehicle for better public policy and, ultimately, lasting systemic change.

Using the Principles and Practices

From the start, CLPI intended for the principles and practices to be useful to nonprofits in their core work, not just an intellectual exercise or research project. Further, we see them as (1) aspirational – we know that no single nonprofit will excel at all of the practices at every moment, and (2) invitational – not the basis for standardization or certification.

Thus, we invite nonprofit lobbyists and advocates to use the following principles and practices to benchmark and continuously improve their own efforts to advance public interests and improve public policy. Consider incorporating them into strategic planning, staff and volunteer training, and other organizational capacity building, as well as opportunities for dialogue with coalition partners, constituents, board members and other stakeholders. You can use the accompanying benchmarking chart to help you outline your progress and next steps for applying these Smart and Ethical Principles and Practices in Public Interest lobbying. Visit www.clpi.org for a copy of the chart.

Don't the principles and practices apply to *all* lobbying?

While we received a lot of encouragement for this process, we also heard some valid and healthy skepticism. Some feel that lobbying is lobbying, and that nonprofits do not need to qualify or distinguish the “public interest” variety. Indeed, the last two principles, in particular, should apply to all lobbying.

Others feel that “public interest lobbying” is distinct from, though not better than, mainstream lobbying, just as “nonprofit management” is a particular form of management, and that we should embrace the opportunity to distinguish ourselves. The first two principles may point to the unique character of public interest lobbying.

A note about “smart and ethical”

While individual principles and practices might emphasize either the smart or the ethical, taken collectively they enable a nonprofit to be both smart and ethical in its public interest lobbying.

The Principles and Practices

The following principles, as well as the process for identifying them, are described in greater detail on the following pages:

- ⇒ Public interest lobbying adds civic value to the community today and in the future.
- ⇒ Public interest lobbying is inclusive and expansive, engaging the community and particularly those most affected by the public policy being advocated.
- ⇒ Public interest lobbying is credible, trustworthy, and fact based.
- ⇒ High-quality public interest lobbying is multi-faceted and adaptive.

Principle 1: Public interest lobbying adds civic value to the community today and in the future.

Smart and ethical practices to operationalize this principle:

Practice 1A: Public interest organizations and their lobbyists promote democracy by including, educating, and empowering a diverse spectrum of voices in the public policy debate.

Practice 1B: Public interest organizations and their lobbyists take a broad and long-term vision of social change, even as they may pursue the specific focus of one nonprofit.

Practice 1C: By acting with integrity, public interest organizations and their lobbyists enable ongoing, mutually beneficial relationships with constituents, policymakers, and coalition partners and strengthen public trust in all nonprofits.

Principle 2: Public interest lobbying is inclusive and expansive, engaging the community and particularly those most affected by the public policy being advocated.

Smart and ethical practices to operationalize this principle:

Practice 2A: Public interest organizations and their lobbyists hold a core belief in participatory democracy as well as the right and ability of average citizens to make decisions about their lives and communities.

Practice 2B: Public interest organizations and their lobbyists engage constituents at all levels of the process – from setting the agenda and shaping strategy to meeting with policy makers and assessing results. Note: Public interest lobbying firms build this capacity in their nonprofit clients.

Practice 2C: Public interest organizations and their lobbyists create feedback loops to report back to constituents and incorporate continuous input.

Practice 2D: Public interest organizations and their lobbyists bring authentic stories to the policymaking process, without exploiting the people reflected or co-opting them (i.e., getting them to do something without giving them a full range of information or opportunity to participate).

Practice 2E: Public interest organizations and their lobbyists engage the media to reach

policymakers and the public.

Principle 3: Public interest lobbying is credible, trustworthy, and fact based.

Smart and ethical practices to operationalize this principle:

Practice 3A: Public interest organizations and their lobbyists comply – and keep up-to-date to ensure compliance – with all local, state, and federal lobbying laws and regulations.

Practice 3B: Public interest organizations and their lobbyists select and advance policy positions through objective quantitative and qualitative research and data, including personal stories that exemplify the need for and impact of the intended policy change.

Practice 3C: Public interest organizations and their lobbyists know and understand all sides of their policy issue, as well as potential ripple effects and unintended consequences.

Practice 3D: Public interest organizations and their lobbyists use information strategically but do not intentionally mislead with information to enable a policy victory.

Practice 3E: Public interest organizations and their lobbyists maintain trust by following through and doing what they say they will do.

Principle 4: High-quality public interest lobbying is multi-faceted and adaptive.

Smart and ethical practices to operationalize this principle:

Practice 4A: Public interest organizations and their lobbyists aggressively and strategically attempt to protect helpful and reform harmful public policy, not just to make a point. By developing their capacity in a broad range of activities and tactics – research and analysis, communications, coalition building, educating the public, convening, direct lobbying, grassroots organizing and lobbying, litigation, etc. – public interest organizations make use of tools that are appropriate to what they are trying to accomplish.

Practice 4B: Public interest organizations and their lobbyists take informed, calculated risks that do not harm their constituents, coalition partners, or others.

Practice 4C: Public interest organizations and their lobbyists are accurate, timely, and nimble.

Practice 4D: Public interest organizations and their lobbyists continue learning and honing their capabilities.

CLPI's Process and Approach

As a first step in the process of developing these principles and practices, we approached a long-time CLPI supporter and champion of nonprofit advocacy, Ben Shute of the Rockefeller Brothers Fund. He encouraged us to apply to the Fund's prestigious Pocantico Conference Center to host a CLPI convening to outline the principles and practices. We were delighted to be selected and to receive further support from the Fund for our efforts. And so we began the process in earnest in Fall 2006.

From the start, CLPI intended for the practices that emerged from this process to be aspirational and invitational, used to stimulate people's thinking in their own work – not to serve as the basis for certification or standardization. We encourage public interest lobbyists to use the practices to benchmark and continuously improve themselves.

Likewise, CLPI recognized this initial effort as a starting point for the field's ongoing inquiry and exploration of practices that reflect and advance public interest lobbying. As in all its endeavors, CLPI remains non-partisan and politically non-ideological as it seeks to create new knowledge to advance the nonprofit sector's collective interests.

Learning from other "good practices" efforts in the nonprofit sector, we sought to make the CLPI effort:

- ⇒ **Inclusive**, involving people beyond the staff or a small planning group.
- ⇒ **Systematic**, building upon current knowledge in the field and moving from hypothesizing to data gathering to consensus building.
- ⇒ **Efficient** in the use of resources (i.e., time and money).
- ⇒ **Practical**, resulting in a usable tool for the field, not just a research project or intellectual exercise.

With these process goals in mind, we created a streamlined process with three key elements:

1. Focused data gathering, which included a literature search, 25 interviews, and 5 focus groups with **nonprofit advocates and practitioners**.
2. The CLPI National Summit at Pocantico in September 2007, a gathering of 25 **nonprofit thought leaders** to help discern the principles and practices based on CLPI's synthesis of key topic areas and guiding questions.
3. A **national planning team** to guide all of our efforts.

Defining “Public Interest”

The national planning team wisely cautioned the CLPI staff that defining “public interest” would be messy and difficult, challenging our desire to avoid sounding sanctimonious and to remain non-partisan and politically non-ideological. Further, the task of defining “public interest” or “public interest lobbying” poses a challenge because our understanding is only partly intellectual; as with other powerful and profound notions, such as “social justice” or “democracy,” our understanding is also partly intuitive. Any shared definition that arises from this process will be, at best, a working definition with some inherent ambiguity.

With these cautions in mind, however, we feel that it is important for us, as the Center for Lobbying in the Public Interest, to take on the challenge of defining “public interest lobbying.” We also will keep in mind these intentions:

- The principles we develop should be aspirational and invitational, not judgmental, sanctimonious, or partisan.
- We will avoid equating “public interest” with “nonprofit,” recognizing that tax status alone does not define the “public interest,” and acknowledging that for-profits also can take “public interest” actions.
- We will aim to be transparent about our process, naming its inherent limitations, the tensions and messiness that arise, and our learnings as the process evolves.

How others define “public interest”

An initial literature search on “public interest” (and the related “common good”) yielded, not surprisingly, lots of debate and little consensus on definition.

Barron’s Dictionary defines “public interest” as:

Values generally thought to be shared by the public at large. However, there is no one public interest. Rather, there are many public interests depending upon individual needs.

Woodstock Theological Center’s articles on the “ethics of lobbying” suggest that the “public interest” is neither knowable nor timeless but in fact discovered through a process of inquiry and debate. One of the Woodstock pieces suggests that the “public interest” is “what we seek to discover through deliberation and argument,” which are the fundamental practices of democracy. In this way, the “public interest” is about the “how,” not the “what.”

Our literature search, as well as interviews and focus groups with nonprofit advocates and practitioners, unearthed some underlying tensions in any effort to define “public interest”:

- Some define “public interest” as pertaining to the whole, the public at large, or the largest and broadest portion of the public, while others see it as a specific to those with the greatest need and/or who have been historically under-represented, under-served, or otherwise marginalized.
- Some define it as common or shared interests, while others see it as an aggregation of individual interests.
- Some see it as inherently driven by ethics, while others say that any work on behalf of “public interest” is ultimately about systems change.

- Some define it by its opposite, i.e., it is not self-interest, while others see everything as self-interested and thus suggest we should aim for enlightened self-interest.
- Some see “public interest” as requiring a broad vision, while others insist that public interest organizations must maintain a focused mission.

While not irreconcilable, these tensions suggest that our efforts to define “public interest” require attention to nuance and complexity as well as an ability to hold paradox.

A more recent source, the new book *Seen but Not Heard* (Aspen Institute, 2007), based on the Strengthening Nonprofit Advocacy Project shepherded by CLPI, OMB Watch, and Tufts University, includes the following:

As one healthcare leader in Boston said, ‘We act to improve the public good. The for-profit community lobbies to make a profit; there is always a self-interest. We lobby to protect the people we serve; there is no self-interest, only a public interest.’ That sentiment was consistently echoed across the country by large and small nonprofits, by urban and rural groups, and by those who are actively engaged in public policy and those who are not engaged. Regardless of the accuracy, there is a presumption that the public understands that advocacy by the nonprofit sector is far different than advocacy by the business community.

So, while respecting the desire by some to not set up our sector as better than the business community, we consistently hear that the nonprofit sector is different in the following ways:

- Public interest organizations are not primarily driven by money – but we recognize it’s critical to our success and that facilitating market solutions can bring about sustainable change.
- Public interest organizations do not hoard access to power – but we are not afraid of power and realize it is necessary to achieve our goals.
- Public interest organizations do not believe that the ends justify the means or focus on winning at all costs – but we do aim to win.

And, in fact, we heard from nonprofit lobbyists themselves that they believe nonprofits engage in “special interest” lobbying when nonprofits seek funding or other support only for their own organizations rather than to address root causes or effect systemic change. So, “public interest” characterizes an orientation or a set of behaviors, not simply a tax status.

Again, CLPI recognizes that defining “public interest” requires ongoing dialogue. We offer the principles and practices included above as one contribution to that evolving conversation. We hope that all those in the nonprofit sector engaged in lobbying -- board members, executive directors, staff, volunteers, and funders -- find these principles and practices useful, inspirational, and aspirational.

Acknowledgments

We wish to thank the many public interest lobbyists, nonprofit practitioners, and thought leaders who contributed to this effort.

National Planning Team

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An additional focus group was held at the 2006 CLPI Action Network Retreat.

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Benchmarking Chart

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