

Stoking the Nonprofit Advocacy Engine

by Gita Gulati-Partee

ADVOCACY IS A CORE NONPROFIT capacity, but unfortunately it is often marginalized. Its importance is often overshadowed by direct service and other organizational capacities such as fundraising, financial management, and governance. This is partly due to the lack of resources devoted to advocacy and advocacy capacity building. But it also stems from too much caution on the part of the nonprofit infrastructure, which has thus far been unwilling to aggressively promote, secure funding for, and even name which of its activities constitute lobbying or other forms of advocacy.

Advocacy suffers from an inadequate conceptual frame and inconsistent messages. We are mired in the same old debates about what constitutes advocacy, where the line is drawn between advocacy and civic engagement, and whether we should proudly proclaim lobbying as our constitutionally given right “to petition government” and our public-interest responsibility or should instead avoid the *L* word for fear of scaring nonprofits and funders away. To be sure, legal definitions and confusion about them complicate matters. *Advocacy* refers to action taken to influence public opinion and public policy on behalf of an issue, cause, or constituency. *Lobbying* is a legally allowable though clearly defined and regulated form of advocacy that involves stating a posi-

tion on specific legislation to legislators and asking them to support that position.¹

Infrastructure groups have not encouraged greater philanthropic support for advocacy, which could be achieved, for example, by organizing funders into an affinity group that explicitly champions nonprofit lobbying and advocacy. Indeed, they have not produced definitive data about the amount of foundation dollars that currently supports nonprofit advocacy, nor have they stated how much support *should* be devoted to advocacy. And so we continue in this chicken-and-egg spiral: because of too few resources to support advocacy capacity building, nonprofit leaders are prevented from championing advocacy and increasing financial support for this crucial work, and so on. Whether intentional or not, by marginalizing advocacy, the infrastructure has helped guard the status quo rather than lead true social and systems change.²

What would a strong, vibrant advocacy infrastructure look like? “It does more than train on the lobby law,” says Marcia Avner, the public-policy director at the Minnesota Council of Nonprofits (MCN). “It offers multifaceted strategy development: education, lobbying, grassroots organizing, and media advocacy, plus skill building to execute the whole package effectively. And it’s not only about building capacity for advocacy, it’s also about *advocating proactively* on behalf of the sector,

organizing the nonprofit sector to advocate for the role of government as we advocate for government to meet needs in communities.”

No single infrastructure group provides this mélange of advocacy and capacity-building capabilities, as well as the coordinating and organizing function throughout the sector. As a result of too much caution and too few resources, a fuzzy conceptual frame and no unifying campaign, the infrastructure supporting nonprofit advocacy has become more decentralized.

Two national organizations offer the most explicit focus on building nonprofit capacity for policy advocacy: the Alliance for Justice (AFJ) and the Center for Lobbying in the Public Interest (CLPI). There are more than 1 million nonprofits in this country, and these two national organizations strive valiantly against the odds to meet the need for this crucial capacity building.

A recent study indicates that while almost three-quarters of responding nonprofits engaged in some kind of policy advocacy or lobbying during the previous year, the vast majority engaged in low-risk and low-engagement activities, such as signing a letter to a policy maker. Most did not engage at the federal level and devoted 2 percent or less of their budget to these activities.³

In 1998, CLPI was born from Independent Sector, and by 2000, it had become the nation's only independent organization devoted to advancing nonprofit lobbying. CLPI provides tools for advocacy action planning for organizations with some experience. It also provides motivation and introductory training about the lobby law and advocacy strategies to predominately apolitical, direct-service-oriented nonprofits that have begun to wade into the policy arena. Note that a recent study showed that the highest-impact nonprofits combine advocacy and service; it is not clear whether infrastructure organizations encourage advocacy organizations to develop their capacity for direct service.⁴ This raises the question about whether advocacy organizations have a real connection to the constituencies they presume to represent, a question that the *Nonprofit Quarterly* has explored previously.⁵

In recognition of the critical mass of nonprofits that engage in advocacy, last year, CLPI led a national process to identify "smart and ethical principles and practices for public interest lobbying."⁶

- Public-interest lobbying must add civic value; it should involve a diverse spectrum of voices, take a broad and long-term view, and act to strengthen, not undermine, the public trust.
- Public-interest lobbying must be inclusive, engaging the community and particularly those most affected by the policy. Government of the people, by the people, and for the people works only if the people are centrally involved.
- Smart and ethical lobbying must be credible, trustworthy, and based on reliable facts, figures, and studies. That means obeying all laws and regulations, providing objective information without the intent to mislead, and keeping promises.
- Public-interest lobbying must be multifaceted and adaptive, complemented by

other advocacy tools and taking educated risks as needed. It must always seek to serve the public good.

A related outcome of this process was simply rediscovering the term *public-interest lobbying*, which might provide the antidote to the never-ending struggle between those who insist on using the term *lobbying*—even though people are turned off by it—and those who quickly default to the overly diluted and vague term *advocacy*.

An initial and ongoing challenge to CLPI's effort was, predictably, defining the *public interest*.⁷ A central point is that *public interest* is more than simply a tax status, and truly serving it requires intentional choices on the part of the nonprofit, as summarized by a health-care leader in Boston:

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. Regardless of the accuracy, there is a presumption that the public understands that advocacy by the nonprofit sector is far different from advocacy by the business community.⁸

Like CLPI, the Alliance for Justice provides training and technical assistance on the fundamentals of lobbying, but AFJ works with predominately progressive, advocacy-oriented 501(c)(3)s as well as 501(c)(4)s and 527s. In part due to the success of AFJ's Nonprofit Advocacy Project and the Foundation Advocacy Initiative, several foundations—including the California Endowment, the Annie E. Casey Foundation, and the W.K. Kellogg Founda-

tion—have begun to provide a leadership voice about the importance of nonprofit advocacy by educating grantees and philanthropic peers about advocacy rules and techniques. A recent *New York Times* article reported that a growing number of foundations have increased support for public-policy change. The Gates Foundation, for example, spends roughly 10 percent of the more than \$1 billion it gives away each year on advocacy efforts.⁹

In a recent op-ed, CLPI President Larry Ottinger discussed the importance of advocacy in the context of the sector's decreasing resources and economic belt tightening.

As resources dwindle and expectations increase, charities and foundations will have to be even more strategic in their work. Charities will have to figure out how to do more with less. By increasing support that can be used for grassroots organizing and direct lobbying, as well as efforts to get citizens more involved in the democratic process, nonprofit leaders can bring about change at a scale needed to empower and serve those most in need. Clearly foundations and wealthy donors will have to make ever more difficult decisions about how to invest their limited resources to produce the greatest good for the greatest number.¹⁰

Nonprofits know they have to *increase* their fundraising efforts when resources decline; infrastructure groups will have to work harder to convince nonprofits to internalize the same message about advocacy.

Because it has not yet joined the inner circle of organizational capacities, advocacy is often the first to get cut in tough economic times, with nonprofits focusing on their core services and other activities that aid their survival. Funders reinforce

this choice through their own discomfort with advocacy and their emphasis on tangible, immediate results that do not match the reality of advocacy efforts. (Innovation Network has launched an advocacy evaluation project to help nonprofits better measure the results of their advocacy efforts and to educate funders about how progress takes shape in the policy arena.) Of course, many funders comfortably engage in the legally allowed self-defense lobbying, often at great expense, while several like the Gates Foundation have established Washington, D.C., offices with the purpose of advocating for issues critical to the foundation.

In 2006 the National Council of Nonprofit Associations—now known as the National Council of Nonprofits (NCN)—saw a hunger for nonprofit advocacy when it convened the Nonprofit Congress. During more than 100 town hall meetings across the country that culminated with a national meeting, nonprofits identified their priorities for the sector. One of the top three to emerge was advocacy and grassroots community activities, which was described as “empowering individuals and nonprofits to act collectively for positive change.” Thus far, however, the nonprofit infrastructure has not been able to actualize this priority.

As a result of funding constraints a few years ago, NCN cut policy staff and shifted its focus to playing a policy reporting role, informing nonprofits about legislation and regulations affecting the nonprofit sector. Before then, NCN was CLPI’s strongest partner in building nonprofit advocacy capacity, leveraging CLPI’s content expertise and focus with NCN’s national, state, and local reach. Fortunately, there are signs that NCN, which has a new CEO with a strong advocacy background and a close relationship to CLPI, will take on a much more proactive public-policy role. Recently, for example, NCN activated its state association network in a campaign to push for increasing the charitable mileage rate for

nonprofit volunteers.

While dedicated capacity builders like CLPI and AFJ must continue to provide focused, expert training and technical assistance on nonprofit advocacy, infrastructure groups like NCN can help move advocacy to the center of nonprofit work and make advocacy, as CLPI founder Bob Smucker described it, “ordinary, not extraordinary.”

These national organizations—CLPI, AFJ, and NCN—play an important role and offer needed support. And as good advocates, they have applied pressure to engage philanthropic support and other aspects of the nonprofit infrastructure to see advocacy as a shared best interest. But until the national infrastructure fully embraces and champions advocacy, this work will remain on the margins. Two national organizations cannot meet the diverse needs of nonprofits at various developmental stages advocating for a range of issues at different levels of policy making. As a result, other organizations have stepped into the gap.

Issue-focused umbrella organizations advance federal, state, and local policy change while providing training and resources to members and/or network affiliates and chapters. For example, the National Assembly on School-Based Health Care (NASBHC) represents more than 1,700 school-based health centers in 43 states to integrate school-based care into our nation’s health care and education systems. Americans for the Arts trains and provides seed money to state and local district arts advocacy captains who lead advocacy initiatives at the state and local levels, respectively, and help at the federal level.

Constituency-focused advocacy organizations focus on civil rights as well as capacity building for local groups. The National Network for Immigrant and Refugee Rights, an alliance of more than 250 organizations and activists, for example, has organized regional and

national campaigns, spearheaded rallies and marches, and provided training and resources to advocates on the ground. Its publication *Building Immigrant Community Power through Legislative Advocacy: A Popular Education Resource for Immigrant and Refugee Community Organizers* offers the fundamentals of nonprofit advocacy through the political and cultural lens of immigrant communities. The National Gay and Lesbian Task Force leads a robust policy agenda and also offers Power Summits to train people to build powerful state and local campaigns, organizations, and coalitions to win at the ballot box and in the legislature.

State-level infrastructure organizations include the state associations of nonprofits or state-level issue-oriented or constituency-focused umbrella groups. The quality and consistency of these efforts depend in large part on the capacity of key staffers. The policy team at the United Way of Texas, for example, brings a rare combination of sharp policy analysis and messaging, an ability to organize and mobilize a base of member organizations, and the skills and sensibility to build member capacity so that members can advocate on their own behalf and as more effective partners in state-level lobbying efforts. Marcia Avner and her colleagues at MCN remain on the cutting edge of the field by providing solid training on lobbying to nonprofits in Minnesota and around the country and by framing lobbying the legislature as one part of a year-round civic engagement strategy that also must include attention to grassroots organizing and nonpartisan voter engagement.

Civic engagement and voter participation efforts expand advocacy strategy beyond legislative cycles. MCN and other state associations have joined with the national Nonprofit Voter Engagement Network (NVEN) to build capacity for nonprofits that integrate nonpartisan, nonprofit voter participation initiatives into

their work year round. NVEN works through organizations to fulfill the promise of nonprofits as vehicles for democratic participation and for the practical purpose of reaching voters, especially those with a recent history of lower participation. Robert Egger, the president of DC Central Kitchen and co-convenor of the first Nonprofit Congress National Meeting, leads the V3 Campaign to provide tools for nonprofits to legally engage local and state candidates to determine their plans for the nonprofit sector.

Conclusion

Clearly, the infrastructure supporting and advancing nonprofit advocacy is at once small, diverse, and decentralized, making progress in spite of being marginalized and underresourced. In terms of nonprofits that lobby and employ other forms of advocacy effectively, that see advocacy as core to their missions and integrated into their work, and that network with others to create and advance a “public interest” that is broader than an issue or organization, the sector has nearly reached critical mass. And yet still we hear about nonprofits that continue to declare that they are not allowed to lobby; that have not leveraged online media or social networking tools to create both online advocacy and offline action; that shy away from conversations about taxes, campaign finance reform, and other cross-cutting policies that affect every nonprofit; and that compete with other nonprofits for shrinking government funds rather than work together to rebuild the social safety net, realign government funding priorities, and address root causes that perpetuate the need for direct services. While many nonprofits have become quite savvy about advocacy, others have not exploited the full spectrum of strategies to combine legislative work with true grassroots organizing (i.e., by developing local leaders to drive their own agenda rather than using

short-lived mobilization efforts that serve an organizational agenda created by professional advocates).¹¹ And too many nonprofits confuse short-term wins and empire building with long-lasting, far-reaching social change that truly serves the public interest.

So there is work yet to do: to organize the sector in its advocacy, to build its skill in doing advocacy effectively at all levels, and to champion public-interest advocacy as a necessary activity worthy of support from individual donors and philanthropic institutions. And the nonprofit infrastructure could play a critical role in capturing and disseminating best practices, convening thought leaders, practitioners, and policy makers, and providing the connective tissue that can turn diverse and decentralized entities into a powerful force for change.

ENDNOTES

1. *Make a Difference for Your Cause: Strategies for Nonprofit Engagement in Legislative Advocacy*, Center for Lobbying in the Public Interest, 2006 (www.clpi.org/images/stories/content_img/Make_a_Difference_RG%5B1%5D.pdf).
2. A similar critique can be made about capacity building for diversity, inclusion, and equity, which, like advocacy, have the potential for shifting paradigms and power dynamics in the sector and in society.
3. Lester M. Salamon and Stephanie Lessans Geller, with the assistance of Susan C. Lorentz, “Nonprofit America: A Force for Democracy?” Executive Summary, Communiqué no. 9, the Listening Post Project, Johns Hopkins University Center for Civil Studies, Institute for Policy Studies.
4. Leslie R. Crutchfield and Heather McLeod Grant, *Forces for Good: The Six Practices of High-Impact Nonprofits*, Jossey-Bass, 2008.
5. Cynthia M. Gibson, “In Whose Interest: Do National Nonprofit Advocacy Organizations Represent the Under-Represented?,”

the *Nonprofit Quarterly*, Summer 2006; William Schambra and Krista Shaffer, “Grassroots Rising: A Conservative Call for Philanthropic Renewal,” the *Nonprofit Quarterly*, Fall 2004.

6. David Cohen and Larry Ottinger, “How to Guarantee Respect for Public Interest Lobbyists,” the *Chronicle of Philanthropy*, vol. 20, no. 18, June 2008.
7. For a complete overview of CLPI’s background research, see “Smart and Ethical Principles and Practices for Public Interest Lobbying” (www.clpi.org/images/pdf/SEPP_ReportFINAL.pdf).
8. *Seen but not Heard*, Aspen Institute, 2007, based on the Strengthening Nonprofit Advocacy Project shepherded by CLPI, OMB Watch, and Tufts University.
9. Stephanie Strom, “Some Philanthropists Are No Longer Content to Work Quietly,” the *New York Times*, November 6, 2008.
10. Larry Ottinger, “Lessons for Charities Amid the Financial Crisis,” in the *Chronicle of Philanthropy*, vol. 21, no. 1, 2008.
11. Charles M. Payne, *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle*, University of California Press, 1995 and 2007, distinguishes organizing from mobilization. The author quotes legendary Mississippi civil-rights activist Bob Moses: “The community-mobilizing tradition [is] focused on large-scale, relatively short-term public events . . . [while] community organizing [is] a tradition with a different sense of what freedom means and therefore a greater emphasis on the long-term development of leadership in ordinary men and women.”

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