

Healthcare-NOW!

Facilitators Guide for "When Your Legislator Says No" Workshop

Goal of the Workshop:

Having an effective legislative strategy is crucial for any group fighting to win single-payer health reform at the state or national level (or both!). This workshop focuses on one aspect of an effective legislative strategy: having a plan for increasing legislators' level of support for single-payer legislation when simple requests have failed. Participants should leave the workshop being able to rate their legislators' level of support, to recognize pushback from legislators and respond to the pushback without de-escalating their demands, and to have a plan for escalating tactics to move reluctant legislators to a higher level of support without alienating them.

Step #1: Develop a Ratings System for Scoring Legislators' Level of Support

Organizations advocating for single-payer legislation should develop a rating system for their state and/or national legislators to track their level of support over time. Ratings systems allow organizations to prioritize their legislative advocacy - for example, by spending less time on legislators strongly opposed to single-payer reform and more on those privately but not yet publicly supportive.

A good ratings system should not be overly complicated - 1 through 5 is common - and should range from opposition to leadership on your issue. Each rating should be associated with one or more observable behaviors that, most importantly, you can ask a legislator to do. For example, a 2 rating may indicate that a legislator is a "Supporter", which can be triggered by their co-sponsoring the legislation, while a 1 rating may indicate a "Leader", triggered by their speaking publicly in favor of single-payer, mentioning their support on their web-site, testifying on behalf of the bill at hearings, or other measures. All triggers should be things you can ask a legislator to do or say, which makes them both measures but also "asks" and organizing goals.

The ratings system as well as the tactics you will use to push legislators from one to the next level of support will vary by political context. The group should work collectively to develop a meaningful ratings system, after which it can develop a repertoire of tactics for moving legislators from each level of support (see below).

Step #2: Recognizing and Responding to Pushback from Legislators:

The most common way in which activists get "stuck" with legislators is when they have approached the legislator, once or a number of times, perhaps taken some additional actions such as delivering petition

signatures, and the legislator has not increased their level support. Despite the title of the workshop, legislators rarely say "no" directly, and they are more likely to push back in indirect ways by offering reasons why they cannot increase their support, or through delay and noncommitment.

As constituents, you have a right to expect that your legislator will strongly support life-saving legislation for the district, and there is no good procedural reason for legislators to allow the tremendous and unnecessary suffering and death caused by our health system to continue. So it is important for activists to learn to recognize pushback as a form of evasion, and to become comfortable responding to the pushback without de-escalating their demands.

Pushback on very rare occasions is substantive: for example, legislators may take issue with particular elements of your legislation, but would otherwise be willing to become a public advocate of the bill. In these cases, it's important to consider whether you'd be willing accommodate their concerns or change the legislation. Most legislative bodies allow legislators to express support for a bill with proposed modifications, which is another way to remove nit-picking as an obstacle to support.

The vast majority of pushback is evasive, though: designed to keep single-payer activists as political supporters without actually supporting single-payer reform, which may incur other political costs. A key exercise of the workshop is to start listing common forms of pushback, and to list out how these are unacceptable reasons for legislators not to increase their support for single-payer legislation, along with a direct but respectful way to respond to legislators when they use that form of pushback. Legislators use a large repertoire of pushback around co-sponsorship, to use just one example, including:

- Claiming to support your cause, but refusing to co-sponsor your bill since co-sponsorship isn't important (they will surely explain to you why);
- Stating that they only co-sponsor bills that they work on, and they don't have the capacity to take on single-payer reform;
- Saying they only co-sponsor a certain number of bills per session, and this is not their top priority;
- Saying that they are in leadership and therefore can't co-sponsor legislation before it makes it through committees;
- And so on.

Once your group has a ratings system, you can develop a separate list of common pushbacks for each level of support, since they will vary. If there is limited time in the workshop, focus on one level of support that is crucial for your group's broader level of strategy. If your legislative strategy is focused on moving legislators leaning in favor of single-payer into the Supporter column for example, or focuses on developing legislative leadership among the group of existing supporters, then use just that level for purposes of the workshop. You should consider excuses like those listed above, as well as forms of disagreement, evasion (avoiding activists or not getting back to you, for example), and outright

dishonesty (saying they will do something and not doing it), if these are common experiences with your members.

Next, develop a response to each pushback that maintains your ask, and will form the basis for escalating tactics in the next and final step of the workshop. There are a few criteria for developing your response:

1. **Your response must maintain respectful language and tone towards the legislator;** showing emotion and anger is a good thing, since it reflects how important this issue is, but you ultimately want them to become a supporter and then a leader, which will never happen if you develop an antagonistic relationship towards one another. Stick to expressing your own emotions regarding the healthcare system, and limit anger and judgement directed towards the legislator: remember, escalating your organizing tactics and use of community leverage will move your legislator, while escalating your anger or disrespect towards them will not!;
2. **Acknowledge the legislator's pushback, but do not enter into an argument about whether their excuse is correct or not** (e.g. whether co-sponsorship matters, or whether their policies around co-sponsorship are good or bad policies). Your response should shift the focus back onto the consequences to you and the people in your life of failing to fix the healthcare system, and why your legislator needs to prioritize this issue;
3. **Respond by telling your story, which can include the story of your family, friends, or patients,** before using data or speaking in the third person about the district. If and when you need to escalate your tactics, you will need to make clear that you are doing so because of the urgency of the issue for you and your community;
4. **Do not back down from your ask,** and remember that your legislators have a moral obligation to support this legislation, and you should not feel uncomfortable expecting that they will, regardless of their pushback. Far too many activists want to give their legislators the benefit of the doubt, and accept pushback as a valid excuse for failing to advocate for a just healthcare system.

When workshop participants have developed a list pushback they receive from legislators, and developed a response to each that meets the criteria listed above, move on to the final step of the workshop, which is developing a repertoire of escalating tactics at each level of support.

Step #3: Develop a Repertoire of Escalating Tactics

Grassroots organizations, particularly those advocating for systemic reform that will invariably create political costs for legislators that support the cause, rarely have the kinds of power that can be exercised behind closed doors, such as money or influence. Yet groups who routinely organize public pressure campaigns when targeting corporations or community institutions, often hesitate to exercise the types of power they do have - the ability to mobilize a network of community activists and/or a coalition of organizations with grassroots bases - to take public actions to move their legislators.

No lobbying handbook ever printed will recommend organizing public actions to move a legislator, because these handbooks are generally written for those with other forms of power, or for professionals who make their living by developing quid pro quo relationships with legislators. However, the answer to the question: "What do I do when my legislator says no?" is that you must have a plan for escalating tactics that will end in taking public actions that take advantage of the power you have built through community organization and coalition-building.

Your organization should develop a standard "repertoire" of tactics for moving legislators from each level of support to the next. The tactics that would be appropriate to move a legislator from opposition to supporter will not be the same as the tactics appropriate for moving a legislator from supporter to leader, so this exercise will need to be repeated.

Just like developing responses to legislators' pushback, there are some ground rules to developing an effective repertoire of escalating tactics:

- **A repertoire of tactics should always start with minimal effort and private actions (e.g. calls, emails, in-person meetings), then escalate to public actions that are more resource-intensive, but take advantage of the power you have in that legislator's district.** The goal is to make the most of the resources you have, and to offer legislators ample time to get to know your activists (if they don't already), to express any legitimate reservations, and do the right thing on their own.
- **Public actions must maintain a respectful - ideally supportive - tone towards the legislator you are trying to move,** or you risk alienating them and establishing an oppositional relationship. If door-knocking, leafleting in their district, or speaking with media, it's more effective to say that the legislator has been a leader on other issues and you are asking for his/her leadership on this issue, than it is to attack or criticize them for example
- **At lower levels of support, actions that impose political costs are more likely to be appropriate, while at higher levels of support (such as moving supporters to become more active leaders), actions that offer political rewards are more likely to be appropriate.** Creating political incentives could involve inviting a supportive legislator to speak at events that put them in front of potential supporters, for example.
- **Tactics in your repertoire can vary depending on the time of year, the election cycle, or the legislative cycle.** Bird-dogging, for example, could be an effective tactic leading up to elections, or for legislators hosting town hall meetings when the legislature is out of session. Phone banking would be a poor tactic when the legislature is not in session.

Moving to public action as part of a legislative strategy is challenging because it is resource intensive, and many organizations don't have the capacity to execute the more resource-intensive tactics in more than a few districts at a time. It is also challenging because it can involve applying public pressure to an official you wish to become an ally - elected officials do not like being organized against, so activists need to be extraordinarily careful to maintain cordial private and public messaging, even while escalating their tactics and using the grassroots power they have. Because of this, it's ideal to include

long-time supporters of the legislator in the coalition, and to avoid developing an oppositional relationship, which will guarantee failure.

Workshop participants should discuss and develop a repertoire of escalating tactics for each level of support (or the most important level if time constrained), which fits with the capacity and strength of the organization and its allies, and to briefly sketch out messaging to accompany each tactic.