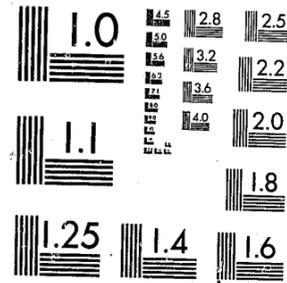


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11/16/82

Working Together Advocating for Change

*A manual for
voluntary sector organizations.*

82083



**A Manual for Voluntary Sector Organizations
prepared by The National Juvenile Justice
Program Collaboration**

AFL CIO, Division of Community Services
American Red Cross
Association of Junior Leagues
Big Brothers/Big Sisters of America
Boy Scouts of America
Boys' Clubs of America
Camp Fire, Inc.
Girl Scouts of the USA
Girls Clubs of America, Inc.
JWB (Jewish Welfare Board)
National Conference of Catholic Charities
National Council of Jewish Women
National Council of Negro Women
National HomeCaring Council, Inc.
The National Network
The Salvation Army
Travelers Aid Association of America
United Neighborhood Centers of America
National Council YMCAs of the USA
National Board, YWCA of the USA

**A Task Force of
The National Assembly of National Voluntary
Health and Social Welfare Organizations, Inc.
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U.S. Department of Justice
National Institute of Justice

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Appendices

In the early 1970s, a group of national youth-serving organizations began to confer with members of Congress for passage of major legislation for juvenile justice. It was the intention of the organizations and the federal legislators to strengthen the impetus for reform of the juvenile justice system and to increase the number and quality of services available to youths as alternatives to the juvenile justice system. After several near-misses and compromises, legislation was passed that authorized activities leading toward the achievement of these goals. With the Juvenile Justice and Delinquency Prevention Act of 1974 as the guiding document for mandated federal programs, programs for which they had long advocated, national youth-serving organizations realized that the hard task lay ahead—that of demonstrating the capability of the private voluntary sector to serve youth at risk of institutionalization by providing the community-based alternative services mandated in the Act. In December 1974, fourteen national organizations formed the National Juvenile Justice Program Collaboration (NJJPC), a task force of the National Assembly of National Voluntary Health and Social Welfare Organizations, Inc. This task force, currently comprised of twenty national organizations, has been actively engaged in developing strategies to help local affiliates become more involved in juvenile justice issues and programs by working collaboratively on the community level.

With funding from the U.S. Department of Justice, Law Enforcement Assistance Administration (LEAA), Office of Juvenile Justice and Delinquency Prevention (OJJDP), NJJPC established local program collaborations in five demonstration sites selected around the country: Tucson, Arizona; Spokane, Washington; Oakland, California; Spartanburg, South Carolina; and the State of Connecticut. During the first two and one-half years of their operation, these local collaborations planned and implemented over one hundred and twenty innovative, collaborative programs activities and through their efforts demonstrated that a collaborative style of work could be effective.

In 1978, NJJPC conferred with over one hundred agency representatives participating in these collaborations concerning the role of private agencies in deinstitutionalizing status offenders. A major recommendation from local affiliates to their national organizations, articulated from site to site, was the need for assistance in developing advocacy skills.

A national committee on Advocacy was established by the NJJPC Task Force in response to this need and immediately began to develop strategies to encourage local advocacy activities.

This manual is one of the products resulting from the Advocacy Committee's efforts.



Agencies with a focus on advocacy, and others with a background in direct services worked together to compile this manual. Over the past few years, the materials and expertise of one group helped the other expand their involvement to include advocacy activities on national and local levels.

We are grateful to:

The Board of Directors of The National Assembly, for their support;

The national agencies participating in the National Juvenile Justice Program Collaboration Task Force, for their commitment;

The board members and staff serving on the Task Force, for their leadership and time invested in the project; and

The board, staff and volunteers of participating organizations in our demonstration sites for their enthusiasm and hard work in establishing local collaborations to serve and advocate on behalf of status offenders and youth at risk. Without their perspective and identification of needs with regard to advocacy guidelines, this manual may well have never been developed.

We would like to thank the members of the Advocacy Committee of the Task Force for their efforts in the production of this manual and their work with the various agencies to help them to become more

involved in the issues as they relate to status offenders; and Walli Klores, who chaired the committee, for her steadfast devotion, dedication and leadership.

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Finally, we would also like to acknowledge and thank the following individuals and organizations for contributing resource materials: Senator Jay P. Robison, Jr.; Milton Rector; American Association of University Women; Association of Junior Leagues; Coalition for Children and Youth; Congressional Quarterly; Fund for Modern Courts; Grantsmanship Center; League of Women Voters-Education Fund; National Council of Jewish Women; Young Men's Christian Association.

1*ad·vo·cate* \ -kät, -,kāt, usu -d· + V \ n -s [ME *avocat*, *advocat*, fr. MF, fr. L *advocatus*, fr. past part. of *advocare* to summon, call to one's aid, fr. *ad-* + *vocare* to call — more at VOICE] 1: one that pleads the cause of another: DEFENDER (we have an ~ with the Father, Jesus Christ — 1 Jn 2:1 (AV)) (accepted the responsibility of acting as a personal ~ for his chief); *specif*: one that pleads the cause of another before a tribunal or judicial court: COUNSELOR (never a close student of the law, his success was won as an ~) — used as the technical name in Scotland, France, and various other countries whose legal system is based on the Roman law and in the English ecclesiastical courts and various other special courts; compare ATTORNEY, BARRISTER, COUNSEL 2: one that argues for, defends, maintains, or recommends a *causē* or proposal (its warmest ~s agree in this with its severest critics — W.C. Brownell) (the ~s of classical education) (an ~ of air power)

2*ad·vo·cate* \ -,kāt, usu -d· + V \ vb -ED/-ING/-S vt: to plead in favor of: defend by argument before a tribunal or the public: support or recommend publicly (~ a permanent corps of civil servants) (~ changes be made) ~ vi: to act as advocate

ad·vo·cate·ship \ -,kēt,ship, -,kāt- \ n -s: the office or duty of an advocate

ad·vo·ca·tion \ ,advə'kāshən \ n -s [L *advocation-*, *advocatio* act of calling, summoning, legal assistance, fr. *advocatus* + *-ion*, *-io* -ion] 1 a SUMMONING b Scots law: the process whereby a superior court formerly reviewed cases brought in inferior courts 2: the act of advocating or pleading: PLEA

ad·vo·ca·tor \ 'advə,kād·ə(r) \ n -s: 1 ADVOCATE 2

ad·voc·a·to·ry \ (')ad',vākə,tōrē, 'advə,kād·ərē \ adj: of or relating to an advocate



The verb "to advocate" derives from the Latin "advocare," which means "to call to, to summon." It also means "to give voice to." To advocate is simply to lend a voice in support of something to someone. Advocacy can be undertaken by individuals separately or by groups of people working collaboratively. Advocacy can be undertaken in behalf of one person—case advocacy—or in behalf of a group of people—class advocacy.

Why Advocate?

As communities begin to recognize how national legislation as well as local policy and planning decisions affect various segments of the population and the quality of their life, advocacy efforts are becoming more important. It is appropriate that individuals who will be affected by the decisions of governing bodies have a voice in these decisions. It is crucial that individuals who traditionally have no organized voice in society be fairly represented in these decisions by agencies serving them.

Through advocacy, community service agencies can help the people responsible for policy decisions and service priorities by sharing their perspective and demanding responsive action. This can be as supportive as providing documentation of service needs behind the scenes or as adversarial as instituting legal action. Between these extremes, advocacy can educate, suggest, speak out, pressure, or demand. Advocacy efforts can help identify the roots of a problem and support measures to change permanently what service programs can sometimes affect only briefly. While community agencies work to alleviate human suffering on a case-by-case basis, they must also seek to eliminate the systematic causes of such suffering.

Advocacy vs. Service?

The observation is often made by members of organizations that traditionally provide direct services: "We are involved in *doing*, while they are only *talking*." Advocacy is considered an unimportant activity pursued by people who choose not to be involved in direct services.

But must advocacy always be pitted against service? Absolutely not. Service programs often yield the most articulate advocates for improvement in existing systems. Why? Because these advocates know what they are talking about. No *effective* advocate for change in any system is ever without a thorough

knowledge of how services are provided and whether the people who are supposed to be helped are in actual fact really being helped.

The varied and important service programs created by community agencies produce the most effective advocates. Advocates have learned by doing, developing a detailed knowledge about a problem and its origins, and are thus able to argue persuasively their point of view without falling into the trap of relying on pure rhetoric—the ignorant man's giveaway.

Outdated, unresponsive systems make service programs ineffective. Services may be a waste of time, monies, and energies unless, with the establishment of every service program, there is dedication to understanding the system that produced the need for the program and to advocating creative solutions for improving that system.

Community service providers are in a perfect position to use their energies to influence public policy. A very real danger exists—that well-intentioned individuals will allow themselves to be drowned by providing direct services or by administering themselves to death or that individuals will allow themselves to be smothered by enervating rhetoric. Community agencies should be the power base to render their members effective advocates in their efforts to alleviate societal ills by changing dysfunctional systems.

Juvenile Justice

Historically, few social services have been provided in this country to juveniles at risk of institutionalization and other more serious youth offenders. In 1974, however, Congress passed the Juvenile Justice and Delinquency Prevention Act, which in part mandated community-based social services for youth as alternatives to detention or correctional institutions.

Young men and women in this country face increasingly limited economic opportunities as well as increasingly ambiguous social responsibilities. Many adolescents are placed at risk of involvement with the juvenile justice system because of behavior that is rooted in the complex and often contradictory demands made of youth by our society. Communities need to be made aware of the needs of juveniles at risk and to be given the opportunity to support community-based social services to prevent unnecessary and frequently unsuccessful institutionalization. Communities can respond to the needs of juveniles in a variety of ways, including developing recreation programs, skills-training

programs, career counseling projects, and sex and health education workshops. Strong and determined leadership is necessary to direct communities in these efforts.

Conclusion

An advocacy agenda is a planned program of action that seeks to promote the welfare, rights, and interests of status offenders and other youth by intervention on their behalf in systems, services, and institutions that impinge on their lives. Advocacy seeks to develop alternatives to incarceration for youth already involved in the juvenile justice system and to promote environments that address the needs of youth to prevent their future involvement.

This manual is a collection of readings on the basic

principles of advocacy and on areas in which advocacy efforts are most fruitful. It was developed by the Advocacy Committee of the National Juvenile Justice Program Collaboration Task Force to help member organizations assist and encourage their local affiliates to provide more responsive, relevant, and effective alternative services to status offenders and other youth at risk and to develop an ongoing agenda of advocacy activities in their behalf.

The agencies that serve youth have a responsibility to advocate for them. They know best what the needs of today's youth are. Youth cannot vote. Agencies must lend youth their voice and speak out in their behalf. Youth have no power; agencies must use their power for them. If community agencies do not, who will?

A substantial number of young people who desperately need a helping hand as they grow toward adulthood are the unwilling victims of a system that responds to social problems with law-enforcement and juvenile justice solutions.

Their exact number is unknown, but thousands of so-called "status offenders" face court processing for actions no adult can be held criminally responsible for. Generally, they have gotten into trouble by skipping school, running away, or by being "incorrigible."

Unfortunately, both the agencies of juvenile justice and the youths involved with them could be the ultimate casualties of that system's attempt to do a job it is neither designed nor equipped for.

Public dissatisfaction with the system's handling of serious juvenile delinquency is eroding the juvenile court's jurisdiction over youths accused of the more dangerous crimes. Politicians in several states have responded to public fear by supporting representative legislation waiving youthful offenders to the adult criminal justice system. Meanwhile, the juvenile system remains bogged down with a heavy caseload of status offense petitions.

Since 1975, the National Council on Crime and Delinquency (NCCD) has advocated the removal of status offenders from the jurisdiction of the juvenile court and correctional system. While some status offenders may need help and guidance, jails, detention centers and reform schools are not the proper places for these youths. Community-based voluntary service agencies are the appropriate providers of the proper services. In favoring the voluntary approach, NCCD also recognizes that youths have the right simply to be left alone.

Compounding Problems

Too often, the juvenile justice system's solutions to youth problems seem to compound and intensify them. At best, providing social services through the courts is slow and cumbersome. At worst, youths have been subjected to cruel conditions and treatment while incarcerated. Many status offenders have actually spent more time in juvenile correctional facilities than have youths accused of violent felonies.

The National Center for Juvenile Justice (NCJJ) computed a national estimate of the number of cases (not individuals) processed through the juvenile courts in 1975.

Of the estimated 1,406,077 cases referred to juvenile

courts that year, 355,605 or 25.3 percent were for status offenses. These include running away, truancy, curfew violations, ungovernable behavior, possession of liquor (under circumstances that would not be illegal for an adult), and miscellaneous other charges ranging from endangering morals to engaging in dangerous occupations.

While the courts remain bogged down with status offense cases, their resources are diverted from the more manageable caseload of youths accused of serious crimes. Only 10 percent of the total estimated number of juvenile cases in 1975 were for the crimes of murder, rape, robbery, aggravated assault (intended to inflict serious injury) and simple assault. There is public pressure to remove many of these cases to the adult court system, yet they are the ones for which specialized juvenile justice is more appropriate.

The NCJJ figures tend to reinforce the viewpoint that status offense behavior reflects a rebelliousness and resistance to adult authority which is considered more characteristic of adolescent growth than of criminal behavior. The single largest status offense category, representing 10 percent of the total juvenile caseload, was running away. The second largest, at eight percent, was ungovernability. And the greatest number of referrals for status offenses involved youths aged 14 to 17. In most status offense categories, the number of referrals for 14-year-olds was more than double that of 13-year-olds.

Change in Law

The handling of status offenders has been changing since Congress passed the Juvenile Justice and Delinquency Prevention Act in 1974. The act requires states, after making adequate plans for a transition, to remove status offenders and less serious delinquents from secure confinement, either in detention homes or correctional institutions for delinquent youth.

There are presently two key areas of concern about status offenders: 1) the state-by-state implementation of the deinstitutionalization provisions of the act, and 2) the creation of alternative services for troubled youths.

A 1977 Arthur D. Little, Inc., survey of 10 states, representing the national mix of large and small, urban and rural states, found clear progress in all 10. More progress was shown in removing status offenders from reform and training schools than from pre-adjudication detention centers.

In 1978, a review of the situation by the U.S.

Comptroller General's office found that not enough alternative services were being made available. It also contended that most states were not properly monitoring their juvenile justice systems to ensure compliance.

The entire juvenile justice issue, covering both delinquents and status offenders, must be faced at the community level by concerned citizens working with government officials, human service professionals and the community's youth. (Emphasis added.)

Community Approaches

A search for effective ways of helping youth must be ongoing but many communities have already experimented with a variety of approaches.

- In Bergen County, NJ, a crisis intervention service which provides trained counselors who can help de-escalate confrontations between adolescents and their parents is being expanded. Help is available around the clock, seven days a week. Youths can temporarily live with volunteer "host families" if a cooling-off period is needed.

- In Spartanburg, SC, an in-school suspension classroom was established where students can work

on assignments from their regular teachers instead of being forced out of school for truancy or disruptive behavior.

- In Spokane, WA, a community resource coordinator was placed in the schools to help students obtain social services that already existed in the community. School officials generally knew which students needed help, but were unaware of what services were available.

- On an Indian reservation near Tucson, AZ, runaway, truant and incorrigible youths have been hired to paint a mural reflecting their cultural heritage on the wall of a community center. The project provided summer employment and gave the youths an opportunity for self-expression.

No matter what solutions are chosen by a community, the critical need is for a commitment to humane approaches based on the best interests and rights of youths.

Removing status offenders from the juvenile justice system will force communities to face up to the needs of young people, and it would allow the justice system to use its resources to deal with the real juvenile crime problems



The Juvenile Justice and Delinquency Prevention Act was passed by Congress in 1974 and amended in 1977 and 1980.* Its intent was to reform the juvenile justice system and to increase the number and quality of services available to youth as alternatives to the juvenile justice system. The act calls for a coordinated approach on federal, state, and local levels to combat juvenile delinquency and improve the juvenile justice system. The aim of the act is to divert juveniles from the traditional court system, to improve treatment and delinquency prevention capabilities with emphasis on community-based programs, to conduct research and evaluation, and to provide training. In addition, funding is allocated for programs for runaway and homeless youth. Citizen participation is mandated.

On the local level, there is an increased emphasis on the retention of control over juvenile disposition and treatment, and on generally providing alternatives that will enable juveniles to maintain and develop family and community ties. The act mandates the provision of community alternatives to incarceration of status offenders and dependent/neglected children.

On the state level, the act calls for the creation of

comprehensive juvenile justice plans by states and by local or regional planning agencies. In addition, the act calls for the creation of a state advisory group with majority citizen participation, including impacted youth, and mandates specific requirements that must be met in order to receive formula grant funding.

The act is not mandatory; a state does not have to comply with the provisions of the act unless the state wishes to receive a share of the formula grant funds. Some states have chosen not to participate, and others have withdrawn from participation.

On the federal level, an Office of Juvenile Justice and Delinquency Prevention has responsibility for the entire federal juvenile justice effort. A federal Coordinating Council with representatives of a number of federal departments and agencies coordinates the federal effort. A National Advisory Committee with majority citizen participation advises the Office of Juvenile Justice, the President, and the Congress. A National Institute was created to perform the research and training functions. The Office of Juvenile Justice can make funds available through formula grant allocations to the states and through special emphasis grants to both governmental and private bodies and individuals.

"Advocacy is a process and an extremely slow process. It cannot be done one day a week for three hours and dropped during the summer; it requires ongoing, persistent research, data gathering, coalition building, and education."

Introduction

Prior to developing and implementing advocacy plans and strategies, community agencies will find it useful to undertake some preliminary work. The following chapter covers several first steps that advocates should consider:

- role and responsibility of board of directors
- position-taking
- formation or joining of local coalitions
- assessing community needs
- general guidelines
- taking legal precautions
- consideration of 501(c)(3) status

* The Juvenile Justice and Delinquency Prevention Act of 1974. Public Law 93-415.

Amended: The Juvenile Justice Amendments of 1977.
Public Law 95-115.
The Juvenile Justice Amendments of 1980.
Public Law 96-509.



The major work of an agency is accomplished day by day through the efforts of its executive director, staff, and volunteers. An agency's overall design and direction, however, is shaped by its governing board of directors. Most of the affairs of American life are controlled or influenced by boards. In government, in business, and in the countless associations by which people seek to achieve common purposes, councils of citizens acting together exercise guidance and direction.

How Boards Began

Boards were rare in pioneer days. The men and women who depended on their own initiative and skill to leave the settled East and move westward, expected to have a direct voice in every decision that influenced their lives. When the clustering of people made government necessary, everybody decided everything. The New England town meeting was a pure democracy. Each issue was decided by a common vote after all arguments had been heard.

As time went on, as cities grew, as life became more complex and the problems and institutions of common life multiplied, citizens could no longer directly control all aspects of their society. They created city councils, legislatures, and Congress to deal with general matters. But since government often seemed remote and essentially negative in character, it was watched with a close and jealous regard. Some matters, it was felt, could not be safely left to the general authority of government. Therefore special boards began to develop which had responsibility for schools, health, welfare, libraries, universities, museums, or homes for the handicapped. This kind of extension has been most notable in the development of private services, particularly in education, health, and welfare.

The Basic Nature of the Board

Though boards have grown up in various ways and in many situations, they have come to have a number of common characteristics.

To begin with, a board is always related to some institution or service or association—a school, a business, a settlement house.

The board's relationship to its institution, service, or association is one of both control and assistance. The board may have ultimate power or its authority may be sharply limited, but it always has some responsibility to make policies and see that they are carried out. The members of a board also aid in furthering the work of

its agency or association, by interpreting the agency's program and policies to the community, raising money, and putting their special talents or contacts to use.

Why Boards Are Important

The widespread existence of boards means that they possess values that apparently are essential to modern life.

The central value of the board is that it provides an opportunity for the use of collective wisdom. Ideally it places at the disposal of an agency the knowledge, insight, and personal contacts of a group of people who are unusually able and who have widespread spheres of influence.

The board is also a powerful means of securing support in the general community through contacts and expertise of particular board members.

Boards provide, too, for continuity of policy and program. Executives may come and executives may go, but the board goes on forever. It endures, though its membership changes, just as the human body remains essentially the same although the cells are constantly replaced.

Boards have a value for all society since they provide one of the most significant means for preserving the democratic spirit. When planning is spread throughout society, when it is not restricted to a few people at the top, when it is infinitely modulated to local conditions and local wishes, it becomes alive and vital.

Advocacy

In assisting an agency further its work, the board will need to interpret the agency's programs to the community, influence public policy, or testify in behalf of certain client groups. In addition, the policies that govern an agency, and for which the board of directors is responsible, generally involves public issues and positions. The involvement of a board of directors in public issues and its visibility in the community are natural consequences of its role and responsibilities.

Advocacy activities are thus the natural provenance of boards. An agency's staff may be in a better position to provide supporting documentation and materials regarding specific issues (for example, prepare testimony or gather data). Staff may even first bring issues to the attention of the board. Ultimately, however, it is the board who will give credibility to the agency's advocacy activities in the community. A

board of directors has the stature and prominence to make itself heard. Board members are often influential and well-known members of their community. Their friends and acquaintances are often important decision-makers (such as legislators or administrators) and their personal relationships may assist in getting their agency's point of view across. Boards must realize that they are powerful bodies that can effect change in the community.

Boards can become involved in a variety of activities. The particular activity need only match an appropriate strategy. But first a board should recognize that its power and prestige enable it to advocate effectively in behalf of its agency and clients. The first step for an agency and its board of directors must be to understand that *advocacy is a proper activity* for the board, to further its own goals and those of its agency.



Community agencies should be prepared to share in the development of public opinion and public policy by taking positions on the issues that have deep bearing on the lives of persons. Furthermore, people should develop their own views on the chief social problems and issues of our time. The alleviation of today's massive disorders will call for more than individual education. If a local community agency is deeply troubled about such human deprivation as is brought about through lack of income, racial discrimination, unemployment, lack of medical care, unequal educational opportunity, and the need of decent housing, it must align itself with individuals who are similarly concerned and with commitment work vigorously for the changes that will deliver solutions to the problems. . . . If taking a stance on public issues seems revolutionary for some, let us remember that we are in the midst of a revolution.

Position-Taking is Important

If a local agency is to be relevant and effectively use its influence in relation to the needs of people and the issues of society today, it should recognize that position-taking is important, and as a community agency it should take positions.

All Groups May Take Positions

Position-taking is not limited to boards of directors, but is an available means of expression for subordinate bodies, such as committees and for other groups. Such bodies should properly look to the staff for guidance and other appropriate assistance. An agency's professional staff must have the leadership skill to assist groups that are seeking to become informed to take positions and to act on public issues.

Focus on Special Concerns

While social problems may affect the whole person, and it may be difficult to differentiate in advance between issues that are paramount and those that are not, position-taking should normally be directed toward those issues that an agency, in light of its stated purpose, its policies and its programs, might be expected to have some special concern and expertise.

Action implies mature consideration

The formal statement of a policy position on an issue implies mature consideration on the basis of careful

study and adequate information by those formulating the policy or stand.

Study before you act

Any such action should, therefore, normally be preceded by some form of intensive investigation, such as a special study committee, with the possible alternatives fully explored. The mode of expression—the words chosen—are sometimes as important as the thought conveyed.

Give advance notice

Before a group is asked to act, advance notice that a policy action is to be presented should be given. Impromptu formulation without analysis available to the group should be avoided.

Use democratic procedures

There should be an assurance of democratic procedures within the group involved in position-taking or action, with sensitivity to, but not intimidation by, internal minorities.

Clearly identify the group

Any group within an agency should be able to speak as long as it clearly identifies who it is and for whom it speaks. Integrity requires identification of the originating group. Implicit in the right of a particular group to take a position is the right of the board of directors to clarify the fact that the particular position taken by a subordinate or related body does not necessarily represent the policy or position of the agency.

You are interdependent

Position-taking by a group within an agency will inevitably be viewed by the larger community as representative in some degree of the agency. The group should, therefore, whenever possible, assume responsibility for providing information concerning decisions under consideration and invite consultative influence from the agency. This does not imply clearance, veto potentiality or a danger of sanctions. It does imply a responsibility for considering the responses and positions of other groups as relevant data for thoughtful consideration.

Staff are free and responsible

Employed staff members are free to take positions as individuals, but, except when they are speaking for the

agency and are consistent with its policies and positions, they should make clear that they are speaking for themselves. It must be recognized that as far as the public is concerned, it is difficult for an individual in a prominent and responsible position to function independently of the organization with which he is professionally identified.

Engage in follow-up action

Taking a position presupposes a willingness and an ability to engage in action to accomplish, or assist in accomplishing, a desired objective. Agencies should be encouraged to find ways to take effective action consistent with the positions that they state and appropriate in the light of their purposes. While merely taking a position is sometimes action in itself, one of the criteria in determining whether or not to take a position is whether the group that speaks is able and prepared to follow up its pronouncement with some sort of effective action.

Use means within the law

In taking positions and in acting in support of those positions, agencies should consistently use means that are within the law. If position-taking leads groups or individuals to actions of civil disobedience, this is a matter of individual conscience and there is a responsibility to accept the consequences that society imposes under law.

Risks in Taking Positions and in Silence

Position-taking and action on issues of public policy may sometimes seem to threaten organizational unity or to risk misinterpretation. But failure to take positions can involve an equal risk—the risk of being neutral on

crucial issues, the risk of being irrelevant. Position-taking *can* mean that a community agency stands for something if the action is properly initiated and developed so that the group (or the membership as a whole) feels a responsibility for its implementation.

Need Not Jeopardize Tax Status

In general agencies are not legislative lobbies or pressure groups. Their continued existence and support in large measure depend upon their tax exempt status. No individual or group within an agency has a right to jeopardize this status. (Sec. 501(c) of the Internal Revenue Code defines an exempt organization as one "operated exclusively for religious, charitable, . . . or educational purposes . . . no substantial part of the activities of which is carrying on propaganda or otherwise attempting, to influence organization . . .") Information on Sec. 501(c) will be found later in this chapter.

Committee Leadership Needed

Every agency's board should consider constituting a committee that would give leadership to the agency in developing proposals for position-taking and action on issues that have deep bearing on the lives of persons and on society and which are relevant to the purposes, policies and programs of the agency. To this committee might be referred proposals for position-taking and suggested supportive action so as to assure prompt and responsible organization response. Such a committee should formulate and recommend adoption of procedures appropriate for the particular agency to insure its participation in helping to develop public opinion in accordance with the principles set forth in this report.



Complex social problems like crime and delinquency are rooted in many community institutions and agencies—the family, schools, churches, businesses, social agencies, and juvenile justice agencies. The seemingly insurmountable problems facing the juvenile justice system are community, state and nationwide. Although it may be easier to work alone, such problems frequently beg for a community, state, or nationally based collaborative approach that applies the concentrated efforts of many people rather than isolated groups. Coalitions or collaborations may be the answer. (For information on developing collaborations, see *Community Collaboration—A Manual for Voluntary Sector Organizations*, The National Assembly, 291 Broadway, New York, N.Y. 10007.)

A coalition is an alliance of diverse individuals and organizations banding together to achieve a common goal. The members of a coalition may differ on many issues, but the one issue or goal that they share is the adhesive for cooperative efforts. The uses or objectives of coalitions include:

- to maximize the power of participating groups through joint action (United we stand; divided we fall.);
- to eliminate unnecessary duplication;
- to pool talents and resources;
- to develop and demonstrate widespread public support for an issue or action;
- to serve as a "front" so as to insulate member organizations from attack and adverse publicity when engaging in controversial advocacy activities; and
- to protect the tax exempt status of the member organizations when substantially involved in lobbying.

To be effective, a coalition must have some clout-power. Otherwise, it will find itself in the frustrating position of making recommendations that never get acted upon or plans that never get implemented.

Whom To Include?

After you have identified the target problem you feel could be best addressed through a collaborative effort, identify:

- who is already doing what to alleviate the problem, and
- who else is concerned about the problem.

You want the broadest representation possible of those

organizations and individuals who are already focused on the target problem. But, you also want on the coalition those individuals and organizations that can be the most effective in influencing change even if their interest in the target problem is initially only peripheral. You want the power structure, the decision makers.

First, identify local organizations. Many local United Funds and community service agencies publish directories of community organizations. Next make a list of the types of people and organizations whom you feel should be involved in the coalition. Then find out all you can about the prospective organizations and individuals. Their goals, priorities, membership, support, and past activities will be important in determining if there is a basis for collaboration. You may obtain this information by talking with members of your own group who also belong to the other organizations, members and officers of the other organizations, community leaders, and media representatives. Also obtain copies of the organizations' brochures and other publications, and when possible attend some of their meetings.

If there are particular individuals who could be an asset to the coalition, don't hesitate to ask them, even though you know they are over their heads in other activities. If they are interested in the project, they will generally find the time to take on more. Somehow, achievers find the time to achieve more. If they are really too busy, see if they want to be kept informed on the coalition's progress and would help with a specific need at some time in the future. Their greatest contribution might be convincing others to join the coalition.

Contacting Potential Members

It will take time to get the participation of other organizations. Before contacting those organizations you want to include, look at the proposed coalition from their standpoint and develop arguments as to why it would be to their advantage to join.

Then call an officer or friendly active member of the other organization to ask him or her to work with you. When possible, work through members of your group who also belong to the other group or through a friend who is respected by the leaders of the other organization. Be prepared to meet with their board members to present your case.

Expect that other organizations will want to become more familiar with your group before they commit

themselves. Expedite this by sending copies of any printed material you have on your work and inviting them to attend your meetings.

After contacting several interested organizations, hold a small meeting for the leaders of the different groups to discuss coalition possibilities. Be candid with each other by discussing potential problems that might arise from working together. Each group may want to be assured of being able to maintain its own special identity, or it may want to be camouflaged.

Assure the prospective members that once the coalition is formalized, your group won't be holding the reins but that it will be a joint effort. This means that publicity, praise, and credit will be shared equally! If the leaders from some of the initial groups contacted are interested, begin sharing responsibility immediately by dividing up responsibility for contacting additional groups. You can divide the list of whom to see according to which group has the most ties with the organizations still to be contacted.

Structuring the Coalition

A coalition coordinating group of at least one representative from each participating organization will be needed to direct the coalition. Each organization should be prepared to back up—with member's services—the decisions of this group. Your representative to the coalition group should be someone who is very familiar with your organization, its programs and policies. This person should be authorized to speak for your organization on all minor matters—major ones too if feasible.

The coordinating group will need someone to handle all the nitty-gritty work required to keep a coalition going—scheduling and arranging for meetings, seeing that mailings are sent out, etc. If it is decided to hire staff to fill this role, each participating group may be required to contribute money. An alternative to a financial contribution can be the contribution of expertise and volunteers beyond that provided by the other groups.

A spokesperson or chairperson for the coalition is necessary. This person should have recognizable stature in the community. Although there are some advantages in varying the spokesperson according to the occasion, overall it seems preferable for one person to be the recognized leader. Most people who have had experience in coalition building seem to agree that the chairperson is crucial to the success of the coalition, and that he or she must be respected in

the community, have experience in dealing with groups, an ability to be fair, firmness when needed, and a good sense of humor. Representing diverse groups isn't easy. In addition, the chairperson should come from outside the service delivery system and have no vested interests so as not to be in competition with any of the other coalition members. If the chairperson has clout, this provides clout to the coalition.

How to select the chairperson? One way to obtain the support of the chief executive (mayor, county executive, commissioner, or governor) is to have the chief executive appoint the chairperson from a list of names provided by the coalition group. Be wary of having the selection process become one of competitiveness and rivalry between the participating groups.

A procedure for approving coalition actions must be established, although total consensus in every area before action can be taken is not necessarily required. Time for approval of major or controversial coalition actions by the boards of participating organizations should be allowed. Internal negotiating and bargaining will be necessary to resolve the differing values, opinions, and priorities of the diverse members of the coalition. Participants should be allowed to withdraw from the coalition gracefully when they feel that they must. But allow and encourage the reentry of dissident factions whenever possible.

The Coalition In Action

The first meeting or two of the coalition group will probably be devoted to the group's orientation and understanding of its purpose. A major stumbling block to effective coalition action will be the natural tendency to blame others—the nonmembers, of course—for the problems. Progress can only come after the group has stopped placing blame and started probing how they can work together.

You must be sensitive to the needs and problems of the other groups. Some will be more, and others less, advanced and sophisticated than your group. Don't be a show horse; rather be modest about your own competence.

Each participating group must identify its objectives for being there, and the group as a whole must identify the coalition's objectives. Subcommittees to perform the tasks required to meet objectives should soon be established.

At all times, remember that the coalition is a temporary

body established to meet a pressing community need. Stay focused on that need and not on structure. Constant clarification and delineation of the coalition's purpose is essential. Because of the time required and inevitable strain on relationships between participants, collaboration is frequently discouraged for anything except priority issues that can be addressed no other way. What juvenile justice problem is not a priority issue? What juvenile justice problem has been resolved or visibly improved through isolated and uncoordinated efforts?

Possible spinoffs from your collaboration are increased understanding and cooperation between public and private organizations, and heightened awareness of the differing values and work approaches of others. In addition to making a noticeable dent in resolving the target problem, you just may make some lasting friends from "another world." Not every objective necessitates a formal coalition as much as close collaboration. Yet in many communities the essential organizations are not willing to collaborate with each other. If systems change is your game, attempting to establish viable communications might be a major project goal. Beginning with interested groups as with any other project, then incorporating converts as you go along, you may be able to spread coordination and order to the most fragmented, counterproductive system imaginable.

Juvenile justice and social welfare officials are under constant pressures and are skeptical from overexposure to failure. Understandably they must see that their burdens will be lightened before they commit themselves to what may seem to be negotiation of

their responsibilities and authority. You may well need to align many citizen groups before you have the clout to persuade important juvenile justice and service agencies to cooperate.

As the collaboration and cooperation grow (it will be slow and haphazard), your role diminishes, as with any well-meaning facilitator or change agent. It will be difficult to attribute resultant success to those groups and individuals who initially were resistant and troublesome. However, you must give them credit, for, in fact, success did depend on their involvement.

Wrapping Up

At the end of the predetermined target date, the coalition must be evaluated. Questions to ask are:

- Were the coalition's objectives achieved?
- If not, exactly what has been accomplished?
- How effective has the coalition been?
- What went wrong?
- Should the coalition be continued as it is or in some modified fashion?

After the work of the coalition is completed, you may want to disband, as it is usually easier to form a new coalition for future projects than to revitalize an old coalition formed for another purpose. To lay the groundwork for future coalitions, maintain contacts and continue to cooperate with those groups that you worked with best.



What is Assessment?

Assessing community needs is getting facts and opinions on the problems and resources affecting the juvenile justice system in your community. It is a means to an end not an end within itself; the purpose is not just to collect information but to gain understanding of your community as a system and to determine its most pressing needs. There will still be some unanswered questions, but you must be aware of what you don't know and why.

Why Assess?

Although many similar needs and problems exist in every community, each community is unique in terms of the urgency and extent of these problems. Thus the priorities will differ. Frequently organizations have copied "exemplary" projects conducted in other communities without first determining if such programs are needed, if they are priority needs, or how they will fit into the overall network of services in their communities. It is not possible to know intuitively what is most needed in your community. Superficial knowledge of community problems and concerns results in simplistic solutions that rarely work.

Local juvenile justice systems are tremendously affected by the people involved—their personalities, politics, conflicts, policies. Tailoring programs and activities to local needs and resources rather than to phantom problems requires a thorough assessment of your particular community. There are additional advantages to assessing community needs.

- It helps to develop initial contacts with public officials and professionals in the juvenile justice system.
- It paves the way for being more assertive in future dealings with public officials.
- The effort involved verifies the interest and dedication of your group to both yourselves and the community prior to project development.
- You may receive requests from some of those surveyed to do projects within their domains.
- It provides documentation of needs when applying for funds or other support.
- It provides a data base for evaluating resultant projects.
- It informs your group regardless of follow-up efforts and activities.

What is Involved?

First, define your community. It can be your neighborhood, city, county, area, state, region, or country.

Next, determine the scope of your assessment. Your information gathering activities may vary from simple to quite complex and comprehensive depending upon your purposes and resources. The more comprehensive your survey the more important it is to know ahead of time how the information will be analyzed and presented so as to insure that you collect pertinent and easily usable information. Many professional and business groups will provide free assistance to voluntary groups in developing and interpreting surveys. Check with local universities and colleges, advertising agencies, public relations firms, and political pollsters. It is good public relations for them to help groups who are trying to help the community. Teachers and students in nearby colleges might also assist in conducting the need assessment. Academic programs in social work, sociology, psychology, marketing, etc., emphasize community work as part of the requirements for some classes.

Be sure to weigh the pros and cons of an in-depth survey. You do not want to deplete the time and commitment of your members prior to action. For some purposes, a few well-placed phone calls and interviews may be all that is needed. Find out if other groups have already surveyed your community, for you may only need to update or add to what they have done. In recent years, Junior Leagues, sections of the National Council of Jewish Women, members of the General Federation of Women's Clubs, and criminal justice planning agencies have conducted independent surveys of the justice systems in their communities including the juvenile justice system. Some communities and agencies have begun to feel they have been over-surveyed. Never waste your valuable resources by unnecessarily duplicating the efforts of others.

What Do You Need to Know?

There are essentially three types of information needed for a thorough assessment of community needs. These are background and demographic data, opinions and attitudes, and facts and figures on the juvenile justice system. You may wish to collect information in some or all of these three categories.

Background/Demographic Data

Background/demographic data might include the following information:

- Population—numbers by age groups, by sex, by ethnic groups, etc.
- Economy—defined poverty level; percentage unemployment/employment; employment opportunities for minorities, youth, etc.
- Health—medical and psychological services available to youth
- Education—classes for slow learners, special services, vocational education opportunities, alternate education programs.
- Community Problems and Services—much of this information is available from existing government reports.

Opinions and Attitudes

Opinions and attitudes of community representatives are just as crucial as objective data to your need assessment. In determining whose opinion to seek, consider the following: professionals on the staffs of juvenile justice agencies, leaders in local and county governments, youth serving agencies, community leaders, spokespersons for youth groups, college faculty members in departments related to juvenile justice or community development, leaders of civic clubs, media representatives, and youthful offenders.

You might seek answers to the following types of questions:

- What do you believe are the most critical problems facing the juvenile justice system today?
- What do you believe to be their underlying causes? On a local level, what do you view as the biggest obstacle to solving each of them?
- What do you feel should be done to resolve each of them?
- How involved are you—your area of work—in the solution of each of these problems?
- How concerned do you think the residents of the area are about each of these problems?
- Whom do you consider to be the three most knowledgeable local people on each of these problems?
- Is there any role that an organization like yours can

play in solving each of these problems? If yes, what? If no, why not?

An alternate approach would be to seek attitudes toward specific components or activities of the juvenile justice system such as court procedures or community institutions rather than toward the problems of the system as a whole.

When interviewing juvenile justice professionals and other public officials, it will be interesting to ask what they would like to do or to have done if they didn't have to answer to their superiors, funders, the public, and others. As representatives of a voluntary group, you will have much more freedom than the officials to push for innovative changes.

Facts and Figures

Facts and figures about your local juvenile justice system may be gathered by asking questions in the following areas:

- Law Enforcement—the police and sheriff departments:
 - organization/management and policies
 - coordination and consolidation of services and facilities
 - delinquency prevention and control
 - community relations
 - research and statistics
 - personnel recruitment, training, salaries and promotion, utilization and performance
 - equipment and facilities
 - general ideas regarding juvenile justice problems, legislation, etc.
- The Juvenile Courts
 - organization, management, and procedures
 - case backlog and delay
 - sentences and dismissal or reduction of charges
 - the Probation Department
 - personnel selection, utilization, and performance
 - facilities and equipment
 - detention
 - judges

- Corrections

- institutions—juvenile
- facilities and utilization
- organization, management, and policies
- personnel selection, training, and performance
- community-based programs
- juvenile probation
- juvenile aftercare
- other programs and services

- Diversion

- decriminalization of victimless crimes
- youth service bureaus

- State Laws

- Juvenile justice planning, coordinating, and funding agencies—state planning agencies, area or regional councils, municipal agencies

- Existing volunteer programs in juvenile justice.

How Do You Collect the Information You Want?

The overriding principle to remember when collecting information is to be objective and not to approach agencies and persons with preconceived ideas on what the major problems are and who is to blame for them.

This does not mean that your general impressions are not important. They are. The way you are treated by officials, how knowledgeable they seem, their ideas toward the role of citizens, etc. are all very important to your overall assessment. However, do not intermingle fact and feeling.

The best approach is to prepare a structured form with specific questions you want answered including a separate heading for your general impressions. This insures that forethought is given to the questions to be asked and makes information collectors more comfortable. Questionnaire forms should include some flexibility so you can follow up on interesting new leads as they occur.

Consider breaking your survey or fact-finding effort into logical sections and having the persons responsible for each section make a presentation to your membership on what they found. They might also invite contacts made during their work to speak to your group. Try to

provide feedback to those you interview and those who help you. If nothing else, send them short letters of appreciation; you may need their help again, and the more friends you make, the better.

You may collect information by researching documents and other printed materials, person-to-person interviews, observation, and telephone polls. You will need to use at least two of these methods.

Reading

Since reading is an essential part of need assessment, include on your team persons who enjoy reading and studying written records so as not to lose the support of your action-only or people-oriented persons.

You should be able to get demographic information from area planning departments, councils, or commissions; state arts, social science, and environmental councils; your local department of vital statistics or its equivalent; political science or urban affairs departments, and public service institutes or programs at area colleges and universities; and central public libraries.

For information on the juvenile justice system, first obtain a copy of your state's comprehensive law enforcement plan. To be eligible for funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), each state is required to develop and submit annually a comprehensive juvenile justice plan. These reports typically include the problems, needs, priorities, present operations, available resources, and proposed action plan for future years for the state juvenile justice system. While you may not agree with the plan, it will tell you what your state's funding priorities are and enable you to develop your activity to fill unmet needs rather than duplicating or conflicting with programs already planned. Your state's juvenile justice planning agency, frequently part of the state crime commission or state planning agency, is responsible for preparing this plan and may have other reports and studies of interest to your group. It is typically located in your capital city and is the state agency through which requests for juvenile justice funds are channeled. You should also attempt to become acquainted with any regional office your state may have, since it is one of the primary sources of information on juvenile justice operations in your area.

Also available in many capital cities is a legislative reference service or research bureau which can provide copies, sometimes with analyses, of bills related to the juvenile justice system. Some states print government guides which include a description of

the legislative process, courts, names of legislators and public officials by title, etc. Information and copies of federal legislation on juvenile justice matters—e.g., "The Juvenile Justice and Prevention Act of 1974"—can be found in the *Congressional Record* and the *Congressional Quarterly* available in libraries or through your congressperson or senator.

Most juvenile justice and social service agencies prepare annual reports of their activities for the public. After reviewing the annual reports of general planning agencies, e.g., United Way, Red Cross, Public Welfare Council, you might call those agencies relevant to your interests and ask for copies of their most recent reports and studies.

In researching the extent of juvenile offenses, be very careful. *The Uniform Crime Reports for the United States (UCR)*, prepared by the FBI and available through the U.S. Government Printing Office or central libraries, is the most frequently used source on criminal statistics. However, the *UCR* is the subject of much controversy and may not include very useful information. The *UCR* includes statistics on seven "index crimes" as reported to and by the police—murder, rape, aggravated assault, robbery, burglary, larceny, and car theft. Most crime is never reported to police, particularly by poor and minorities, and the reporting systems of local police departments vary. The better the police department, the greater the number of actual crimes discovered, and thus the higher the crime rate.

The *UCR* treats joy-riding by juveniles, deliberate murder, larceny of fifty dollars, and bank robbery as equally serious crimes. Many researchers warn that the categories by which offenses are reported are not complete, not mutually exclusive, and not uniformly used from city to city or precinct to precinct.

Under no circumstance should crime statistics be compared between cities and between time periods for the same cities. Reporting procedures vary from city to city and in the same city over time. The number of crimes reported is dependent not only upon the number of crimes committed but also on the efficiency of law enforcement practices, the availability of detection hardware, the formality of handling certain types of offenses, etc. These also vary over time and between different cities.

Interviewing

When assessing your local juvenile justice system, you may want to interview a number of persons representing such areas as law enforcement, courts,

corrections, and special programs or services. It is good to talk to as many juvenile justice system professionals (police, sheriffs, judges, probation officers, and institutional staff) as possible, but begin with representatives of those general planning/coordinating/funding agencies which are familiar with the broad scope of human service delivery systems. Some of these are United Way, area planning and development commissions or regional councils, and state planning agencies. Do not accept at face value some of the things that juvenile justice officials and professionals tell you. Is the police department's greatest need really more personnel? Is the institution's priority need a larger facility? Remember representatives from the various segments quite naturally tend to be biased in favor of their own domains. You may hear several times, "We are the least understood, most overworked part of the system." Respond sympathetically, but then look at the problems and needs of the various agencies from the many points of view within your community. Even when you agree with officials, avoid confusing a solution with a problem. A solution might well be the need for more or better facilities, but the basic problem is the important consideration, e.g., overcrowding because of the need for deinstitutionalization of status offenders.

It is important to prepare a questionnaire of the points you want to cover in these interviews. It helps if the questionnaires are typed and lined spaces provided for recording answers. When the questionnaire is ready, consider the following procedure:

Orient your interviewers.

Interviewers must thoroughly understand the questions that they are going to ask, or else they cannot clarify them for the person being interviewed. You should explain to each interviewer the purpose of the survey, what is meant by each question, and why the information is needed. Consider using interviewing teams of two, with one person asking the questions and the other recording the answers. This can save time, and it may also be useful to have to impressions of the interview.

Practice interviewing.

Recommend that the interviewers read each question aloud several times prior to using it to be sure they understand and can pronounce all words. You might also consider conducting mock interviews in which your members play the roles of interviewer, respondent, recorder, and observer. The observer can

critique the interviewer's performance; the recorder can determine if the interviewer goes too fast, etc.

Make an appointment for the interview.

- Start with the chief executive officers of each agency. Although they may refer you to others, it is important to obtain their support even if you wish to also interview line staff such as caseworkers or police.
 - Call or write for an appointment. If you write first, indicate in your letter that you will call on a specific day at a certain time.
 - Be sure about the names and titles of those to be interviewed before you write or call for an appointment.
 - Ask the person to set aside a certain amount of time, depending on length of the questions to be asked.
 - When someone refers you to someone else, or when a personal contact recommends that you interview someone, ask that person to call and introduce you while you are still in the office. Influence helps you to avoid a runaround.
 - When calling for appointments, develop a rapport with the receptionists/secretaries as they may control access to the person you want to see. Jot their names down for use in future calls.
 - Begin by explaining the purpose of your organization and why you want the interview. Stress that you are attempting to better understand the system so you can find out if your group can be useful. Avoid any suggestion that you want to investigate what the agency is doing.
 - Many officials are only too eager to share their problems with interested persons, but if you are unable to make an appointment even after reassuring the person as to your purposes, persist. Drop in without an appointment, make follow-up calls, etc.
- #### Conduct the interview.
- Be prompt. Try to arrive well before the scheduled appointment.
 - Begin by explaining the purpose for the interview. It may help to develop an information sheet on your organization, the reason for the survey, etc. to give the respondent.
 - Record the respondent's answer word by word when possible.
 - Whenever the respondent misunderstands a question

and gets off track or you don't understand the answer, you must probe for more precise answers.

- Ask respondents if you may contact them for additional information, if needed. If appropriate, ask if they would be interested in working with your group, making a presentation to your membership, etc.

After the interview.

- Immediately review your completed questionnaire to clarify responses, spell out abbreviations which might be meaningful then but not later, etc.
- Record your general impressions of the respondent, the agency's work, etc.
- Write the respondent a short thank you letter.

Observation Visits

Statistics, reports, and secondhand interpretations can never replace personal observation. There is no better way to get a full understanding of the scope of the problems and the interrelatedness of juvenile offenses with other social ills such as inadequate education, or poverty than to visit detention facilities, juvenile courts, jails, and training schools. Direct observation of the system in action should be an important part of your need assessment.

Careful preparation is mandatory for most observation visits. Since you may not always be welcomed with open arms by those you wish to observe, it is important to observe, not to criticize, interrogate, or investigate. Many of the guidelines for conducting interviews are appropriate to planning observation visits. Since visits are much more meaningful if you have some prior knowledge about the place to be visited, when appropriate obtain and review agency reports, brochures, etc. before the visit. If many of your members are interested in making the same visit and it does not impose unduly on the agency, send several small groups at different times rather than one large group. You will see more that way.

During the visits, one member should take notes. Afterward, the visitors should share their impressions with each other, and one member should prepare a report for future reference.

As part of its year-long survey of the juvenile justice systems in thirty-four states the National Council of Jewish Women prepared a detailed study guide for its local sections. This guide, *Justice for Children*, includes visit checklists and questions to ask the staffs

of juvenile courts and detention centers or institutions. If such a survey was done in your community, ask for a copy of the report; you might want to obtain a copy of the study guide to use in preparing for your own visits.

You might consider visiting the following:

Juvenile Court. Spend a day or half day in the juvenile court observing the judicial process. You may wish to follow a case all the way through the process, attending each time a person's case is scheduled for a hearing. You will need permission from the judge or court clerk to attend juvenile court since they are generally closed to the public.

The legal mumbo-jumbo of the courtroom dialogue may be confusing, and it may be difficult to tell who is who—lawyer, probation officer, etc. If you have a lawyer friend with a soft voice, he or she could be an invaluable interpreter for your first visit.

Institutions. You may wish to visit jails, police lockups, detention homes, training schools, reform schools, and prisons.

If brochures, pamphlets, or annual reports on the institutions to be visited are available, obtain copies before the visit so you can orient yourself and make your visit more meaningful.

In addition to the typical short meeting with the director and guided tour of the facilities, try to talk with offenders and with other institutional staff. What is the attitude of staff toward the institution and the offender—do they want to help, punish, control? How do the offenders view the staff and the institution? What do the offenders do with their free time? What programs are available for them?

Law Enforcement. You may want to have informal meetings with officers in charge of juvenile units at the police or sheriff's departments.

Community Agencies. You may wish to visit other agencies that provide or could provide services to offenders. Examples are group homes, halfway houses, drug treatment units, youth service bureaus, crisis intervention centers, mental health clinics, and family service bureaus.

Legislative Sessions. The bills proposed and passed by legislative bodies determine the boundaries of what your juvenile justice system is and can become. On the state level you can learn from the legislative reference service, the legislative calendar, or the Senate/House Clerks when legislation pertaining to

juvenile justice will appear on the floor. Try to attend one of these sessions and let your local representative know you are coming. You might also want to attend a meeting of the subcommittee through which matters related to the juvenile justice system are channeled. Your local representative can and should assist you in making such arrangements. You might visit city councils and county legislatures or commissions which determine juvenile justice policy and administration on the local level.

Telephone Polls

Telephone rather than in-person interviews may be used to collect information, particularly when seeking attitudes or opinions. There are two approaches to opinion polls. One approach seeks the opinions of a random, representative sample of persons in some category, e.g., registered voters, with the goal being to generalize or predict the findings from the sample to the population. This, of course, is like the political polls conducted during presidential campaigns. Such polls are not difficult to plan and implement, but you should get the assistance of someone with a background in market research, political science, sociology, psychology, or economics to help you draw your sample and prepare your questions.

Another approach is a poll seeking the opinions of a qualified cross-section of the community with no concern for generalizing the findings to the community-at-large. That is, you decide whose opinions you consider important and restrict your survey to these people.

Tips on How to Begin

Confused? Don't know where to start? Then look for help; it's readily available if you seek it. Listed below are some ideas on who can help and some things you can do to help yourself.

- The telephone book can provide a starting point! Look under government (city, county, state, and federal) for cues as to agencies which should be contacted. More on target, when available, are directories listing local and county officials. Such booklets are published by many local Leagues of Women Voters.
- Frequently an administrative assistant in the mayor's or county administrator's office can tell you who is responsible for and/or knowledgeable about different community and juvenile justice agencies or programs.

- Try to enlist at least one acquaintance who is knowledgeable about juvenile justice problems and local or area politics. This person can suggest people to interview and introduce you to them. People from assorted backgrounds can fill the shoes of your contact person. For example, the head of the juvenile justice department at a local university; the Director of the Bureau of Crime Prevention and Community Relations or a local psychologist with power structure connections.

- Go to your local representative or assemblyperson and ask his or her ideas regarding juvenile justice. Then ask to be introduced to the chairperson of the legislative subcommittee on juvenile justice.

- Ask the chairperson of the legislative subcommittee on juvenile justice whom he or she goes to for input on criminal justice-related matters. Who is considered to be the knowledgeable? Have appointments made for you if appropriate.

- Long-time politicians and their wives or husbands are frequently knowledgeable about community affairs and can help you to develop ties with juvenile justice and other public officials.

Organizing and Summarizing Your Findings

Collecting information without taking careful notes is a waste of time. The human mind is fallible—what seems to be making a lasting impression one day can be almost impossible to recall several weeks later without notes to refresh your memory. Also, others do not have recourse to your memory but can more conveniently review your findings if they are in written form.

The best approach is to record the collected information immediately following each step of the need assessment. Be sure to include the names and positions of persons talked to, dates, their responses to your questions, your summary of the situation, and general impressions. When structured questionnaires are used, this should be simple. A little more discipline is required for informal discussions and observation visits. These intermediate reports or summaries should be shared with others conducting the assessment and your general membership.

If you can obtain copies of the reports prepared by other groups who surveyed your area, they can provide insights into what to include in your report. You can also include what was missing in these reports but was needed for you to understand the system.

If you ask the same questions of different people, as in an opinion poll, one way to analyze your responses is to look at all responses question by question:

Question 1

Respondent 1: _____

Respondent 2: _____

Respondent 3: _____

If you have done interim reports along the way, preparing an overall report at the end of the need assessment phase will be easy. There are many ways to organize your final report, but you might consider including these points:

Short summary

Method—what you did, how you did it, who did it, when it was done.

Findings—responses to questions, your observations, problems discovered, resources available, obstacles. A conceptual framework for looking at the system and analyzing your findings will be needed to add meaning to your work and to facilitate drawing conclusions. Your preliminary readings should stimulate ideas for this. A typical breakdown would be to look at the following in terms of problems, needs, and resources:

- Legislation
- Law Enforcement
- Courts
- Corrections
- Institutions
- Community-based

Conclusion and recommendations—what citizen groups can do, what the primary needs are, etc. If a conclusion is based on your feelings rather than evidence, make that clear.

Your report will be very useful if you later decide to apply for outside funds to finance your involvement. It can also serve as a guide to other groups interested in working with the local juvenile justice system. Possibly, some of your findings and conclusions can be used for public relations purposes with appropriate news releases.

If you examine all elements of the system and understand the major problems and resources of each, you and your group will be among the few in your

community who do. Although the components of the system are interrelated, people often work in one of them for years without understanding the others. Pat

yourself on the back and prepare to use your expertise to its best advantage.



Before You Begin an Advocacy Program

Identify the problem.

Research and investigate the concerns, issues, and problems in your community. Include firsthand experience and contact with the affected persons and areas so you can learn the issues directly. Make sure there really is a problem and that you are not simply objecting to a value system that, although different from yours, is equally valid.

Identify the major concerns, issues, and problems that you think need attention.

Choose the issues on which you want to advocate, seeking agreement from all parties concerned.

Rank the problems in the order you wish to work on them. Base your ranking on a realistic evaluation of the interests and capabilities of your agency in general and of the members of your agency in particular. Involve your board in this process. Allow enough time to have a full airing of views.

Choose a problem area in which you want to work and then define a specific advocacy project to carry out. Your top priority area should be one in which your agency feels it can do something constructive. Choose for your first advocacy project an effort that is likely to provide at least partial victory. An initial defeat may discourage your agency from continuing to engage in advocacy.

Don't take on too much. It is better to do one small project thoroughly than several larger ones superficially and poorly.

Draw up a statement of objectives, noting what you hope to accomplish by your efforts. Consider what both you and the community stand to gain from your advocacy efforts. Be ruthlessly honest in formulating your statement and examining your motives. Make your statement as specific as possible. The more carefully and narrowly defined it is, the greater the likelihood of achieving your objectives.

• During this process, consult with the people affected by the problem as well as with your own agency to insure that you have realistic goals, board support, committed workers, and sufficient community support (actual or potential). If one of these elements is missing, your project is likely to run into trouble.

Assess your resources, support, and opposition to see if you should go ahead.

• Be sure you understand why the problem should be solved, if it can be solved, and whether your agency should be involved in efforts to solve the problem.

• Find out who is affected by the problem, how they view it and what their attitudes mean to your plans. Know who is likely to favor change and your involvement; how they will show their approval and how you can use their support to help achieve your goals. Look for supporters and allies among those who will benefit from the results of your action. Know who is likely to oppose your efforts and your involvement; how they will show the opposition; whether or how you can modify, counter, or neutralize their opposition, and whether you can work successfully in the face of their disapproval. Look for opponents among those who stand to lose money, power, or prestige from your advocacy efforts.

• Learn if there are other organizations concerned about the problem and what they are doing or have done about it. Find out if you can work with all or some of the other groups collaboratively.

• Make a realistic estimate of the resources—time, people, skills, money, facilities, and equipment—needed to carry out the project. Before going ahead with your plans, make sure you can marshal these resources. Keep in mind that if you need contributions of time, money, or equipment, the best way to get them is with a personal request. Spontaneous contributions are rare. If you can't get the resources you need, adjust your plans to a level you can successfully reach.

• Obtain any additional information you need. If necessary, redefine the problem or your plans at this point. Make sure your agency really believes in the project and wants to work on it. The project should be a product of consensus.

• Once a decision to go ahead is reached, it is often a good idea to start immediately discussing implementation methods and start channeling enthusiasm and commitment into action.

Review alternative strategies and devise an advocacy plan. Include board members and other staff members as possible in this process.

• List possible strategies along with the desirable and undesirable consequences of each.

- From this list, consider costs, benefits, risks, and likely results before determining a plan of action and the tactics you will use.
- Plan the entire program or complete project. Don't be haphazard and don't plan only the first step.
- Try to anticipate roadblocks and problems. Plan several alternative courses of action to use.
- Build in flexibility. Always be ready and willing to take advantage of unforeseen developments and events that can help you.
- Evaluate your plan of action in terms of your resources, commitment, and goals. Make necessary adjustments.
- Try to choose some foolproof strategies that will lead to at least partial success, regardless of what happens or what your opponents do. Success motivates participants.
- Start slowly. Give yourself and community members a chance to learn to work with each other. Build up to major events and actions.
- Since advocacy will be conducted in the name of your agency, get the approval and consensus of your Board before embarking. If your plans are controversial, allow enough time for a complete airing and evaluation of the issues by the Board.
- Decide how you will determine whether your goals have been met. Know how to extract partial successes from failures. For example, if you work toward reform of your state's juvenile justice codes and your efforts don't succeed, don't write the project off completely. After all, you have probably made a record number of persons aware of the problem, brought an important issue out into the open, and laid the groundwork for continued efforts in the future.

Assess progress and problems as you go along, modifying your strategy as circumstances warrant. Be ready to change direction or plans in response to an unexpected development.

Work with your public information consultant/staff to get maximum publicity at the right times.

Evaluation and follow-up

Build evaluation procedures into your project from the start so you can determine and respond effectively to the project's positive and negative results.

- As the project progresses, analyze and evaluate your efforts. Be prepared to change your plans if necessary to get better results. Without this follow-up, evaluations are of only limited value.
- After the project is completed, carefully analyze and evaluate your efforts to determine which techniques worked, which ones didn't, and why. Go back particularly to your initial expectations about participation, support and opposition to see if they were realistic.

Try to anticipate consequences of your actions and make plans to deal with them as they occur. If, for example, your actions are likely to motivate citizens to become more involved, be ready to suggest constructive things they can do to help.

Determine what new concerns, issues or problems were identified or revealed by your program. Decide what, if anything, can or should be done about them either by your agency or by other organizations and individuals.



Legal Requirements may restrict your advocacy plans. Always investigate regulations regarding permits, registrations, licenses, insurance, incorporation, and taxes before you take action. Tax status considerations are discussed in this chapter.

In addition, laws relating to copyright, libel, and slander should guide your public statements and communications activities. Other legal procedures such as suits and injunctions may be used in dealing with government agencies, corporations or other institutions.

Never attempt to handle legal problems without consulting an attorney.

An agency will generally need a lawyer's services in the following cases:

- You are making a long-term agreement. For example, you want to lease a site for a project center, but the land is zoned residential.
- You are making an agreement involving a large sum of money. For example, you are arranging the purchase of books to stock seven neighborhood libraries and the construction agreement for an eighth.
- You are served with an injunction or a court order telling your agency that you cannot take a planned advocacy action. For example, your branch has planned an ecology demonstration you believe is protected by the Constitution. A lawyer can help you

do what you wish to do without your members being in contempt of the court order. Your lawyer may need to go to court to fight for your rights.

- You are told by an opponent or even by a well-meaning friend that you can't legally proceed with plans for an advocacy action. For example, you plan to distribute leaflets in a shopping mall and are told you may not do so without a permit. A lawyer can inform you of your rights and help you defend them.
- You can't understand an official document, a law or something your agency is being asked to sign such as a waiver, insurance document, lease or tax form.
- Your branch is sued or wants to sue. You need a lawyer unless the amount in question is small and the court is the small claims court. Even in these cases, legal advice is helpful.
- Your branch or some part of it is involved in an accident or someone is hurt during your activities or using your facilities. Do not accept or waive responsibility without consulting a lawyer.
- Your branch or some of its members may be charged with violating a law.
- You are planning an advocacy action which could result in an arrest. As events unfold, you may want a lawyer on hand to serve as an impartial observer, an expert witness or perhaps as an advisor.



The Tax Reform Act of 1976, which became effective on January 1, 1977, will provide new opportunities for community organizations and other nonprofit groups to participate in the legislative process at the national, state, and local levels. The bill, signed by President Ford on October 4, 1976, also contains provisions which make it easier to challenge the Internal Revenue Service (IRS) in disputes over tax exempt status. However, the bill does reduce the amount of money that private foundations are required to make available to grantseekers.

Law Provides New Clear Guidelines

The most significant amendment to the act for the nonprofit sector is the inclusion of a section that clarifies and broadens the right of tax exempt charities to lobby and still retain their tax exemption. This section, which is the result of work on the part of Rep. Barber Conable (R-NY), will for the first time allow exempt organizations to lobby with clear guidelines as to what is permissible under the law.

Under the present law, an organization incorporated under the 501(c)(3) provision of the Internal Revenue Code must watch its actions very carefully. If a substantial amount of its total activities involves lobbying, it may lose its tax exemption, which means the opportunity to receive grants from foundations or tax deductible gifts from individuals or corporations. In addition, the organization has no way of knowing what the IRS considers "substantial" activity. For the more than 40 years since this language has been in the code, neither the courts nor the IRS have given a consistent and predictable interpretation of what "substantial" means.

General Lobby Ceilings

In the Tax Reform Act, Congress has now defined the permissible amount of legislative activities in terms of the actual expenditure of funds. The act would permit public charities to elect either to come under its new provisions or to remain with the present vague test of substantial lobbying activities.

The new law places specific limits on the amounts which can be expended for two types of lobbying activities: 1) the traditional lobbying of legislatures and that of regulatory agencies and 2) grass roots lobbying, those attempts by an organization to influence the general public on matters of legislation. The amount of traditional or general lobbying permitted could amount to 20% of the first \$500,000 of the

organization's expenditures in one tax year, plus 15% of the second \$500,000, 10% of the third \$500,000, and 5% of any expenditures over \$1.5 million. In no event could the amount spent on lobbying exceed \$1 million in any one tax year.

Dollar Limits Are First Line Defense

When an organization draws up its yearly budget, it is important to be aware, according to tax expert Stuart Halpert, that the fixed dollar limits defined in the new law are the "first line of defense" in determining dollar amounts spent on lobbying activities. While it is true that the organization can spend up to that limit without penalty, reports Mr. Halpert, it is also possible for the organization to spend up to 50% more than that amount by paying an excise tax on the added-on amount, and still retain its exempt status. If the organization should discover itself spending more than 50% in excess of the law's limits, the organization may then be in danger of losing its exemption, contingent upon whether it can be proven, by the IRS, that the organization has consistently overspent its limits over a four year period. Under the provisions of the old law, all decisions concerning an organization's tax exempt status were solely determined by the IRS.

The excise penalty tax is actually computed at only 25% of the excess amount spent, i.e., for an organization which has a \$5 million annual budget, the law provides an initial lobbying ceiling of \$400,000. With the 50% excise tax, the same group might spend \$600,000 on its lobbying activities. The excise tax in such a case would amount to \$50,000, or only 1% of the group's total annual income.

Grass Roots Lobbying

For the first time, the law defines grass roots lobbying. It does not include an organization's communication with its members that directly encourages the members to lobby. That is considered general lobbying activity. Only if such communications encourage members to get non-members or the general public to lobby is it considered to be grass roots lobbying.

The amount permitted for grass roots lobbying can total no more than one-quarter of the permissible expenditures of tax exempt funds for legislative activities. For example, if an organization were allowed to spend \$50,000 for general lobbying purposes, a maximum of \$12,500 of this amount could go for grass roots lobbying.

Election Can Be Reversed

Unless a group formally determines to elect to come under the new law, it must compute its lobbying dollars according to the 1969 law's provisions. However, the new law also provides that groups which do elect to come under the law's standards can change their minds on a year to year basis. Conversely, those that choose to come under the law during the first year of their operation can choose to revert to the old standards at a later time. Organizations may also opt to come under the law only for the limitations on general legislative activities and not for the grass roots lobbying limitations, or vice versa.

Those charities which support 501(c)(4), (5), or (6) organizations, which solicit contributions on a non-deductible basis, cannot opt for the new lobbying requirements since they do not come under the old law's "substantial" portion test. Similarly, churches feel that any limitation on their right to lobby is unconstitutional, since the first amendment guarantees the separation of church and state. This stance is not wholly acceptable to the IRS, however, which taxes churches under the provisions of the 1969 lobbying law, using the precedence of a decision made approximately five years ago in a lower court. To date the case has not been brought before the U.S. Supreme Court for a definitive ruling.

What Is Lobbying?

The new rules define the term "influencing legislation" as "any effort to influence any legislation through an attempt to directly influence the opinion of the general public through communications with any member or employee of a legislative body or through any governmental official or employee who may participate in the formulation of the legislation." The term "legislation" is defined to include "action with respect to acts, bills, resolutions, or similar items by the Congress, and state legislature, any local council, or any similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure." The term "action" is "limited to the introduction, amendment, enactment, defeat, or repeal of acts, bills, resolutions, or similar items."

Exceptions

Certain activities are excluded from the definition of "influencing legislation." These exceptions include: 1) non-partisan analysis or research, 2) the provision of

technical advice or assistance in response to a governmental request—this request must be made to the group in writing, and tax experts suggest that groups which would like to obtain in-put distribute draft letters of request to the appropriate governmental body, 3) self-defense lobbying, which involves appearances or communications with a legislative body regarding possible decisions by that body, which could directly affect the organization, and 4) any communication between the organization and its members unless those communications directly encouraged its members to influence legislation. If the communication asks members to contact Congress and/or neighborhood sources, it would be considered direct lobbying or grass roots lobbying and must be accounted for in the lobbying budget. If a group would like to teach its members how to contact legislative bodies, it should be done in a communication separate from the one in which a particular piece of legislation is discussed. An organization is free to communicate with government officials, including members of Congress and their staffs, as long as no legislation is discussed. It is not lobbying, for example, to discuss the administrative concerns of your organization with the government at any level, including details of the implementation of a statute with the Federal regulatory agency responsible for implementing the particular position.

What Are Affiliates

In order to prevent the creation of numerous organizations to circumvent the effect of the law, the act provides that affiliated organizations and their exempt expenditures are to be considered collectively in calculating their permissible lobbying activities. Under these rules, two organizations are deemed affiliated when one organization is bound by the decision of the other on legislative issues. In order to avoid placing a heavy burden on national organizations which have many affiliates lobbying locally, this part of the law is applicable only to the lobbying of Congress.

How To Deal With The IRS

The second provision of the new tax law will be particularly valuable for those organizations viewed as controversial by the IRS. Under the old law the IRS could not be sued in cases of denial of tax exempt status, the revocation of exemption, or failure to act on an application for tax exempt status. The only recourse has been for an organization to pay a tax, and then sue to recover the tax, or to have a donor contest the disallowance of a deduction. By the time

this process could be completed the organization almost invariably went out of existence.

The new act remedies the situation by allowing an organization to file suit for declaratory judgment in either the Tax Court, which has regional branches, the Court of Claims, or the District Court of the United States for the District of Columbia. A suit cannot be filed until a court determines that the organization has exhausted the administrative remedies available to it within the IRS, which the tax law deems to take the first 270 days after the request for a determination has been made.

Law Decreases Grant Availability

One of the most important features of the Tax Reform Act of 1976 may hurt non-profit organizations in general. Under the previous Act of 1969, a private foundation was required to give at least a minimum percentage of the fair market value of its investment assets in grants. Under that law, the percentage, called the minimum investment return, changed each year according to a complex formula developed by the Treasury Department. However, as a result of successful lobbying efforts by private foundations, Congress has attached to the new law a provision which establishes a permanent "payout rate" of 5%. Already, several private foundations have indicated that they will reduce what had been a planned payout of 6% of their investment return to the statutory 5%.

Conflict With State Law

Another stumbling block the new law will have to surmount is an apparent conflict between statutes presently existing in many states which prohibit any kind of lobbying activity by non-profit organizations and the provisions of the new Federal law. Under current statutory conditions, it is possible for an organization to be simultaneously classified as tax exempt on the Federal level, and as a lobbying group on the local level. The organization would then be liable to local government penalties. This incongruence extends to an organization's lobbying on the Federal, as well as the local level, if local statutes contain such a prohibition.

Why Use The New Law?

The new lobbying provision could prove to be an invaluable tool and potential strategy for community organizations that wish to have an impact on both their local community and the state, but which have been prohibited in the past from doing direct lobbying. Issues such as the allocation of general revenue sharing funds, the budget process of local governments in general, the allocation of housing, community development and other block grants, and the development of other community plans which require legislative action can now be subject to effective community group intervention without raising legal questions from the IRS or from funding sources which have not placed specific prohibitions on the use of grant funds.

The Tax-Exempt Lobbying Test^B



• Without penalty, a nonprofit organization (except churches and private foundations) can spend the following amounts on lobbying activities:

- 20 percent of the first \$500,000 in annual expenditures
- 15 percent of the second \$500,000 in annual expenditures
- 10 percent of the third \$500,000 in annual expenditures
- 5 percent of the remaining expenditures.

• Of the total nontaxable lobbying amount, 25 percent can be spent on grass-roots lobbying (basically, influencing legislation by attempting to affect the opinions of the general public).

• It is most likely that the "value" of volunteer services will not be computed in determining an agency's overall annual expenditures or lobbying expenditures.

• The total nontaxable lobbying expenditure for a year cannot exceed \$1 million.

• Penalties: A 25 percent excise tax will be charged on lobbying expenditures beyond these limits.

• Loss of Status: If a nonprofit spends in excess of 150 percent of these limits (averaged over a four-year period) for lobbying, it faces loss of its tax-exempt status.

EXAMPLES OF PERMISSIBLE LOBBYING EXPENDITURES

| ANNUAL EXPENDITURES | NONTAXABLE LOBBY AMOUNTS | | 25 PERCENT EXCISE TAX | | POSSIBLE LOSS OF EXEMPTION | |
|---------------------|--------------------------|--|-----------------------|--|----------------------------|--|
| | Grass root activity | All lobby activity including grass root activity | Grass root activity | All lobby activity including grass root activity | Grass root activity | All lobby activity including grass root activity |
| \$ 100,000 | \$ 5,000 | \$ 20,000 | \$ 5,000 | \$ 20,000 | \$ 7,500 | \$ 30,000 |
| 500,000 | 25,000 | 100,000 | 25,000 | 100,000 | 37,500 | 150,000 |
| 1,000,000 | 43,000 | 175,000 | 43,750 | 175,000 | 65,625 | 262,500 |
| 5,000,000 | 100,000 | 400,000 | 100,000 | 400,000 | 150,000 | 600,000 |
| 17,000,000+ | 250,000 | 1,000,000 | 250,000 | 1,000,000 | 375,000 | 1,500,000 |

You may spend up to the following amounts without penalty:

You will be subject to a 25% tax on lobby expenditures in excess of the following amounts:

You are in danger of losing your exemption if you spend more than the following amounts (averaged over four years):

Our goal at this time should be to provide comprehensive training in advocacy skills to agencies. These skills would teach agencies ways to put their ideas and interests into action. For those currently serving as Board Members these skills will help them be effective in the positions they hold.

Introduction

By advocating, an agency is simply presenting its views on a particular issue affecting the community, to individuals or organizations that are influential in the issue's resolution. Once an agency is knowledgeable about the issue in the community, it is ready to plan

strategies to advocate in behalf of its views. The nature of the strategies will depend on the nature of the issue addressed, the extent of the agency's commitment to its advocacy effort, and the political realities of the community.

The material provided in this section provides an overview of the process of advocacy itself, a general review of advocacy strategies, characteristics of successful advocacy efforts, and guidelines to several specific advocacy actions. The general guidelines and discussion of strategies will serve to introduce the major areas in which most community advocacy efforts are focused.



"What's in a name?" When the "name is ADVOCACY, the answer is, "alot!"

As the community agencies become more visible and vocal in their efforts to meet national and community needs, each of us needs to understand the meaning of this word in relation to its effect on our members, our agencies, and our community.

Action . . . taken on behalf of children, elderly, the arts, whatever. The action is aimed at changing the system that has failed the individual or the group. Advocacy is based on the assumption that there are, or should be certain basic rights which are enforceable by statutory, administrative or judicial procedures. Advocacy is inherently political, as it attempts to increase the power of the powerless through a number of different strategies.

Different . . . from direct services; yet, the roles of service worker and advocate are complementary and co-existent. For some workers, the role of advocate is a natural outgrowth and development of their role as a service worker.

Vision and voice . . . for rather than merely solving the problem at hand, it seeks to solve whatever it was that caused the problem.

Opportunity . . . to expand our role as volunteers and to demonstrate the effectiveness of volunteers, trained in advocacy skills and strategies, as change-agents.

Challenge . . . both to those who, as advocates, would affect change, and to those institutions who are affected by it.

Appropriate . . . to community agencies because we have a vested interest and must take the risks inherent in advocating for systems change.

Change . . . in the way agencies act on behalf of change in the systems that have failed individuals in the country.

You . . . in the community, forging the link between service and advocacy.

We do not expect that every agency member will choose the role of advocate; however, we are confident that each will be able to understand and appreciate those members who do find that role to be their most effective way to meet community needs. There is *room* for both the service volunteer and the volunteer advocate; there is *need* for both, as well.



The advocacy strategy of choice is determined by the problem situation and the sources of resistance to changing that situation. Most often, several strategies will be needed.

When selecting an advocacy strategy, ask "does this particular end justify these particular means?" Assess what means are available and then determine which is the most appropriate to the identified problem and the needs of your group. On some occasions, an adversarial approach is needed. Before rejecting confrontation as too unseemly for your group, consider this statement by Jacques Maritain: "The fear of soiling ourselves by entering the context of history is not virtue, but a way of escaping virtue." Change is unavoidable and battles for change will be waged. If these are left to extremist groups, the outcomes are not likely to be nearly so rational as they would be if the average citizen were occasionally willing to take off the white gloves and roll up his sleeves.

According to Naomi Hietl, executive director of the Illinois Commission on Children, a group which carries on its advocacy openly, constructively, conscientiously, and courageously finds that opportunities are constantly offered to it by the supposed opponents to participate in the development of priorities, programs, and services, to review early drafts of rules, regulations, and legislative proposals, to undertake an exploration or exposition of a new or unsolved problem area. The confrontation aspect becomes less and less necessary.

Presented below are the most common advocacy tools.

Education. Often problems result from the lack of information or from misinformation. The general public may be uninformed or apathetic. Frequently the responsible officials themselves are not informed and do not have an adequate grasp of the problem situation. In such circumstances, advocacy should be directed toward educating relevant officials and the public on the problem situation and what can be done to correct it. Public relations strategies are appropriate advocacy tools. Indeed, the great majority of advocacy strategies are educative ones—some informational and others more persuasive.

Influencing Legislation. Ours is a nation of laws. Traditionally lobbying has been the core of advocacy. There are many local, state, and federal laws that should be revised or abolished, and there are many that should be passed. A discussion of general guidelines for legislative relations, how to gain approval

of legislation, how to visit your legislator, and how to write your legislator are presented in Chapter 4.

Influencing Administrative and Regulatory Agencies. Administrative and regulatory agencies can wield as much power as legislative bodies. Laws are written by legislators, but their implementation is the responsibility of these agencies. Regulatory agencies are often considered a fourth branch of government because they combine legislative, administrative, and judicial functions in carrying out their responsibilities. For guidelines on how to influence such bodies, see Chapter 4.

Operating Observer Corps and Monitoring. An observer corps is a group of people who regularly attend and monitor sessions of local governing bodies, boards, committees, or courts. Monitoring means keeping tabs in a "watchdog" manner on the performance of a governmental agency or other type of organization to see if and how it meets its responsibilities. In operating an observer corps or monitoring, you may act either as nonparticipating, impartial viewers or speak out and join in the discussions when possible. Chapter 4 presents possible uses for these tools and action checklists.

Organizing and/or Influencing Public Hearings. Public hearings are sponsored by legislative committees, school boards, administrative and regulatory agencies, and even private citizens' groups. Whether investigatory or preliminary to action, public hearings seek input from interested citizens and organizations, primarily through written or oral statements and testimony. Hearings may be influenced by testifying, promoting attendance at hearings, working with the hearing staff, publicizing the hearings, and seeking on-the-record support for your positions. See chapter 5.

Influencing Appointments to Advisory Boards. Advisory boards are used by many governmental bodies and organizations primarily to get expert or constituent input. Although advisory boards may have no official powers, their recommendations typically influence a wide range of decisions ranging from the provisions of a proposed regulation or bill to the award of a governmental agency's contracts and funds. When composed of agency officials, there is sometimes a lot of "back scratching" in making recommendations for funding. You might work for appointment to advisory boards as as to represent neglected viewpoints and priorities. See chapter 4 on how to plan such efforts.

Demonstrating Support and Opposition.

Coordinated expressions of support or opposition for a current or proposed policy, action, situation, event, institution, individual, or group are sometimes powerful advocacy strategies. They may be used to influence legislators and public officials or to educate the community. Chapter 5 includes guidelines for letter-writing campaigns, circulating petitions, telephone campaigns, and organizing demonstrations.

Election Campaign. There may be bond, proposition, and referenda elections involving issues that fall within your interest. You may, on your own or as part of a community coalition, take responsibility for organizing campaigns in these elections. Tax exempt groups can participate only in campaigns involving issues rather than candidates. If you do not have nor need a tax-exempt status, you may also want to work toward the election of candidates sympathetic with your interests.

Taking Legal Action. The court system provides you with an important avenue of action in some cases. For example, to make your local or state, or national government perform or refrain from performing a specific act or program of acts, you may use legal action including mandamus and injunctions. You may also bring legal action against private corporations, organizations, or individuals. Sometimes you will produce equally satisfactory results simply by threatening to take a dispute to court where it can be publicly examined. If the target of your threat does not want this type of attention, fruitful negotiation may promptly get underway.

Short of filing a suit on your own initiative, you sometimes may find it appropriate to seek the permission of the court to enter a lawsuit as an amicus curiae (friend of the court), which is described in Chapter 4. This technique is used when an individual or group wishes to present to the court legal arguments, facts, or other information that may not have been included in the positions of the parties to the lawsuit.

There are many legal complexities involved in filing suits or becoming an amicus curiae. Seek the advice and assistance of a lawyer who can frame your case in the best way possible for your purposes. There are also many expenses.

If and when your group seeks action through the judicial system, note that some of the methods commonly used in trying to influence action in the executive and legislative branches of government do not apply. For example, a letter-writing or telephone

campaign is generally considered an improper tactic if aimed at judges.

Defensive Advocacy. If you are involved in community, action, particularly if you are seeking to change the way power has been distributed and used, you must be prepared for opposition and hostility. When you want to change the way things have been done, you must realistically expect some people to be unhappy about, and to question and attack, your actions. Your motives, financing, goals, and perhaps even sanity may be publicly questioned. This is the reality of public action and community change. Although much change and progress may occur without controversy, some does not. The first line of defense against opposition or hostility is to take preventive measures to minimize the chance of its surfacing. If that fails or is impossible, you must be prepared to meet the opposition or hostility head on or to counter it. In both cases, it is important to realize the value of "neutralizing" or "defusing" the opposition, even if the opponents cannot be defeated or converted.

Defense groups like formally established boards and committees can help to protect you from unjustified attacks and to develop community acceptance of your work.

Endorsements (expressions of support or approval) of your group or project by influential groups or individuals can be used:

- to influence other people to support your position;
- to provide recognition and "spiritual" support to your group members; and
- to add momentum to the effort.

When attempting to get endorsements, the following points may prove useful:

- Identify individuals or groups whose endorsements would help you generally or with specific groups or organizations that you want to "win over."
- Ask for the endorsement as they are seldom given spontaneously. Tell the person just what you want endorsed and, when appropriate, how you want the endorsement, with suggestions of the wording that would be most helpful. Request the endorsement well ahead of the time you most need or want it. If you are to make some commitment in return for the endorsement, make sure it is worth the effort and acceptable to your members.
- Get the endorsement in writing, on tape, or on film.

You may need to verify that the endorsement was indeed made.

- Publicize the endorsement particularly among groups who are likely to respect or respond to the endorser.

Always be sure to thank the endorser even if you feel he could have done a better job. If you are not satisfied with the endorsement, don't draw attention to it.

1. Know your case, document facts.
2. Know opposing case and arguments and develop strategy for countering (use role playing).
3. Operate from a sound base of support. Have advance definitions if possible of policy.
4. Know resources and allies, get consultation, inform, enlist. Have roles clear, eliminate contradictions. Have good communication. Advocacy by coalition requires collaboration.
5. Intervene high enough to get the job done.
6. Take positive approach. Don't back into a corner. Assume good will on part of the system and get system to accept assumption. Use positive documentation, give credit.
7. Demonstrate to system how the system is interfering or defeating own goals.
8. If battle—needing overt power use only after using first 7.

9. When in power contest (to get majority vote) don't pussy-foot. Assess how far you have to go, decide whether or not to go for it, and if not willing to go that far don't start. Check with and keep in touch with power base. *Inform, communicate, organize*. Don't have everything sloppy.

10. Use advocacy effort to strengthen client group as allies and promote them as independent leaders as soon as possible. If a difference—go with the group.

11. Always be aware of client vulnerability. Support vs. confrontation. If clients are risking, make them aware of the risks as well as possible gains before they make their own choice.

12. Assess risks realistically, identify them, weigh against gains. Line up alternatives. Also know the risk in not risking.

13. Don't be devils' advocate. Devil has enough advocates.

1. Appear to be low key and dispassionate.
2. Have a clear understanding of your own values and those you wish society to demonstrate.
3. Be able to conduct a good appraisal: A) Know power structure; B) Know resources; and C) Know facts.
4. Be able to analyze the values of the person with whom you are dealing.
5. Be able to demonstrate ability to hurt (e.g., arrange press coverage of inadequate or unfair management).
6. Be able to be specific about who is responsible for the inadequate implementation of program or service.
7. Create for yourself or group easy accessibility to the press.
8. Have principles well in hand.
9. Understand that it is not a job of the advocate to understand the problems of the administrator. He or she is paid to assume those burdens.
10. Get everything in writing.
11. Look at the budget if you want to know where the priorities are.
12. Question the existence of the "Emperor's New Clothes". Learn the art of the naive question. For example:
Q. "You do seem to have a well-planned perinatal clinic here. How many pregnant mothers do you serve?"
A. "Fifteen."
Q. "Oh. How many pregnant women who need it who do not use your service?"
A. "2,500."
Q. "Oh."



The guidelines presented below may apply to many situations in which you are approaching another group or organization, whether it be to request changes in policies or practices, to establish a working relationship, or to obtain support.

Do Your Homework

Before approaching an organization, find out all you can about it—goals, priorities, membership, funding, past activities, and organizational structure.

Try to determine who in the organization makes the decisions and how they are made. You must understand the inhouse power structure to deal successfully with it. Seek answers to these questions:

- Who is responsible for decisions in your area of interest?
- By what process and timetable are decisions made?
- What relevant policies, practices, or precedents can be found to support or oppose the organization's meeting your request?
- At what points can influence be most easily and effectively applied to the organization and its decision makers?
- What strategies and tactics would be most successful for influencing decisions?

For public agencies, determine how the agency fits into the legislative and executive frameworks of your city, county, state, or nation. What controls do legislators and executives have over the agency? Does enabling and funding legislation include clauses that would support or oppose your request?

Developing allies among people who are either a part of the organization or familiar with it can be an invaluable aid in analyzing the organization and determining the best procedures and channels to use in presenting your request. Encourage your allies to keep you up-to-date on developments and plans of the organization by respecting their confidence.

Be sure to study both sides, the advantages and disadvantages of issues related to your request. Put yourself in the organization's position and try to develop convincing arguments on why it would be to its advantage to meet your request.

Finally, before approaching the organization, decide just what response you want from it and clearly formulate your request. Depending on the nature of the request, you might prepare a concise, written

proposal. To be worthy of consideration, the request must be realistic. It must be possible for the organization to meet the request unless you are attempting to disparage the organization and its policies.

Presenting Your Request

Initially go "through channels" to demonstrate your good will and desire to work within the organization's procedures and regulations. Going through the hierarchy (secretaries, staff assistants, and others) to reach the relevant decision makers might be burdensome, but if you win them over, they can be valuable friends. If you are ignored by the decision makers, call on influential persons, supporters of the organization, and possibly the press to help you present your case. Attempting to establish informal relationships with the leaders of the organization before you present your request can make it harder for them to disregard or attack you. Remember, if the organization is very important to your planned work, they should be involved as early as possible.

Expect that if you are making a sizeable request of the organization, that its leaders will want to investigate your group. Facilitate this by giving references, by providing copies of relevant printed material, and by inviting organizational representatives to meet with your members.

Whether you are asking for money, cooperation, or changes within the organization, clearly spell out your request and goals so the organization will know what you consider a satisfactory response. Make it clear that you have studied both sides of the request and demonstrate why it is in the organization's interest to meet it. Never begin a request with a negative, "I know you probably can't do this, but . . ."

If you are making a request to which you are entitled as a citizen or taxpayer, be firm. Set deadlines and attempt to enforce them.

If necessary make the organization aware of your persistence and strength by:

—making follow-up calls and visits;

—writing letters to organization leaders to praise, question, or criticize as is appropriate;

—contacting by letters, calls, or personal visits government officials and watch-dog agencies to raise possible questions for their investigation;

—communicating directly with the organization's

constituents — customers, members, supporters, clients (Use advertising, direct mail, and other means to reach them; however, don't confuse or upset the clients of direct services agencies.); and/or

—issuing public statements and news releases outlining your position and presenting documentation to support your request.

Receptions You Might Expect

Organizations may respond to your request in a number of different ways as discussed below.

Cooperation. Frequently you will find a genuine willingness on the part of responsible officials to work with your group in conducting community service programs and even in adopting certain reforms. In this case, try to be as helpful and supportive as possible, and be certain to publicize favorable responses just as you would publicize a hostile reaction. Show the organization how worthwhile it is to cooperate with your group on projects of mutual interest.

Disregard. An organization whose procedures and policies you are trying to change may try to ignore you at first. You may have to demonstrate that your group is a force to be reckoned with by bringing public or private pressure to make it embarrassing or uncomfortable for the organization to ignore you. Examples of how an organization might illustrate its disregard through excuses for inaction, and of how you might respond to this reception are:

- **"You don't really understand the complexities of the problem; we are the experts and we know best."** If there is any truth to this, demonstrate your sincerity by asking to be informed further on the problem. If it is an unjustified excuse, be challenging and demonstrate your knowledge.
- **"Denial that the problem exists, or that your examples of the problem are exception to the rule."** If you have done a thorough need assessment and problem clarification, present your facts and figures. Ask them to prove that your examples are exceptions and are not widespread.
- **"The problem exists, but it exists most other places as well, and there are other concerns or problems with priority over the one you are presenting."** Here indicate why you think that the problem is a priority. Again, your problem clarification will be of assistance.
- **"The community would not accept our meeting your proposal."** Ask specifically who in the

community wouldn't accept the plan and how they could prevent its implementation. Refer the organization to the individuals and groups who do support you and your idea. If appropriate, offer to work with community groups to develop more widespread acceptance.

"There is no money." This really means that other programs and proposals rather than what you want are the priorities. Try to demonstrate the superiority of your proposal and the strength of support for it. If the organization can provide other services that do not require new expenditures, request them.

"We are taking steps to resolve the problem, or there are overriding considerations that prevent us from becoming involved at this time." Ask specifically what they are and scrutinize them. If new action is planned and you want to help, offer to do so.

Runaround. The runaround may be a deliberate attempt by the organization to avoid your request, or it may simply be the result of a lack of internal coordination. If you did careful research beforehand and know who has the inhouse power to make the decisions you want, you should be able to short circuit this problem. At other times you may be told that the problem or request is not within the organization's jurisdiction but is in the hands of some other organization, or the local, the state, or the federal government. If this is really the case and not just buck-passing, ask for their help in charting responsibility and authority for the problem. If the organization is interested in the problem, maybe they will help you approach the appropriate officials. If you feel that responsibility clearly lies with the organization, state why you think so.

Delaying Tactics. Some organizations may try to wear you down by scheduling a seemingly endless set of meetings and studies to review the issues raised. If you are told that the problem needs further study before an action plan is developed, discuss your own need assessment and, if appropriate, offer to assist the organization in its study. Test them by asking who is doing their need assessment and what they are doing. You might ask to meet with them.

Setting deadlines and sticking to them are good ways to counter delaying tactics. A threat to go over the head of the persons responsible for the delays and to communicate directly, or through the press, with the top officials of the organization is sometimes an effective counter-measure. Be wary of making threats, veiled or otherwise, if you can't follow through on them.

Threat and Intimidation. If your request involves controversial charges or fundamental challenges to the organization's procedures, officials may try to threaten or intimidate your members to stop your efforts. With sensitive areas, adequate research to document all charges is imperative. In some situations you may need to consult an attorney in advance, and at appropriate steps throughout your deliberations with the organization. Such consultation guarantees you are staying within your rights and the law, and enables you to call any bluff made by the organization.

Covert Cooperation. Although an organization may officially reject your request, you may find a number of allies within its ranks who offer you behind-the-scene support. Cultivate such friends carefully, for they can be valuable assets and provide you with helpful information and advice.

Cooptation and Exploitation. Be wary of situations where an organization can exploit your work while providing you no assistance. You should receive credit for any assistance or services that you provide another organization just as you should give credit to such organizations when they provide assistance to your group.

Sidetracking. An organization might try to neutralize your group by appointing members to titled positions and do-nothing committees. You might accept such appointments and then try to incorporate some substance and meaning into their activities. Don't let such "honors" water down your negotiations with the appointing officials.

Negotiations and Bargaining. When you request changes in an organization's policies or procedures, you may reach the point where representatives of the organization offer to deal with your requests in a negotiating or bargaining situation. The suggestions which follow pertain primarily to cases in which you have some claim or right to make a request and have been engaged in an adversary relationship with the organization. They emphasize pitfalls to avoid if you are to conclude your efforts with a favorable agreement. Most situations will not involve an adversary relationship and can be resolved more openly, informally, and cordially.

- Frame your position carefully. Decide in advance whether to overstate your demands to leave room for compromise or whether to ask for just what you want and hold fast. Another option is to state your real demands but include on your bargaining team some members who make clear that your demands are

already considered a compromise proposal that doesn't go nearly far enough. Most labor relations authorities advise asking for more than you want so you can appear reasonable as you back down slightly. If your goal is constructive solution of a problem rather than embarrassment of the adversary, ask for something to which they can reasonably be expected to agree.

- Insist on negotiating only with people having the power to grant your demands.

- Involve your entire group in selecting negotiating representatives, formulating your position, and accepting or rejecting proposals.

- Prepare thoroughly for the negotiating sessions.

—Research the background of the opposition and its representatives.

—Be prepared to meet and counter any opposition arguments and tactics. Use role playing to practice beforehand.

—Do not accept any information from oppositional arguments and tactics.

—Be able to spell out what you plan to do if negotiations break down. Do not, however, make any threats you cannot carry out.

- Beware of attempts to divide and conquer your delegation. At the same time, look for opportunities to divide theirs, especially if you find some sympathizers on the other side.

- Try to include in your delegation some negotiators whom the opponents have not previously met and several different types of persons. This will keep your opponents off balance.

- Remain cautious or skeptical. Don't be taken in by opponents who are "nice."

- Stick to the original issues. If side issues arise, defer them to later negotiations.

- Oppose proposals for committees, commissions, or studies if you feel these are simply delaying tactics and the information needed to reach a decision is already available. Your preliminary research, in fact, should have produced or documented the existence of much of this information. If the other side has a legitimate need for time to consult others about a proposed settlement, agree on a deadline for this process and make clear that you expect the deadline to be met.

- If you are winning, allow your opponents to save face in the settlement; be charitable.

- If your opponents are using negotiations to wear you down, try to counter with public pressure to speed things up.

- Get all agreements and promises in writing whenever feasible.

There are many well-managed, beneficial, and effective advocacy groups abroad in the land. Thank goodness for that. I've had the good fortune to work with some of them. But there are also a few of another kind, and to help identify them I have unceremoniously, and without aid of counsel, catalogued them as follows:

- **Chicken Little Advocates:** A group that cannot seem to make a very reliable analysis of the situation and is, therefore, not likely to be able to advocate reliable remedies. The Chicken Little Advocate lays scrambled eggs.
- **Jehu Advocates:** Remember, he is from 2nd Kings: "For he mounteth his chariot and driveth furiously." This group taketh one topic, disregardeth the opposition's strong points or common grounds, and chargeth forward furiously, unmindful of the havoc they wreaketh.
- **Tolstoy Advocates:** A group with a cast of thousands supporting a few central characters who somehow hold it all together. They're capable of selecting important topics but most of the characters are right out of fiction and are best left there.
- **Robin Hood Advocates:** This group fleeces the rich, including the foundations, and, so far as we

know, gives to the poor but only on an ad hoc basis by way of deep ambush in the woods. There is no attempt to deal with basic causation or seek more lasting ways to improve the lot of mankind, in or out of Sherwood Forest.

- **Star Trek Advocates:** This group deals with realities that exist only within their own contemplation, "realities" which are intriguing to us because of their novelty and other-worldliness, but terribly distracting from the important problems back on Spaceship Earth.
- **Robespierre Advocates:** They have a fanatical devotion to what they call virtue, including virtually guillotining all those who differ with them. Supporting them is like the Neville Chamberlain Foundation making an advocacy grant to the Hitler Youth Corps.
- **Lady Godiva Advocates:** These folks are quite capable of getting everyone's attention but no one can later remember the cause.
- **Harold Stassen Advocates:** These individuals are quite capable of finding a cause but can't seem to get anyone's attention.

Introduction

What is commonly referred to as the "juvenile justice system" is actually made up of at least three systems—the legislative, administrative and regulatory, and judicial—as well as a number of institutions, agencies, and professionals. All governmental activities in this country are balanced among these three enduring systems. In addition, jurisdiction for the actions of each is spread across at least three levels of government—federal, state, and local. It is important to understand how the lives of juveniles are affected by these systems interacting together.

The legislative system—at the federal, or state, or local level—makes laws to enable something to happen. Often these laws authorize an agency to administer and regulate the provisions of the law, while the judicial system, itself authorized by law, has the power to review laws for their constitutionality and to otherwise interpret their application. The three systems work together to ensure that the social functions of individuals are protected and enhanced. Each system also balances the authority of the others.

The "juvenile justice system," for example, involves the Juvenile Justice and Delinquency Prevention Act, passed by Congress in 1974. That act authorized the creation of an Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice to administer some of its provisions. One such provision was the deinstitutionalization of juveniles detained for status offenses, a mandatory provision for states accepting federal delinquency prevention funds. Thus, it became illegal for state courts to detain status offenders in state institutions. In the example of juvenile justice, each system at every level plays an integral part in the treatment of juveniles.

Systems maintain their equilibrium unless individuals are willing to take action to change them. This is true of the juvenile justice system. Research on human development and deviance has revealed more and more material on how individuals grow and function in social groups. In light of this new understanding, youth-serving groups worked hard in the 1970s to alter the way the system treats juveniles. Advocacy groups collaborated vigorously to help pass the innovative Juvenile Justice and Delinquency Prevention Act.

The Juvenile Justice and Delinquency Prevention Act is at the heart of the juvenile justice system. Over the past five years, it has dramatically changed the way juveniles are treated. The work is not over, however.

The focus of advocacy is change, which can be initiated from within the system or from without. It is important to understand what advocacy can accomplish, however, and what it cannot accomplish. In dealing with large systems, it is important to know who to try to influence and where and how.

The following sections detail the workings of the legislative, administrative and regulatory, and judicial systems and suggest the most productive ways to advocate on behalf of juveniles within each system. Advocacy may have as its purpose simply the education of a community group about youth in trouble; advocacy groups may be urging their state legislature to comply with the federal juvenile justice act; other advocates for youth may be assessing a state's compliance with laws already enacted that affect juveniles; others may be advocating for legislative changes. Because the systems are integrated, however, change must occur on all fronts. This means that there is a place for every advocacy technique and every kind of advocate.

Legislative Systems—Federal

Introduction

The Congress of the United States passes laws that affect the country nationally. The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 92-415) is an example of a federal law that provides uniform guidelines for policy and activities to be adopted on the state level. The law authorized creation of a federal agency to administer its provisions and authorized funding to states involved in delinquency prevention.

A variety of private nonprofit national youth-serving organizations were involved with Congress in achieving passage of this act. Their activities were examples of how concerned groups can advocate effectively for social change. Although the states retain major responsibility for juvenile justice programs, Congress continually considers other legislation that will affect juveniles through social services funding, policies toward youth-serving agencies, and other socially oriented concerns.

It is important for agencies to understand how federal laws are made, who represents them in Congress, and how they can influence the legislative process. The following selections present comprehensive background material on federal lawmaking and how advocates can best represent their point of view.

Howard Marlowe

One of the oldest professions in the world is lobbying. If it wasn't for Christopher Columbus's strenuous lobbying of Queen Isabella, he would never have gotten his ships and America would have remained free of Europeans for several more years. If it wasn't for Ben Franklin's lobbying efforts in Paris, the French may not have provided support for the American Revolution and we might be singing "God Save the Queen" before the Super Bowl of soccer.

Lobbying—the attempt to influence toward a desired action—is pervasive. At this moment, you can be certain that someone, somewhere, is busy trying to influence something. It is also important. A little well-timed advice combined with some cogent information can have a profound effect on the affairs of men and women.

Perhaps because it can be so consequential, lobbying is quite controversial. People hold it responsible for nearly everything they don't like, from Allende's downfall in Chile to the increase in the price of chile. Many people's image of a lobbyist is of a smooth-talking, Gucci-wearing, former semi-important public official who can convince anybody of nearly anything after the third martini at the Sans Souci. Sometimes this image is not far from the reality.

But most lobbying is considerably less glamorous. It involves the toilsome tasks of getting information to harried legislators who can't keep informed of every issue and doing some of the legwork (finding co-sponsors, creating coalitions, getting votes, drafting and redrafting the legislation, developing strong arguments for it) necessary to get anything done in Congress. Lobbying thus has a vital function in the legislative system.

People decry lobbying because they see it as a tool of invidious "special interests," but what they often don't recognize is that everyone and every group has a special interest, an organization like the Child Welfare League being just as special interest-motivated as the American Milk Producers, Inc. The fault of the present system is not so much in its propensity to respond to special interests, but in the limited number of special interests that know how to make it respond.

This article is a basic guide to understanding and affecting the legislative process. It attempts to demystify lobbying, showing how anyone with a cause can have an effect. It demonstrates that the most important factor in successful lobbying is not who has the best table manners but who plans and organizes most effectively.

Because understanding the legislative process is essential before one can affect that process, the article explains in detail how legislation is developed. Even if your organization will never lobby in Washington, learning about how laws are made can be interesting and valuable. The public's ignorance of something so vital is appalling.

Also, since every government grant dollar must filter through the legislative process, understanding that process can be quite useful. It can help you gain more insight about a particular funding program; it can allow you to know when new funding will become available. The guide to sources of information about congressional actions (page 48) can be particularly helpful in this regard.

If you only plan to lobby on the local or state level, the ideas about lobbying in this article can still be useful, as most of the principles of lobbying are universal.

The most persuasive lobbying groups in our society—the oil industry, the labor movement, the defense establishment, etc.—long ago learned the first commandment of a democratic society: Know thy Congress. They know how it works and how to make it work for them. Sure, they've developed contacts and clout, but they had to start with a basic understanding of the legislative process and its dynamics.

The People of Congress

First and foremost, Congress is people. And since it is the people of Congress whom lobbyists must deal with, it's important to know who they are.

The most important people are the members of Congress—100 senators and 435 representatives. But the most important people to lobbyists are the 11,000 staff assistants working for the members and for the many committees and subcommittees in both houses.

With so much to do and so much to know, members of Congress must rely heavily on their aides in legislative matters. Their schedules are filled with committee meetings, debates, floor votes and office appointments; they must respond to constituent requests and, of course, they are always thinking about being reelected.

Thus, a member's staff usually is given considerable responsibility. For representatives, the total number of aides at both Washington and district offices is limited to 18, with an average of nine staffers in Washington.

The size of a senator's personal staff varies with the size of the state represented, averaging about 20 in Washington.

The personal staff usually consists of an administrative assistant (the member's chief aide), a press secretary, a personal secretary, correspondence secretaries to answer mail, caseworkers to handle constituent problems, a press department and a legislative staff.

The legislative staff is often limited to only one fulltime legislative aide, while that of a senator is usually comprised of three or four. The chief legislative aide is usually the no. 2 person on the staff totem pole.

In addition to the personal staffs, there are staffs for every congressional committee and most subcommittees. Many of these aides provide direct assistance to members and their personal staffs as well as fulfilling their committee responsibilities.

Committee staff work is more specialized than personal staff duties, permitting aides to become more knowledgeable about a subject. It is also more consistently rewarding, because committees are the workhorses of the legislative process. While personal legislative aides are often given free reign to initiate and pursue legislative ideas, it is the committee aides who process a raw legislative idea into a refined bill and then work at modifying that bill to improve it and to gather support for it. In addition, the committee staff has a major role in planning hearings, selecting witnesses and preparing questions for the witnesses. As a result of the demands of the position, committee aides are generally older, more experienced and better paid than those who work on personal staffs. They are also very important people to know.

All of these congressional people—members and aides alike—labor in conditions that are primitive by any contemporary standards, because Congress has been extremely reluctant to spend money on itself (media reports to the contrary). Office space is at a premium with staffers working in basement and attic rooms and, sometimes, in the hallways. Many representatives share their personal offices with staff. In other words, Congress operates like many nonprofit agencies!

The Origins of Legislation

Now that the people have been briefly introduced, we can begin to explore the process of a bill becoming law.

The first question concerns how legislation originates.

There are numerous sources, the prime one being the President, who may ask a member to introduce a bill the administration or a particular federal agency wants passed. Federal agencies actually initiate considerable legislation.

Obviously, legislative ideas often originate with a member. He or she may get an idea while reading a newspaper, watching television or after talking with an office visitor or reading a constituent's letter. Many ideas come from staff assistants. Or, members may make what they feel are improvements on the legislation of others and then introduce their own bill.

Another source of many bills is the committee or subcommittee staff itself, though such a bill is usually introduced under the name of the chairperson of the committee. Often a bill will evolve out of hearings the committee has held on a particular issue.

Organizations and interest groups can also be a source of legislation, and this is an important point of entry into the legislative process. An organization may approach a member of Congress with legislative ideas expressed in a "policy paper" or drafted into bill language. If the member is interested in the proposal, he or she may choose to introduce the legislation as is or with modifications.

Introducing . . . A Bill!

The process of introducing a bill in Congress is relatively simple. A member simply hands the proposed legislation with his or her signature on it to a clerk while the House or Senate is in session. In the Senate, the member usually submits an explanatory statement about the bill which is printed in the *Congressional Record*. A representative and a senator may jointly sponsor a bill, introducing it at the same time. In addition, members can have their names added as co-sponsors after a bill has been introduced.

Members will often solicit others to co-sponsor a bill to demonstrate support for it.

Though a "bill" is the most common, there are three other forms in which a legislative proposal may be introduced. A "joint resolution," which is very similar to a bill and carries equal legal weight, may originate in either house. It is commonly used to propose amendments to the Constitution or to make limited appropriations for a special purpose. Joint resolutions must be approved by the President. "Concurrent resolutions," which do not have the force of law, are used to make or amend rules applicable to both houses or to express the sentiment of Congress on a

particular issue. "Simple resolutions" concern matters which affect only the operations of one house, and are considered only by that body.

The Role of Committees

Once a bill is introduced, it is given a number (corresponding to the order in which it was introduced during each two-year congressional term) and then referred to the committee having jurisdiction over that legislation, and in turn to the appropriate subcommittee for initial consideration. For example, a bill creating a system of national health insurance would be referred to the Finance Committee in the Senate and the Ways and Means Committee in the House, while a bill to increase federal aid to education would be referred to the Senate Human Resources Committee and the House Education and Labor Committee.

There are now 15 standing committees in the Senate and 22 in the House, plus various special and select committees. The number of committees was recently reduced as a part of efforts to reform Congress, though the problem of many committees having jurisdiction over the same legislation still exists.

If the subject of the bill spans the jurisdiction of two or more committees, the bill may be jointly referred to more than one committee. Successive referral, the most common action, requires one committee to act on the bill before another begins considerations.

After referral to a committee, most bills die a quiet death. They are simply placed on the committee's legislative calendar and never heard from again. For example, of the 12,800 bills introduced in both houses during 1977, less than 1,000 had been reported out by committees at year's end and only 210 had become law. Once a two-year congressional term ends, any bill that has not become law must be reintroduced if the sponsor wants it to be considered again.

Committees are the heart and soul of the legislative process, allowing a relatively orderly division of the huge congressional workload and a detailed consideration of each piece of legislation.

Each house has established its own system of committees and committee jurisdiction. Each committee, in turn, creates its own subcommittees and adopts procedural rules governing such issues as meeting times, quorum requirements, proxy voting, etc.

Members of each standing committee are selected by

their respective party caucuses. The exception to this rule is in the House, where the Speaker selects the members of the Committee on Rules, subject to the approval of his or her party caucus. Senators may serve on three committees and as many as eight subcommittees; representatives usually serve on two committees. Assignment to key committees is one of the most important rewards a political party bestows on its members.

Within each committee, the ratio of Democrats to Republicans reflects the proportion of the total membership of that house which is claimed by each party. At the present time, the ratio in both houses is approximately two Democrats to one Republican. Subcommittees maintain the same majority/minority ratios, assignments being determined by the full committee.

Within a committee, the chairperson is the dominant figure. Traditionally, chairpersons are selected by their party caucus on the basis of seniority. In recent years, however, there have been some successful efforts by newer members to make these selections subject to the approval of either the full House or Senate.

Although the days of the autocratic committee chairperson are largely past, those who occupy this position remain powerful. They exercise a large measure of control over which bills are considered by their committee, what happens to that legislation and how fast it happens. In some cases, subcommittee chairpersons have almost equal power over legislation within their jurisdiction.

Several factors influence the fate of legislation once it has been referred to a committee. Nearly all bills introduced at the request of the President are assured of further committee action. While committee chairpersons have the power to kill presidential proposals through inaction, this is rarely done. Legislation within a committee's jurisdiction that has been introduced by the chairperson or by one of the subcommittee leaders is also likely to get committee action. Next in priority comes legislation introduced by other members of the committee. It is because of these realities that a member introducing a bill will usually try to get early support from powerful members of the committee(s) that will be considering it.

Absent any of these factors, it takes broad public support or—more usually—the work of interested groups and organizations to lift legislation from the obscurity of the committee legislative calendar into the light of day.

When a committee decides to act on a bill, it usually will make a formal request for both the administration's views on the legislation and a report from the General Accounting Office (GAO). The GAO functions as a congressional "watchdog" over the executive branch, making recommendations designed to improve the efficiency and effectiveness of government operations. It usually operates in response to a request from a member or committee of Congress.

Committee Hearings

The committee will then hold one or more days of public hearings. On some occasions, the hearing may be called primarily to get the administration's views on record. In other instances, the committee chairperson may preselect witnesses in order to expedite the committee's deliberations or to weight opinion either for or against the bill.

Some committee hearings are not connected with specific legislation. They may be called to monitor a particular government program or agency, in which case they are called "oversight hearings," or they may be called simply to discuss an issue of interest to the committee. Oversight hearings in an organization's field of interest can be quite important, for an evaluation of current law might set the stage for legislative change. A recent example of this is the hearings by a subcommittee of the House Judiciary Committee on the Law Enforcement Assistance Administration.

While the public's opportunity to present oral testimony in some types of hearings may be limited, most committee hearings are structured to give the public an opportunity to testify. This is an excellent chance to lobby. Organizations should get on the mailing lists of committees considering legislation in their interest area in order to receive hearing notices, which inform the public of the date, time and place of the hearing and explain how to make requests to testify in person or in writing.

Mark-up and Reporting

After hearings on a bill are completed, a committee will proceed to "mark-up." At this step, the committee members meet to go over the legislation line-by-line, revising the language, making substantive changes and adding amendments. On occasion, the committee staff prepares an amended version of the legislation (called a "committee print") which is used as the basis of the mark-up.

Any committee member may offer amendments to the bill, with the committee making its decisions by consensus or formal vote. While these sessions are usually open to the public, no public participation is permitted. There are some instances—particularly involving tax legislation—when government agency staff may be called upon for their comments and suggestions.

Once the mark-up is completed, the committee takes a vote on the legislation. If it is favorable, the bill is ordered to be "reported." The committee staff drafts a report on the legislation, explaining its origins, purposes, content, effect and estimated cost. Members of the committee may add their separate or dissenting views to the report, which is then printed and submitted to the clerk of the House or Senate. It is not uncommon for the committee to report what is termed a "clean bill"—a rewritten version of the original legislation bearing a new bill number.

Committee reports are a very valuable part of the legislative history of a bill. A report can, for example, turn the convoluted legalese of the bill into a comprehensible description of the legislative issue. Also, committee staff often are able to use the report to add subtleties to the bill which weren't apparent in the formal language. When trying to understand a particular federal program, it is useful to read the committee report.

Getting a Bill On and Off the Calendar

After a bill is reported, several procedural details affect its status. In fact, the reporting of a bill in no way guarantees its consideration by either house. Rather, the leadership of Congress wields mighty power over legislation on the floor. Committee chairpersons must consult with—and hopefully gain the support of—congressional leaders to expedite a bill's consideration and chances for passage.

When a bill is reported in the House, it is usually sent to the Rules Committee, which establishes the length of time for debate on the bill and determines whether any floor amendments will be allowed. The committee's decision is called a rule, and the rule is placed on a House calendar together with the bill itself, which is marked with a calendar number.

There are several House calendars. Revenue-raising or appropriation bills are placed on the "Union Calendar." The "Private Calendar" is reserved for private relief bills, such as claims against the government. The House Calendar contains most

public bills and resolutions. The Senate does not have a rules committee review. Instead, reported bills are placed directly on the calendar and given a number.

In both houses, bills are "called up" for floor action in numerical order. Since some measures are more urgent than others, both houses have a system for bypassing this numerical sequence. In the House, this can be done by the Rules Committee, by a two thirds vote of the House or by special request made by committee chairpersons on certain days. In the Senate, a majority vote is needed to get a bill considered early.

Action on the Floor

When floor debate is scheduled in either House, the committee chairperson or a designee acts as floor manager for the bill, while the ranking member of the minority party on the committee or a designee acts as floor manager for the opposition. Both houses have extensive rules and precedents of parliamentary procedure which govern the debate and voting.

While the ultimate work of Congress is done on the floors of the Senate and House, visitors watching in the galleries of either chamber are struck by the desolateness of those floors during legislative debates. The average floor attendance in the House is usually no more than a dozen members, while in the Senate it is usually about a half dozen. Back in their offices, members have no way of keeping track of the debate. Though some send staff members to listen to discussions of special importance, most simply await the system of bells (they are actually buzzers) which summon them to the floor for a vote or a quorum call.

Somewhere between the time the bells sound and a member reaches the floor, he or she must find out what the vote is about and then decide how to vote. On all except the most important issues, both the information and the decision are based on brief conversations with staff aides or colleagues. This fact underscores the importance of effective lobbying, for it can help to eliminate the often woeful paucity of information upon which a member's vote is based.

When a bill is passed by one house it is then sent to the other, where it is usually referred once again to a committee. There may be more hearings and a favorable committee report, or the committee may decide to take no action whatsoever, in which case the proposal dies.

Conference Committees

Even after both houses approve a bill, the legislative process has not ended. If there are any differences between the House and Senate versions of the bill—and there usually are—the normal process is to appoint a conference committee, consisting of members of both houses, who iron out the differences. Conferees can only debate issues of disagreement between bills and cannot exceed the recommendations of the passed bills.

When agreement is reached, a conference report together with a final version of the bill is presented to both houses for approval. Only when this approval is given does the bill get sent to the President.

Presidential Approval

Once the President has received a bill passed by Congress, he or she may sign it into law or veto it within 10 days and return it, with a statement of his or her objections, to the house which originated the legislation. He or she may also allow the bill to become law without a presidential signature by failing to act on it within 10 days. Or, the President may "pocket veto" the bill if Congress adjourns before the 10-day period has elapsed.

If a bill is vetoed by the President while Congress is in session, two-thirds of the members of the house which originated the legislation can vote to override the veto. If they do, the bill then goes to the other house, where a two-thirds vote will turn the bill into law without the President's signature.

Armed with an understanding of the legislative process and knowledge of how it can be affected, an organization can begin to plan its lobbying effort. Since direct lobbying can take several forms—personal contact, letter writing, telephone calls and public testimony—consideration of time, money and personnel will guide your organization's choice of strategy.

But whatever strategy is chosen, certain basic rules should be followed.

First, do your homework. General knowledge of the system must be coupled with specific facts about the bill or issue at hand. In addition, a lobbyist must learn which people are most appropriate to lobby and when to approach them. And, once a lobbying "mark" is chosen, the lobbyist should learn as much as possible about that person's interests and orientation.

Second, no matter what the method of lobbying, it should be an ongoing activity. Organizations that wait until an important issue arises and then frantically begin to prepare a lobbying plan will waste precious time simply getting organized. The results of this "crisis lobbying" will probably be less effective than a carefully considered, long-term effort. Here are some suggestions on how your organization might plan ahead:

- Make an organizational commitment to lobbying. Before you can do this, you must know why your organization should lobby. What is the need? Is anyone else doing it adequately already? Do your constituents see the need? What are the possible implications for your organization?

- Decide how much of the organization's human and financial resources will be committed to the effort.
- Determine how that lobbying will be done.
- Give group members specific lobbying assignments.

- Identify the people you intend to lobby on a continuous basis. Make sure that they are aware of your organization and its interests.
- Evaluate the lobbying effort periodically. From experience you'll learn how to make it more effective.

Getting Personal, or, Close Encounters are the Best Kind

No matter what your lobbying strategy, there is no doubt that personal contact gets the best results. A face, a smile, a handshake leaves an impression easier to recall than a disembodied voice or a typed letter.

If your organization, like most nonprofits, can't afford a Washington lobbying effort, some personal contact can be made closer to home at your legislators' district offices. Congresspersons will be easier to reach than senators. They make regular trips back to their district, sometimes weekly, while senators make fewer visits and have to cover an entire state.

Once again, the people who are accessible and responsible are the member's support staff. Staff aides in district offices, unlike their Washington counterparts, usually are not involved with legislation, although one or more are usually political advisors. A lobbyist might thus find it helpful to discuss the political ramifications of an issue with these people.

Lobbying in Washington can take several forms depending on resources. Your organization could:

- Designate a group member to travel to Washington when an important issue arises (and money permits); or
- Hire a full-time representative to stay in Washington; or
- Hire a professional Washington lobbyist who can either do all of the organization's lobbying work or can simply assist in arranging appointments for representatives of the group and provide information to the organization on a regular basis.

On the Hill

If your organization occasionally sends a representative to Washington or permanently stations one there, he or she should know the where, who, how and what of lobbying Congress. Hopefully, your group has already established a cogent why.

The "where" is Capitol Hill, visually dominated by the gleaming white Capitol building. There are three main office buildings on the House side of the Hill and two on the Senate side, with a third being built. In addition, both the House and the Senate make use of various annex buildings to house staff operations. Contrary to the strict limitations on public access to most executive branch buildings, there is relatively free access to all the buildings on Capitol Hill. Get some comfortable shoes and explore the miles of hallways in these buildings. Knowing where you're going will bolster your confidence (essential for a lobbyist) and save you critical minutes when you're actually lobbying.

The "who" to lobby is members and their aides with legislative responsibility in the pertinent subject area. The how in many cases is by appointment. Each member has an appointments secretary who will check with the member before confirming your appointment. Aides can be called directly. If you can convince the aide of your organization's relevance and credibility, he or she will often introduce you to the member.

To see a member of Congress with whom you have not been able to schedule an appointment, simply find out whether he or she is in the office or at a committee meeting, station yourself outside that room and wait for the voting bells to ring. Within five or ten minutes after they ring, the member will come out to go to the floor for the vote, and you can use this opportunity to walk alongside while introducing yourself

and explaining the nature of your business. If you are a constituent, say so immediately, for it will improve your chances of holding the member's attention. In any event, you will have to be very brief, since the member will be in a hurry. This "buttonholing" approach takes skill, practice and care, but is a common and often effective means of communication.

If you find that the member is on the floor of the House or Senate and a vote is not in progress, it is accepted practice to send a note by page asking that he or she come to the public lobby to speak with you when time permits.

The basic rules for personal contact lobbying—the "what" to do—are:

- Be as concise as possible in presenting your case. Let the member know who you represent, what you want to talk about, what your position is and what you want done. If you are lobbying about a specific bill, refer to it by number and chief sponsor.
- Be both as specific and as practical as possible. Let the member know how the issue relates to her or his constituents or congressional committee responsibilities. Make the member aware of opposing viewpoints and any political liabilities likely to occur if she or he supports your position.
- Let the member know how your organization or its members can be of help. Nonprofit organizations may lack the money which other organized interests can use to influence the legislative process, but they do not lack the ability to influence votes.
- Do not threaten a member with political retaliation if she or he fails to do as you ask. Such heavy-handed tactics are reserved for television dramatizations only.
- Be brief, for members and their aides are very busy, but be prepared for interruptions during your meeting, such as telephone calls and floor votes.
- Leave behind a one-sheet summary of your case with the member, and leave a second copy with one of the legislative aides.
- Follow up your visit with a telephone call or letter to the member and/or staff aide. If you are from the member's state or district, plan an opportunity for her or him to meet with your members or see the fruits of your organization's efforts when visiting that area.
- Know that "lobbyist" is a sensitive term. Some staff people have a fear of lobbyists because they can mean more work. They will have to respond to you,

keep the member informed of your comments and make certain judgments.

Giving Testimony

Another form of "in-person" lobbying which, however, involves only indirect contact is giving testimony. Testifying before a congressional committee need not be an intimidating process. The danger lies in allowing your awe of Congress as an institution to impede your ability to communicate effectively.

The rules of the committee will dictate whether a written statement is required of each witness, how many copies are required, when and to whom they must be delivered and how long the oral presentation can be. In most instances, these rules are not set in concrete. For example, if you're told to submit 75 copies of a 10-page statement but don't have the resources or the time to prepare that many copies, submission of five to 10 copies will usually suffice. It is generally a good idea to submit copies of the statement in advance and this may often be required, since this affords committee staff aides an opportunity to read the statement and prepare intelligent questions and comments for the members of the committee.

Dear Legislative Aide:

If you can't visit D.C., letters can sometimes be effective if well employed. It is important to realize that, for the most part, identical letters from a large number of people make little impression, except in a numerical tally of letters pro and con. Individually-written letters from a large number of people will have more impact, but even these are not likely to reach those on the staff who influence policy. Most letters addressed to members of Congress will be handled only by a correspondence secretary who will merely indicate which automatically-typed and signed response should be sent.

The most effective method of lobbying by letter is to address your message to a legislative staff member (or alternatively, to the member, but to the attention of that aide). By writing to the staff aide directly, an organization increases its chances measurably that the letter will be read by a person with policy influence and that the response will be individually prepared.

Here are some other letter writing tips:

- Have the letter signed by your biggest name. Priority is usually given to letters from community leaders (i.e., people with money or political influence), other well-

known names, friends and active political supporters. The next preference is often given to constituents or to those who write on a subject pertaining to one of the member's committee assignments.

- Time your letters. Your letter should be timed to arrive at the member's office on Tuesday, Wednesday or Thursday. Monday and Friday are heavy mail days, and your letter stands a greater chance of getting shorter shrift.
- Be brief and concise. State your point at the outset. If you are writing about a specific bill, refer to it by number and chief sponsor. Make your position clear, and tell the member what you want her or him to do. If a response is desired, make that known also.
- Show an understanding of the legislative process. For example, if you know where the bill is in the legislative pipeline, include that information in the letter (it gives you points for political sophistication).
- Be both specific and practical. As with personal contact lobbying, relate your case to the member's committee responsibilities or constituents' interests.
- Send a copy of the letter to the appropriate aide on the member's staff. Also, send a copy of the letter to your own state senator and congresspersons, any co-sponsors of the legislation and the committee chairpersons to whom the bill would be referred.

The telephone can also be a valuable lobbying device. While it may be difficult to speak to a member who is not acquainted with the caller or the organization, calls to staff aides are usually returned the same day. Conciseness and brevity are important, requiring the caller to plan a conversation as carefully as an in-person visit or a letter.

In all forms of lobbying, be prepared to offer direct assistance. If a member is being requested to introduce or support legislation, offer to help find co-sponsors or to draft statements which can be inserted in the *Congressional Record*. Be prepared to provide research and publicity assistance as well. These types of help will be greatly appreciated and may further aid your cause.

To the Organized Go the Spoils

Though a voice in the wilderness may sometimes be effective, a chorus of voices is much more likely to be heard. In other words, a way for nonprofits to increase their "lobby power" is to get organized.

You may first want to try "borrowing" clout by working

with existing associations. If you can convince them of the importance of your issue, they can put their clout to work on it, or, at the least, offer you assistance in your own effort.

Alternatively, you may want to find other organizations with mutual interests and form new coalitions dedicated to bringing your concerns to public attention. Remember, the larger and more organized a "front" you can present to Congress, the more likely it is that Congress will listen.

When you know how the legislative system works and understand the basics of lobbying, you're still only half-prepared to be an effective lobbyist. The other half of the preparation is to keep abreast of Congress on a regular basis. Information about what's happening in Congress, what's likely to happen and who to contact is essential even for those groups not interested in lobbying.

One of the first places nonprofits should look to find out what's happening is to national organizations in their field of interest, most of which are located in Washington. Many of these organizations conduct lobbying efforts and publish newsletters which report on pertinent congressional developments. All have personnel who can provide information about legislation and who can help in suggesting appropriate congressional contacts.

No matter what your area of interest, the basic source of information about congressional activity is the *Congressional Record*. Published daily while either House is in session, subscriptions are available for \$45 per year from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The *Record* is not a verbatim transcript of congressional proceedings, appearances to the contrary. Most statements which appear in the *Record* as if they were made orally were, in fact, simply submitted in writing to a clerk. Members also can revise the actual remarks they made during a floor debate. While these revisions are not supposed to change the substantive meaning of the original remarks, this rule is flagrantly violated on many occasions. In addition, the rules of congressional decorum lead to the deletion of angry exchanges on the floor, making the *Record* a rather docile, G-rated document.

There are a few services available on a subscription basis which provide complete or selected summaries of each day's *Record*. However, the reading of the complete *Record* need not be a laborious practice. A

daily skimming of the publication will provide information about legislation introduced, committee hearings held or planned and floor action. You may want to keep a file of statements on subjects within your organization's area of interest in order to be aware of the attitudes and opinions of specific members of Congress.

Coming Events

Information about upcoming committee hearings and other committee action often can be obtained by being placed on that committee's mailing list. Two other useful mailing lists, maintained by the *Senate Majority Whip* (Rm. S-148, Capitol, Washington, D.C. 20510) and the *House Majority Whip* (Rm. H-107, Capitol, Washington, D.C. 20515), provide weekly press releases about the upcoming week's floor schedule. And if you receive the *Washington Post*, you'll find that it prints a daily listing of "Today's Activities in the Senate and House," which is primarily a schedule of hearings.

For the up-to-the-hour (almost) scoop on Congress, the four congressional cloakrooms provide phone messages, revised throughout the day, on floor debate, scheduling and voting. Though "cloakroom" somehow smacks of intrigue and backroom deals, it is actually only the anteroom of a legislative chamber where members can relax, confer or, oh yes, hang their cloaks. The telephone numbers are:

| | |
|-----------------------------|---------------|
| Senate Democratic Cloakroom | (202)224-8541 |
| Senate Republican Cloakroom | (202)224-8601 |
| House Democratic Cloakroom | (202)225-7400 |
| House Republican Cloakroom | (202)225-7430 |

Following Bills in Progress

Besides keeping track of the daily activities of Congress on the floors and in committee rooms, you'll want to know as much as possible about bills in progress that concern your organization. You might start with the *Digest of Public General Bills*, which lists in numerical order all bills introduced as well as other useful Capitol Hill information. Published five or more times each session of Congress, with supplements, it costs \$90 per year and is available from the Superintendent of Documents.

If you already know which bills to follow, there are several sources of information you can use to chart their progress. By calling the *House Bill Status Office* (202-225-1772) one can learn a bill's date of introduction, sponsors and co-sponsors, committee hearings and other pertinent facts. It is helpful, but not always necessary, to request information by a bill's number. The same office can also supply a listing of all bills introduced in a given subject area, together with their current status. (For a free booklet explaining the House bill status system, write to the Committee on House Administration, 3648 HOB Annex 2, Washington, D.C. 20515.)

More specific (and, in many cases, more reliable) information about a bill can be provided by the committee having jurisdiction over the legislation. A call to the committee's office can put you in touch with the staff person primarily responsible for the legislation.

Additional details about a bill can be secured by calling the office of the senator or representative who introduced it. Once again, an effort should be made to talk with the staff person responsible for the legislation.

Copies of bills, committee reports, conference reports and public laws are available from the document rooms of the respective houses. Simply write to the *Senate Document Room* (Capitol, Washington, D.C. 20510) or the *House Document Room* (Capitol, Washington, D.C. 20515) and request no more than six items. Enclose a self-addressed mailing label. House bills are usually available seven to ten days after introduction, while the waiting time for Senate bills is generally three to four days.

Copies of committee hearings, committee prints and committee legislative calendars are available from the committee issuing the documents. They can be obtained by telephoning the committee or by sending a written request together with a self-addressed mailing label. It usually takes at least two months for hearings to be published. For those in or near Washington, D.C., these documents can be picked up in person. In addition, committees have on file a copy of the transcript of all hearings, whether published or not. These can be examined at the committee office.

A complete following of a bill's progress would end with a call to the *White House Records Office* (202-456-2226) to find out whether the President has signed it into law.

Names, Faces and Numbers

Since lobbying involves a great deal of personal and telephone contact, a basic lobbying library would have to include directories of the people of Congress. There are several good ones available.

The *Congressional Directory* (\$6.50 from the Superintendent of Documents or the nearest federal bookstore) is a standard "white pages" for Congress. It contains the names, biographies, office addresses and phone numbers of all members, plus listings of committees and subcommittees and their membership, administrative assistants to members and congressional officials. It also contains other valuable information about Congress and the executive judicial branches.

The House and Senate each publish their own directories (\$2.50 and \$2.40 respectively from the Superintendent of Documents) listing telephone and office numbers for all members and their staff aides, plus other useful numbers.

For those lobbyists hoping to corral members of Congress in Capitol Hill hallways, the *Congressional Pictorial Directory* (\$2 from the Superintendent of Documents) is a handy resource. (And when a new election renders it obsolete, the photos can be cut out to serve as pinups or dartboards.)

Additional political savvy can be garnered from *The Almanac of American Politics*, which provides a political description of each state and congressional district as well as a political biography of every member of Congress. Written by Barone, Ujifusa and Matthews, the paperback is \$7.95, published by E.P. Dutton & Co., Inc., New York.

To learn more about congressional aides before meeting with them, it might be useful to consult *The Congressional Staff Directory*, which contains brief biographies of 2,000 staff aides (\$19.50 from P.O. Box 62, Mount Vernon, Virginia 22121).

Nine Rules to Speak to Congress By

Here are some general rules to follow in presenting oral testimony to a congressional committee:

- **Be concise.** Limit your oral presentation to between five and 10 minutes. Try to summarize your prepared statement, making clear your essential points. You

can request that the full text, together with exhibits or appendices, be placed in the hearing record.

- **Be prepared.** Know your subject thoroughly so that you can answer the questions of committee members and staff. If you don't know an answer, say so and offer to supply the facts as soon as you can get them.

- **Be polite.** Even in the face of questions which seem hostile, your responses should be courteous, one of the hallmarks of the congressional environment.

- **Be specific.** Think of the points you want to make, the points made by the opposition and the amount of information which a member is likely to both understand and retain. Use concrete examples or graphic exhibits to heighten the impact of your testimony.

- **Don't use excessive technical jargon.** You may understand what all those terms mean, but they may only serve to confuse the member.

- **Don't be intimidated.** It's all too easy for a person holding high elective office to fluster a witness. Be prepared and it won't happen to you.

- **Be adept.** Rephrase questions which emphasize weaknesses in your testimony so that you can speak to strong points instead.

- **Do some extra homework.** Find out which members will be at the hearing and then read about their personal and political backgrounds. Know what state or district they represent, where they went to school, what professional training they had, etc. You may be able to incorporate this knowledge in your answers to their questions, thus helping to bring points home to them.

- **Have press statements ready.** If at all possible, have 25 or more copies of a brief press release prepared and place the copies on the press table in the hearing room prior to your testimony.

The Congressional Bell System

No visitor to Capitol Hill can escape the sound of buzzers, which alert Senators and representatives. By knowing what the buzzers mean you can anticipate where a member you want to lobby might be. You will also be able to impress your friends.



HOUSE

- 1 ring
- 2 rings
- 2 rings, pause, 2 rings
- 2 rings, pause, 6 rings
- 6 rings

All of these signal various types of floor votes

- 1 long ring, pause, 3 rings: A "notice" quorum call which is terminated once 100 members appear.
- 1 long ring: Termination of a "notice" quorum call.
- 3 rings: A "live" quorum call after which all members have 15 minutes to appear.
- 4 rings: Adjournment of the House.
- 5 rings: Recess of the House.
- 12 rings: Civil defense warning.

SENATE

- 1 ring: A yea and nay vote.
- 2 rings: A quorum call.
- 3 rings: A "live" quorum call.
- 4 rings: Adjournment or recess of the Senate.
- 5 rings: 5 minutes remaining on a yea and nay vote.
- 6 rings: Completion of the period for morning business.

How to Use the Congressional Record¹⁶

You can't put this record on your turntable, but by knowing what to look for, you won't be going around in circles when you read the *Congressional Record* every day. Reading the *Record* is an excellent way for an organization without a full-time lobbyist to keep up with newly-introduced legislation and possibly make an early contribution.

A substantial portion of the *Record* is a verbatim report of proceedings on the Senate and House floors, from the opening prayer to closing votes. Since floor action is conducted according to strict parliamentary procedures, the *Record* is heavily embroidered with formalities. It is also a bit of a fiction, as there are many additions to an changes in the proceedings before they are printed in the *Record*. While it may be

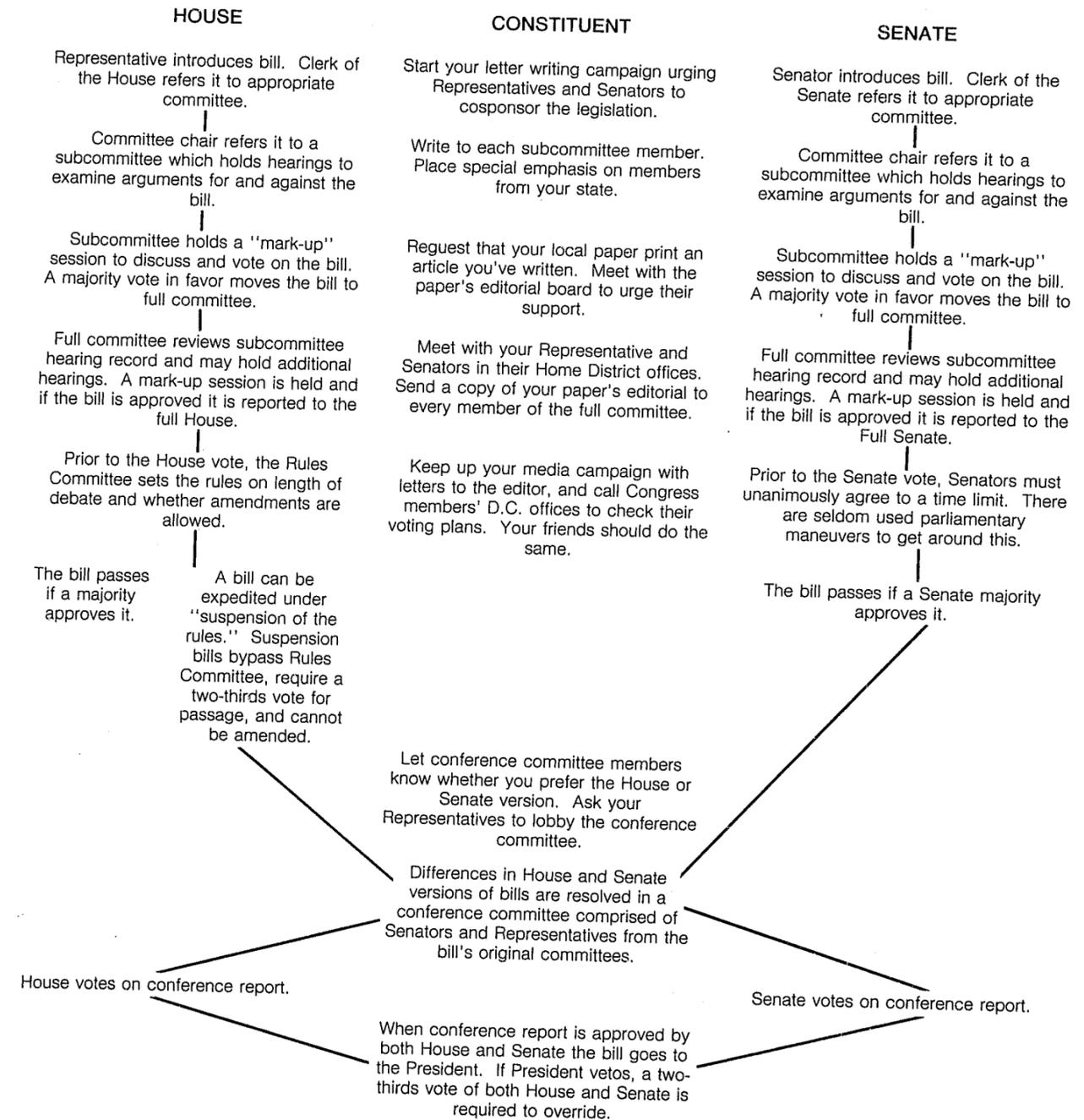
entertaining and enlightening to read most of the 200 or so pages in each issue, there are some shortcuts to help you review it very quickly.

The *Record* is organized into three main sections: Senate proceedings, House proceedings and Extensions of Remarks. Subheadings throughout these sections indicate the issues or pending legislation discussed, and the subject of statements or speeches by members. The "Extensions" section includes any newspaper or magazine articles and other speeches not germane to the day's proceedings but which a member wants included in the *Record*.

After becoming familiar with the organization and style of the *Record*, begin your review with the "Daily Digest," which summarizes and highlights the day's activities. The Digest, which is at the very end of the *Record*, notes page numbers for easy reference, and can alert you to agreements, amendments, final votes and important bills that have been cleared by committee. Also included in the Digest are announcements of all committee meetings and hearings. The *Record* does not include proceedings or testimony from these meetings, which must instead be obtained through the committee staff.

Another caution: the Digest is not a complete table of contents. If the legislation highlighted in the Digest does not directly apply to your area of interest, that does not mean legislation important to you was not discussed. So step two of your review is to quickly skim the body of the *Record*, looking at the "Introduction of Bills and Joint Resolutions" (usually found in the first few pages of each section) and all subheadings.

When you find something of interest, it's useful to have an internal system to build the information into your lobbying effort. This final step is especially critical in a small organization that cannot retain individual lobbyists for specific subject areas. Here's one simple mechanism: keep a permanent card file, divided by subject area. Every time you spot something relevant to you in the *Record*, note the date, Congressperson, his or her past position on the issue, if known, and briefly summarize the substance of the remarks. This will enable any staff member to quickly gain insight into the interests and opinions of Congress members. It will also make it easy for you to access and use items in the *Record* in future discussions or testimony.





The following format follows the general suggestions provided by Congressional Committees to those who have been invited to testify at public hearings or submit a statement for the record. Comment on proposed federal regulations takes the same format, except that it may be addressed in letter form to the administrator of the federal agency drafting the regulations. (It is important to compare the proposed regulations with the law that is being implemented.)

Substance of the Testimony/Statement

Heading, should include:

- Name of Subcommittee holding the hearing, name of the full Committee, name of legislative body (House of Representatives or Senate, U.S. Congress) or name of Executive Department and agency;
- Subject with which it deals; and
- Date on which it is to be presented or submitted.

Testimony/Statement

- Introduction

—Testimony should begin with identification of the person presenting the testimony—name, residence, agency position. If statement is submitted for the record, it should so state.

—Identify your agency, what you are, what you do, membership numbers, and why our concern for the issue, including national policy if appropriate, studies, and experience in the area of the issue.

—Summary of points to be covered, usually general principles.

- Body

—Expansion of major points with material from:

—Relevant studies and experience in community service and public affairs activity.

—Information and illustrations gathered from other authoritative sources.

- Conclusion

—Relate to specific legislation when pertinent.

Express appreciation for the opportunity to appear and submit a statement.

Reproduction

Format

- Heading should be typed single-spaced and centered.
- Testimony/Statement should be typed double-spaced with wide margins.
- Details should be presented under major points, which are underlined.
- Duplicate on one side of page only.

Copies

- Multiple copies (usually 50) must be presented 24 hours in advance of the hearing when testifying before a Congressional Committee or Subcommittee. Bring an extra 25 copies to lay on the press table. When submitting a statement for the record, 1 to 3 copies may be required. Investigate possible reproduction/duplication services in advance, so that you know where to go with very little notice and at lowest cost if asked to testify unexpectedly.

Oral Testimony—Cautions

Oral testimony may have a time limit, sometimes changed "on the spot," requiring summarizing the submitted statement.

Prepare two statements:

- Complete statement in full detail, and
- Summary statement using salient points, in case the chairperson asks the testifier to summarize.
- If the short statement is presented, make reference to the full statement submitted for the record.

Only a person knowledgeable about the issue should testify.

- If such a person is not available, a statement should be filed.

- Be prepared to answer questions or to ask permission to submit an answer later.

Testimony/Statement to a Regional, state, or local Committee of the State Legislature, or legislative body of county/city/township:

Follow format similar to that used before Congressional Committees.

Identification of agency should include not only national membership and constituency, but pertinent

information about agency in the state/county/city/township at the level of testimony.

Special emphasis should be placed on local experience/needs as related to the issue under consideration.

Follow-up after presenting testimony, or submitting statement:

Be sure that President has copy to share with the board.

You may find it advantageous to send a copy to your own legislators (legislative/executive governmental level).

Send news release to media, summarizing lengthy testimony with copy attached, or if relatively brief, use entire statement.

If you have been asked to submit answers to a specific question, or additional information, try to take care of this immediately.



Legislation, when signed into law, represents the authorization that sets up or continues the legal operation of a federal program or agency. Congress, through legislation, gives authority and direction to the federal agencies for implementation of certain programs that are designed to help persons or groups of persons with special needs. (Laws, of course, also place restrictions on specific actions by public officials and private citizens, but for our purposes, the laws most often dealt with are those that authorize certain programs administered by the federal government.)

Legislation authorizes a certain amount of money that can be spent on the operation of programs and federal agencies. Nevertheless, there have been programs authorized by Congress that have never been carried out or have not been carried out for the entire period for which they were intended. Congress can prevent the implementation of those programs by not appropriating the funds necessary to carry them out.

In addition to legislation authorizing programs, there

must be legislation appropriating funds to carry out the legislative intent of Congress. A law that *authorizes* a juvenile delinquency prevention program at the cost of \$10 million per year will never reach its intended scope unless Congress also *appropriates* \$10 million. Congress might appropriate only \$5 million and the agency with jurisdiction will have to decide what program components to fund and what components to eliminate, given the reduced amount of money available. The appropriations committees of Congress can permit the expenditure of less than the amount authorized by the authorizing committees, but never more.

Because of this double legislative process, advocates must monitor not only the authorizing committees in Congress, but also the appropriating committees to assure that the priorities of their clients are addressed. The sincerity with which lawmakers support certain programs can be gauged by the amount of money they are willing to provide for program operation.



Introduction

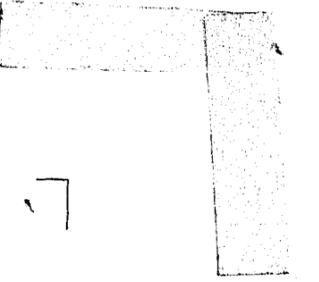
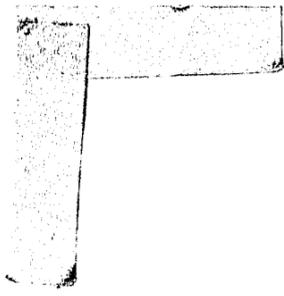
The form of each state's legislature differs, but they all roughly follow the form and function of the federal legislature. Two separate bodies propose, debate, and finally enact legislation to help govern the social, economic, legal, and other aspects of people's lives. State lawmakers enact enabling legislation to help accomplish the tasks of state.

Major responsibility for the provisions of the federal Juvenile Justice and Delinquency Prevention Act rests with individual state legislatures. The federal legislation shaped a program of coordinated community-based services for juveniles, and although compliance with the act is voluntary, Congress attempted to ensure a consistent approach to the treatment of juveniles by offering funding to states that adopted the provisions of the federal act.

To receive funding for delinquency prevention, states must develop a comprehensive juvenile justice plan.

To accomplish this, the state legislature must designate a state agency to be responsible for developing and administering the plan and other provisions of the act. The state legislature also has responsibility for the structure of the state's judicial system and for determining who will be tried in what state courts at what age and for what offense.

Thus, the state legislature has enormous power in the treatment of juveniles. In fulfilling its duties and responsibilities, the state legislature should be accessible to concerned advocacy groups representing a significant part of the state's population. If a state plan for juveniles has not been developed, for example, groups should speak with legislators to determine why not and urge for compliance. States do their work through their legislatures, and it is important that legislators understand the significance of legislation affecting juveniles and the juvenile justice system.



Senator Jay P. Rolison, Jr.

NOTE: The following was written by a Senator in the New York State Legislature. Thus certain details may pertain only to New York State, although all state legislatures follow similar procedures.

Stated in the simplest of terms, the job of State Senate is to work with the Assembly and the Governor to enact, amend, or repeal statutes that make up the body of law within which we live. This involves drafting, discussing, and approving bills and resolutions.

This article is intended to help you better understand the process, and more important, to help you identify those points where your contribution is important—and sometimes crucial.

The text is keyed to the diagram which follows the process in a simplified flow chart from "Idea" to "Law." At any step in the process, participation by a citizen or group of citizens is as easy as making a call, writing a letter, or signing a petition being sent to your Senator, any other legislator, or the Governor.

Idea

This is the starting point in the process and the first point at which the citizen has a chance to have a say in the writing or rewriting of law.

Subjects of legislation are as varied as the range of human activities. Someone once said that legislation deals with birth and marriage and death, and everything in between.

Ideas for legislation come from many sources. A Senator may have an idea. One of his or her constituents may point out a need. A State official may propose a change. An organization may espouse a cause which requires a change in the law. There is no monopoly on ideas for legislation.

Bill Drafting

Once an idea for a new law has been settled on, it must be put into bill form before it can be considered by the Senate. The actual drafting of legislation requires a specialized type of legal training and is usually done by the staff of the "legislative bill drafting commission."

Sometimes, however, an interest group may have its own attorneys draft a bill, and lawyers working in various state agencies and the executive branch often submit their ideas for legislation in bill form.

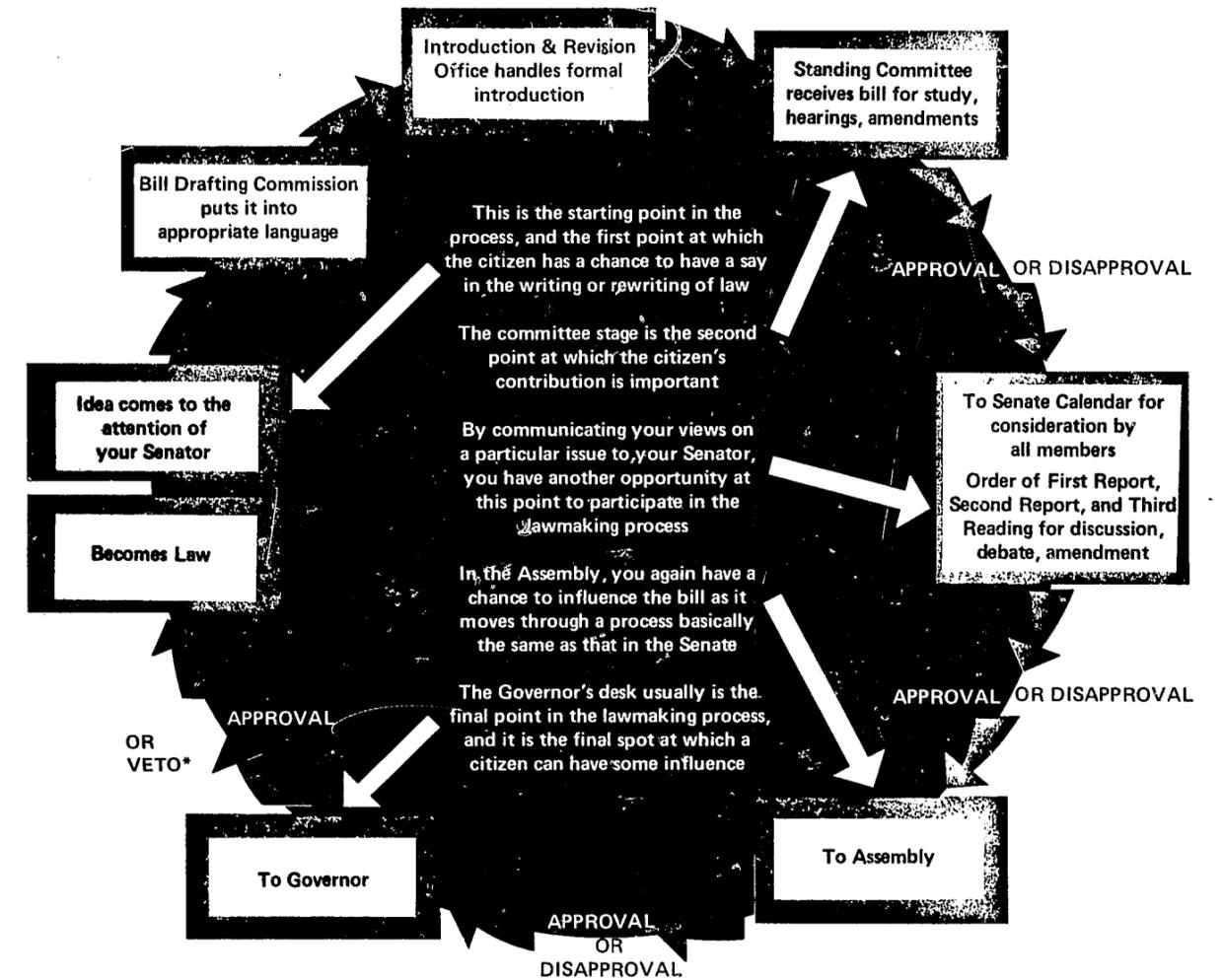
Bill Introductions

No law may be enacted unless it has been adopted by the Legislature in bill form. And to be adopted, it must first be introduced. With a single exception, bills can be introduced only by legislators or by standing committees of the Senate and Assembly. That exception, in New York State, is the Executive Budget, which is submitted directly by the Governor.

On introduction in the Senate, a bill goes to the "Introduction and Revision Office," where it is examined and corrected, given a number, entered into the Senate computer, deemed to have had its first and second reading, printed, and sent to the appropriate standing committee.

(Incidentally, "first reading", "second reading" and "third reading" are terms that linger in the legislative vocabulary from the days when each bill was read aloud in full in public session three times before final action could be taken. Explanations for this tradition vary—from the inability to print bills in quantity to the illiteracy of some of those early legislators.)

How a bill becomes a law



*Veto returned to house of origin where reconsideration can occur. Approval if two-thirds of the members of each house approve.

Committee Action

Just as we engage specialists for specialized problems such as legal or medical advice, so does the Senate engage specialists to study legislation. These specialists are members of standing committees, who evaluate bills and decide whether to "report" them (send them) to the Senate floor for a final decision by the full membership. Committees sometimes hold public hearings on bills to gather the widest possible range of opinion. The committee stage is the second point at which the citizen's contribution is important. An expression of opinion on a proposed bill can be sent directly to the committee chairman, or it can be sent to your local Senator for relay to the committee members.

The committee system acts as a funnel through which the large number of bills introduced each session must pass before they can be considered. And the system also acts as a sieve to sift out undesirable or unworkable ideas.

After consideration, the committee may report the bill to the full Senate for consideration, it may amend the bill, or it may reject it.

The Calendar

The Daily Calendar is the agenda for Senate sessions, and contains those measures which have come through the committee process. Bills take their place in order as they are reported from committee, and at this point are referred to by their Calendar Number. Generally a bill is placed on the Calendar in the Order of First Report section, and is advanced to the Order of Second Report and Order of Third Reading in succeeding session days. This process of having a bill on the Calendar for three days allows additional time for your reaction, against or for, a bill. In special cases a bill may go directly to Third Reading, if all Senators agree. Each bill has to be on the Senators' desks for three days before it can be voted on, unless the Governor authorizes and the Senate accepts a message of necessity for a certain bill.

Each day the bills advance until they reach the Order of Third Reading, where they have become ready for a final vote. If the sponsor of a bill realizes at this point that his or her bill may not have enough support for passage, or has a defect which may require an amendment, the sponsor may ask that it be laid aside, returned to committee for further study, or "starred" (placed on an inactive file). The Majority Leader also

may ask that a bill be starred. Once starred, it cannot be acted on until one day after removal of the star.

When the bill comes up for consideration on the Order of Third Reading, it is subject to debate, discussion, or explanation.

By communicating your views on a particular issue to your Senator, you have another opportunity at this point to participate in the lawmaking process. After explanation, discussion or debate, a vote is taken. If a majority of the Senators approve, the bill is sent to the Assembly.

In the Assembly, you again have a chance to influence the bill as it moves through a process basically the same as that in the Senate. It is referred to a committee for discussion, and if approved there it goes to the full membership for a vote.

If the bill is approved in the Assembly without amendment, it goes on to the Governor. However, if it is changed, it is returned to the Senate for concurrence in the amendments.

Often when a bill is on the Order of Third Reading, an identical bill will arrive after having been approved by the Assembly. In this case the Assembly bill is substituted for the Senate measure, since they are identical, and the bill bearing the Assembly number is approved and sent back to the Assembly to be sent to the Governor. If an Assembly bill is amended by the Senate, it is returned to the Assembly for concurrence.

(The reverse procedure is followed, of course, if the Senate first passes a bill identical to an Assembly measure and sends it to the Assembly—or if the Assembly amends a Senate bill.)

The Governor

While the Legislature is in session, the Governor has ten days (not counting Sundays) to sign or veto bills passed by both houses. If he signs the bill it becomes law. If he doesn't sign it within ten days, it still becomes law. But if he disapproves, he may veto the bill within ten days and must return it to the house where it originated with a statement explaining his reason. This is not the final step, however, because the bill can be put into effect over the Governor's objections if two-thirds of the members of each house vote to override his veto. This rarely happens.

Appropriation bills submitted by the Governor do not have to be signed by him unless they are increased by the Legislature. Appropriations for the Legislature and the Judiciary also have to be signed by the Governor.

After final adjournment of the session, the Governor has 30 days during which to sign or veto bills, and a different set of rules applies. In this case Sundays are included in the 30-day span, and any bill he does not sign is automatically vetoed. This so-called "pocket veto" is rarely used.

The Governor's desk usually is the final point in the

lawmaking process, and it is the final spot at which a citizen can have some influence. Before he signs or vetoes a bill, the Governor and his aides seek advice from experts and those affected. Your advice also is important at this point, just as it is at every other point along the way.



Increasing the capacity of a state to deliver services to juveniles usually requires new legislation changes in existing laws. The legislative process is complex. It offers a challenge that is difficult but rewarding if successful. There is no best way to deal with legislators and no single method that guarantees success.

The material presented in this section describes steps that need to be taken in working within the state legislative process and offers suggestions that should be helpful in dealing with state legislators. The suggestions are based on the practical experiences of those who have been involved in the legislative process, both legislators and those who have worked with legislators.

Organizing for Action

Getting organized is basic; it's a prerequisite for everything that follows.

- One person has little impact; one person who speaks for a large constituency can have considerable impact.

- Identify organizations and individual citizens who are concerned with the needs of children and families and who are willing to work cooperatively on legislative issues.

- Hold workshops on the political process and current political issues affecting children statewide or, perhaps, several traveling workshops to cover the state.

- Develop a regular means of communication. A newsletter is one good method. Let them know what others are doing, ask them for advice, exchange information on a continuing basis.

Develop a legislative program.

- Set legislative and funding priorities.

- Reach agreement with the capacity building network on a program all can support. Some compromises will need to be made. It should be obvious, however, that the more organizations and individuals involved in working toward agreed-upon goals, the better the chances of being successful.

Getting to Know the Legislature

Basic point to remember: To be effective, become an expert on the state legislature.

Elementary factors.

- Is the political climate in the state traditionally conservative, liberal, changes taking place, or pretty much status quo?
- What are the current issues? Are they outside your special interest area?
- What is the makeup of the legislature in terms of party divisions, i.e., number of Republicans and Democrats? Does one party have a heavy majority or a slender majority? Are both houses controlled by the same party, or is there a split?
- Keep information on members: names, addresses, district they represent, party affiliation, committee assignments, occupation, age, length of service, etc.
- Are house and senate basically conservative? Liberal? Middle-road? Swing? Conservative on some issues, liberal to moderate on others?
- Is the governor likely to veto? Under what circumstances?

Basic information.

- Are the annual or biennial meetings, limited or unlimited sessions? What are the deadlines for bill introduction? Are bills automatically printed? Are there limitations in odd-numbered years? Are there provisions for joint sponsorship?
- Are bills, status sheets, calendars, journals readily available?

Legislative procedures.

- Get a copy of the house and senate rules and become thoroughly familiar with them.
- Learn the elements of the legislative process: assignment of bills to committee, committee meeting schedules, staff assignments to committees, committee reports (is there a rules committee or its equivalent?); floor action (when does the amendment process take place; are there second and third readings?).

The not-so-elementary factors.

- Identify the "power structure." The obvious place to start is with the elected leadership, i.e., the house speaker, senate president or president pro tem, majority and minority floor leaders, assistant floor leaders or whip and caucus chairpersons.
- Know who the committee chairpersons and vice

chairpersons are. Remember that in this area some are more equal than others—most often the chairpersons of the appropriations, ways and means, finance and rules committees.

- Other means for finding out more about the power structure of the legislature include:

—your own experience

—information from lobbyists

—constant reading of the newspaper in the state that has the best statehouse coverage (CAUTION: the legislator in the news most may not necessarily be the most influential)

—by learning about the kinds of blocs that exist—urban, suburban, farmer-rancher-rural, labor. Are there coalitions among these blocs—occasionally, almost never, frequently? What is their voting strength? Is one of these blocs nearly always by itself?

Working With The Legislature

The legislative staff.

- The trend is for the legislative service agency to staff standing committees. Get to know the director and staff responsible for committees in your area of interest, including interim committees. They can be an important source of information and you can work toward becoming a source of information for them.
- Other sources of staff help include, in some instances, a full-time staff for the budget function (for the legislative budget committee). House and senate staff such as the chief clerk and others, bill drafting staff and legislative interns are also possible sources of assistance and information.

Legislators.

- Do not ignore the minority party; they may be the majority next time around.
- Do your homework—that will put you ahead of 90 percent of everybody else.
- Give members a good reason, or several good reasons, to support your goals and objectives.
- Maintain a low profile and ask for advice.
- Be a competent and accurate source of objective and timely information. Remember, if you mislead a legislator one time, you have had it.
- You should not tie yourself or the programs you

espouse too closely to one personality; avoid being identified with a political party.

- Understand that everybody isn't going to vote the way you want.

- Disarm the opposition. A key member may not be in favor of your program, but if that person is brought to the point where he or she does not *actively oppose* the bill or appropriation, a gain has been made.

- Continuity is important. You need to establish your identity and this cannot be accomplished if there is a constant change in the persons working with the legislature.

- As much as possible, get to know something about the basic philosophy of the individual legislators working with your area of interest and then be tactful. An argumentative approach to a legislator who may already agree with the philosophy can cost support.

- Avoid stereotyping members, especially when it is based on preconceived notions because of party or philosophical labels. All urban members are not necessarily liberal; all Democrats are not liberals; all Republicans are not conservatives.

- Maintain a positive attitude about legislators and politicians. This may be difficult at times, but most legislators are honest and keep their word. When one is discovered who does not have these attributes, cross him or her off the list. Their colleagues will already have discovered the same thing and they won't count for much in the legislative process. It may at times be hard to believe, but much of the legislative process is based on mutual trust and respect.

- Don't bury every member with mountains of information about the legislation being worked for. Do provide all members with information, but succinctly—emphasizing major points and offering more detailed information to those who request it. Do provide the sponsors of the legislation with all the information that is available.

The Budgeting Process

Basic points to remember.

- It serves no purpose to get legislation passed if no funds are appropriated to implement it.
- No state ever has enough money to do everything everybody wants government to do.
- Funding is an especially competitive world. Every



program has to compete with every other program for the number of dollars available.

- State legislatures have relatively little flexibility in appropriating funds. They are already locked into funding existing programs: public schools, higher education, highways, annual pay raises for state employees, medical and welfare programs, and so on.

The executive budget.

- This is the governor's budget. It is an inhouse process, with individual state agencies responsible for developing and defending budget requests to the governor's budget office. Final decisions are made by the governor, obviously, with much reliance on budget staff recommendations.

- Time frame. The executive budget process normally begins 8 to 10 months ahead of the next legislative session. Input from those outside state agencies must be well in advance and through appropriate agency personnel or governor's budget staff.

- The governor's budget may be drastically altered by the legislature. Even in states where this is standard practice, however, an appropriation request must be included in the governor's budget to have much chance of being granted by the legislature.

The legislative budget

- The trend is toward strengthening the legislature's role in the budgeting process through the use of full-time staff, detailed consideration of the budget requests of each state agency and the formation of joint committee with jurisdiction over the budget process.

- The time frame varies, but in states where the legislature takes a strong role, committee hearings may begin several months before the legislature convenes. Even in smaller states it is becoming a continuing, almost year-round process.

Some Needed Intangibles

Patience. Legislative and political work is often frustrating, especially when you know you have the answers to the world's problems.

Perseverance. It is difficult to remake the world overnight; you may have to outlive everybody. But never give up.

Lobbying means "to encourage the passage, defeat, or modification of any legislation in the House (Senate) or before its committees" by supplying "facts, information, and opinions of principals to Legislators from the point of view that they openly declare." (From House of Representatives and Senate Rules)

Effective Lobbying

Effective lobbying is an art: it can be described but not defined. Similar techniques and methods can be utilized for any cause, whether it be private industry, government agency, volunteer group, or individual viewpoint. Successful lobbying is a function of knowledge, trust, and communication, whether the goal is passage or defeat of a proposal.

General Principles

Legislative lobbying is a year-round effort that requires substantial knowledge of the issue involved and the process being influenced. Either one by itself is not enough to get results.

All lobbyists are legitimate sources of information for the decision-makers in the lawmaking process, in many cases, perhaps the only source. As such they must know their subjects thoroughly and be able to substantiate opinions with facts. Strongly held views are unpersuasive without more.

Even a walking encyclopedia on a subject must learn and respect the who-what-when-where aspects of the legislature. Experienced lobbyists say the biggest weakness of most lobbyists is not knowing the processes and procedures well enough. The system itself must be learned and utilized. Of course, this includes both the *mechanics* of getting things done and the *people* who get them done. Mistakes can happen in either category that will defeat the best-laid plans and intentions.

Strategically, it is sometimes wise to go to the likely opposition early in a lobbying effort; they may repay the "favor" of not being surprised by the proposal. If the proposal would involve an agency already in existence, going to see those people first would be helpful in the long run whether they were likely to be favorable or opposed.

Knowing the people involved is essential to influencing the legislative process; building relationships with necessary people can go on all year and throughout the state. Some of the obvious people to know are the legislators themselves, their staff, committee staff,

staff of the clerk's and secretary's offices and other lobbyists. Since the pace is slower outside the regular sessions, interim meetings provide a good opportunity for getting acquainted with the people and resources available. Political campaigns are particularly valuable for learning about a potential legislator, making one's views known, or actively helping a future decision-maker.

Individual Factors

Building relationships with influential or helpful people in the legislature is a matter of individual style and perseverance. Establishing and maintaining credibility and trust pay off in the critical stages of bill passage—or opposition.

In addition to possessing factual and procedural knowledge, persons must be *believable* if they expect others to be persuaded by their reasoning. Therefore, for long-term trust, complete *honesty* is essential in all dealings, even though a half-truth may be tempting for short-term results. Lobbyists should always beware of "winning the battle only to lose the war."

Lobbyists must be *available* and *accessible* if their views are to be heard at the critical times. Often a crucial contact will be made fortuitously by the lobbyists being at the right place at the right time, which means that the lobbyist was probably there plenty of other times as well.

Lobbying requires some *intuition* and *sensitivity* to the listener's response. Besides conveying respect for a legislator's position and power, the lobbyist must try to get a present commitment from him or her rather than promise of future consideration of the view being expressed. This means knowing when to push on and when to back off, something that cannot be taught.

Organization Factors

If the individual lobbyist represents the views of an organization formally or informally unified around the particular issue, then there must be *rapport* between the individual and the group and a *system* for activating the members of the latter.

Persuasion may involve on-the-spot *compromise* to gain a commitment to the particular result sought. Lobbyists must know well the views they represent and how much leeway the organization will allow for bargaining.

Conversely, the organization must know and trust the lobbyist so as not to undermine their collective effort.

Differences of opinion there are bound to be over the extent or result of compromises, but distrust of the lobbyists' motives would seriously weaken their effectiveness. If there remains long-range agreement or understanding, short-term disputes can be kept in perspective.

Throughout the lobbying effort, *communication* will be needed between the lobbyist and the organization and between the organization's members and the legislature. These systems should be established and well understood before they are needed. The organization needs to be informed regularly of developments in the legislative arena, and the lobbyist needs a small group of organization leaders to consult with on policy matters and strategy.

When the lobbyist has gone as far as possible with individual persuasion, there will be certain situations in which the outcome could be affected by constituent pressure or group effort, as when there is likely to be a close committee vote or undecided legislators. Some organized lobbying groups keep detailed records of which legislators their members supported in political campaigns. Then during the session those are the people who will contact the legislators when persuasion is needed.

Follow-up is important. When members have been urged to contact legislators, they should also let their lobbyist know that they did so. The lobbyist needs to know who was contacted and what the results were, if any.

The organization may want to participate in the decision of when member action is needed or it may be left to the lobbyist's discretion. In either case, timing is critical. If there has been periodic reporting on the legislative program throughout the session of the year, the channels will already exist for a quick alert and the members will be more likely to respond as urged.

Part of the lobbyist's effectiveness comes in recognizing these "opportunities" and in mobilizing the members to act. This strategy should not be overused: if there are too many requests for action, the members may begin to ignore them. Achieving a good response will not only help achieve the immediate goal, but will also enhance the lobbyist's "clout" in future individual efforts.

Communication with other groups and organizations should be part of the overall legislative strategy. *Coalitions* can form around a large issue, a particular bill, or a single vote. Even if the various groups

disagree in other areas, they can cooperate in a limited area where they do agree. Conceptually, a coalition is a temporary alliance in pursuit of a common goal and can exist for any useful period of time.

Critical Stages in Passage of a Bill

Timing is all-important in the passage of a bill. To become one of the few hundred that successfully pass both houses, a bill must receive "friendly" treatment at several critical stages and overcome opponents' "unfriendly" roadblocks—delay, amendments, untimely scheduling, etc.

Sponsorship

A citizen with an idea for a bill or proposal must find a legislative sponsor; ultimately one in each house will be needed. Ideally, the sponsor should be knowledgeable about the subject and in the rules of procedure, respected by fellow legislators, and in a position of power to help the bill along (e.g., the chair of committee or subcommittee to which the bill will be assigned). The most ardent supporter of an idea would not necessarily be the most persuasive or influential in gaining the votes of other legislators.

Finding a *willing* legislator may be difficult, too. Some lobbyists urge their clients or principals to support legislators' elective campaigns either with time or money, in the belief that this will make the legislator more receptive to their views at lawmaking time. In theory, however, representatives should feel obligated to all their constituents without regard to campaign support. Other lobbyists look for sponsors by reviewing the issues they based their campaigns on, by knowing who is on the committee or subcommittee that would deal with their idea, and by listening for "friendly" views expressed on those committees. Common Cause, an experienced lobbying organization, sends questionnaires to all legislators to learn where they stand on issues that concern Common Cause. From these responses, the organization learns who would be favorable to their legislative proposals.

Bill Drafting

Careful drafting of the language of a bill will go a long way to ease it through the process. Anyone can write a bill—the sponsor, staff, a lobbyist—but every bill goes through the bill drafting service of each house before its introduction. The drafting service checks for

compliance with the technical rules of drafting in addition to putting rudimentary ideas into bill proposal form. This step can be minimized if the sponsor or lobbyist has prevented problems of ambiguous language or conflict with other statutes.

Committee Assignment

Following introduction by first reading, each bill is assigned to the appropriate subject matter committee by the house leader. If there is more than one obvious substantive committee for a particular bill, the assignment decision will probably be made informally before introduction by consultation between the leader or his staff and the bill's sponsors or opponents, lobbyists, committee chairs, or their staff.

Assignment—or "referencing"—can be crucial. Some committees are predictably hostile or favorable to certain bill proposals. A lobbyist who knows the committee reputation can help the bill by persuading the Speaker or President—or their staff—that the bill *belongs* under friendly committee X rather than unfriendly committee Y. The lobbyist may need to convince the decision-maker of the *merits* of the bill itself in order to get a favorable result. Another problem in referencing is to keep the number of assignments to a minimum. If a bill is referred to several substantive committees, the delay could kill it. Lobbying the Speaker or President is then needed to reduce the time in committee.

Committee Action

Legislative committee staff prepare each bill for consideration by the members at an open meeting or hearing. The lobbyist can speed this process by offering a prepared memorandum of the effect of the bill or its meaning or its costs and benefits. How the bill is presented in the staff analysis could influence the vote of committee members.

Getting on the committee's agenda—"agendaed"—promptly is helpful to the bill. Being heard early in a session (or even in the interim period between sessions) will ensure that there is time to complete the process. Sometimes the sponsor or lobbyist needs to persuade the committee chair to include a bill on the agenda for a set day. Depending on the procedures of the particular committee, it may or may not be appropriate to enlist the aid of committee staff in the persuasion process. Again, knowing the committee and its chair is essential to the "friendliness" of a bill's treatment.

After working with the chair to get the bill agendaed, the lobbyist must try to "work" the committee members before the hearing date. Individual contacts may reveal what opposition to or criticism of the bill exists and these points could be addressed at the hearing. Some lobbyists favor leaving a brief memo at the conclusion of their personal visit. Lobbying close to the hearing date is better than working far in advance: memories are short, other issues intervene and opposition has less time to organize.

Contacts from each legislator's constituency are especially persuasive in the days immediately prior to a bill's hearing. If the lobbyist has a statewide organizational network to utilize, this is the time to get letters, wires, phone calls—even visits—to the representatives urging a favorable vote. If visiting constituents are unable to meet with the legislator(s), they should leave a message in the representative's office stating names and addresses, subject of interest and result sought.

On the day of the hearing, each person who wishes to make known views should fill out an appearance card with the committee secretary. Even if persons do not intend to speak, their views will be noted by the committee. Lobbyists who bring experts will want to make sure that the experts are assured an opportunity to speak by informing the committee chair of the distance the experts have traveled to be there. Some lobbyists request to be heard first or last for strategic advantages—preferring either to make the initial impression or to rebut the arguments of others. Position papers can be distributed to each member but the lobbyist's remarks should be conversational and informal rather than read from the paper. If the vote is likely to be favorable, based on the pre-hearing contacts, the lobbyist can be brief and invite questions.

Every bill referred to a committee will return to the full house—recommended favorably or unfavorably, with or without amendment or substitution: If the committee vote is tied or unfavorable, the bill is effectively "killed" and will not be reconsidered except by motion to reconsider made by a member who voted with the majority, that is, against the bill. Far-sighted lobbyists can prearrange with a friendly legislator to vote against the bill if the majority sentiment is negative, in order to move for reconsideration at a later date immediately after the vote. This gives the lobbyist a chance to circulate among the bill's opponents and to try to change their votes. Sometimes a "small" amendment or other persuasion will remove an objection.

House Action

Moving the bill out of committee by favorable vote does not automatically bring it to the floor for a vote in due time. All bills go to the house calendar, but only items on the "special order" calendar come to the consideration of the full house in their day's business. The Rules Committee sets the special order calendar in close collaboration with the leader, and a special lobbying effort may be needed to get the bill "calendared" when other bills are competing for the same time. Reaching this stage early in the session is very advantageous to a bill's passage. Toward the end of a session, house leaders and Rules chairmen are under tremendous pressure to get bills calendared, and even bills on special order may get "bumped" off by items of higher priority.

Once the bill is calendared, the lobbyist or the bill's sponsor should reach as many legislators as possible to gain their favorable votes. Vocal or respected members' support should be sought first, as the final result will probably be determined by the minority who have power or knowledge in the particular areas of this bill. Committed opponents can be ignored unless their opposition could be compromised by a "simple amendment" without sacrificing the intent of the bill. Some lobbyists distribute memos to each legislator shortly before the voting day.

The final step on the day before floor vote is to prepare the bill's sponsor, if necessary, for the remarks to the full house. Reeducation on the facts and issues may be helpful so they are fresh in mind.

A written reminder would include basically the purpose of the bill or why it is needed and what significant changes this bill will make in present statutes. If the sponsor is a weak debater, another legislator should be prepared to reinforce the sponsor's presentation to the floor.

After Floor Vote

Of course, one favorable vote does not make a law. A similar bill must now go through the same process in the other house unless a companion bill has been working its way simultaneously. A speedier passage in the second house may be prompted by request to the companion bill's sponsor from the legislators who engineered passage in the first house. If the bill passes both houses in identical language, the delay and compromise of the conference committee can be avoided.

Even after these favorable votes, the bill—now an act—has to be approved by the Governor to become a law. As an elected official, the Governor, directly or through the staff, can be a target of persuasion if there is any doubt that approval will be given.

Throughout the legislative process, funding is an integral part of translating an idea into reality. Appropriations for a new proposal can be included in the enabling act itself or worked separately into the appropriations bill which begins with budget-making in the executive branch.

Legislative change is often a necessary strategy in advocating for juvenile justice. Laws are not passed by some happy accident. They require careful advocacy and persuasion. Most rules for dealing with the legislators are rules of common sense. The following ten "rules" may assist you in securing legislative action.

- *Maintain personal and program credibility.* The first essential for anyone attempting to secure legislative changes is to maintain personal contact with the key legislators and, at all costs, to maintain personal credibility. Too many people appearing before state legislatures are shrinking violets. Agency personnel in particular often seem to adopt a conciliatory or apologetic attitude. If you believe in your program, stick by it; don't back down or change your position at the first sign of opposition. I infinitely prefer the blunt advocate who pulls me aside and says, "Representative Frohnmayer, your prepared amendment is the stupidest thing I've ever heard and here's why" and then gives me facts and reasons.

- *Be persistent.* Most state legislatures work on a principle of inertia. It's hard to get things started. Because of the absence of full-time professional expertise, legislators seldom initiate policy, and depend to an extraordinary degree on people coming to them with comments and concerns. When measures do get started, legislators wait for people to complain or raise the red flags of objection. Silence by advocates and lobbyists tends to be taken as acquiescence. When no opposition is forthcoming, an idea takes on legitimacy and becomes increasingly hard to stop.

What this phenomenon means is that persistent advocates are more likely than not to be successful. Incremental strategies are particularly useful. You get your foot in the door one session; you come back the next session and get a little more; and by the third session the idea is orthodox.

- *Fill the information gap.* The key point to remember here is that legislators need information, and that they pride themselves on making decisions on "the facts." Consequently, an appeal to reason is always a good strategy. Tell legislators about the psychological damage caused by long-term foster care. Provide the text of a proposed law that has demonstrated success and effectiveness elsewhere. These are tremendously powerful arguments for an information-starved legislature.

Equally important, use cost-effectiveness as an

argument. Many of us feel that the human values in foster care are far more important than budgetary savings. But it is utter folly to ignore the savings that can be achieved through permanency planning, particularly if that data is used as an appeal against other programs that have much more nebulous savings.

- *Adopt a positive style of advocacy.* Advocates for permanency planning must emphasize how it reinforces the family, rather than how it destroys it. Too often, unthinking critics will focus on the latter aspect. Show that intensive work in this project can save otherwise unstable families. Emphasize that the project focus is on putting children in permanent family situations. Focus on your solution-oriented approach, and on the fact that permanency planning can produce measurable results.

- *Cultivate wider constituencies.* Be certain that you seek out wider constituencies than just the legislators themselves. One such constituency is composed of the key staff members on the key committees. Failure to persuade those people practically insures that your program will remain on the back burner. Second, make sure to involve the citizens of the state who have had a long time interest in your area of concern. Sometimes these persons can be mobilized through an interim committee study or task force which involves key community and state-wide child care personnel.

If you fail to expand into these constituencies, these groups may feel that their "turf" has been invaded and will react by trying to kill your proposal. It is infinitely easier in any state legislature to kill a bill than to pass it, because a diagram of steps in the procedure is not a flow chart but an obstacle course. Every additional hearing, each additional committee referral, and each day of delay is an additional opportunity for opponents to mobilize.

- *Know the legislative process; identify key supporters.* Look for the key pressure points in the legislative process. Identify the key members who are of the majority party controlling the legislature, who really have an interest in child advocacy legislation, and who have identified themselves with these issues in the past. Also identify the key people on the committee that will make the appropriations. Approach legislators early, before the session begins. It is impossible to convey much information in detail in the hectic session days. Finally, if you propose significant statutory changes, involve key members of the Judiciary Committees of both houses.

- *Know what to expect from hearings and testimony.*



The hearing process in most state legislatures is terribly important because the hearing may be the only source of personal information available to legislators. But hearings can be delayed, cut short, or poorly attended, so they are an unpredictable forum for making a sustained, rational presentation. If key legislators are not present at the hearing they must be "educated" by some other means by the time of the crucial votes and amendments in work session.

Make sure your testimony is written and well-prepared. This eases the burdens of media representatives and legislators in following the arguments of a witness, and adds to the credibility of a legislative advocacy effort. Write a synopsis of testimony to be circulated in advance, and after the hearing, to key legislators. This should be something that legislators can carry around, put conveniently in their bill notebooks, and keep permanently. It may be the only vital information the legislator has on the issue.

• *Be aware of deadlines.* The typical American state legislative session is a race against the clock. It is critical to win procedural and substantive victories early

in the session. Advocates must persuade chief legislative officials to push key proposals to the top of their personal priorities. Otherwise they may die within the calendar of the session.

• *Don't neglect fiscal considerations.* It is folly to make a change in the legal structure of a foster care system without conveying vital budgetary information to other relevant committees. For example, new or alternative incentive systems demand new budget strategies. The advocate must watch all points of access in the legislature to secure implementation of new programs.

• *Reward your supporters.* The final point should be self-evident. Protect your flanks and reward your helpers. Keep your advocates well informed. Proselytize your success; and give credit to your legislative friends for passing highly technical bills that involve enormous work, and perhaps, considerable political risks. The simple currency of "thank-you" goes a long way, and will be remembered the next time you appear as an advocate for new legislation.

A personal letter is one of the best tools available for communicating with a legislator. It can let the legislator know your views on an issue and encourage him or her to vote in accordance with your wishes. It can also help the legislator to take a more courageous stand on certain issues by demonstrating the existence of a climate of articulate public support.

Because of the greater time and effort required to compose it, a well-thought-out letter is generally given more weight in a legislator's office than communications like postcards, form letters, petitions, telegrams or telephone calls. Letters are most effective when directed at the legislators from your own district.

Action Checklist

- Channel all correspondence sent in the name of your agency through your legislative program chairperson. If you write to your legislator in your capacity as an individual citizen, share your response with your legislative chairperson.
- Write as often as you are concerned about current issues. Once a year is definitely not enough.
- Always send personal letters. Do not use or copy from form letters. Type or handwrite your letters. One original letter is said by some to count as much as 100 form letters.
- Write to your legislator at his or her office rather than home.
- Write at the right time. Time your letters to arrive near the time a bill is introduced and just before votes. Try to reach your legislator before views are solidified and he or she has made an irrevocable commitment to support or oppose the legislation about which you are concerned.
- Be brief and to the point.

Discuss only one subject per letter. If you are writing about a bill, give its name and number if you can.

State the purpose of your letter right at the start.

Keep your letter to one page, summarizing your main points. You may enclose background material with additional details.

• Write to commend as well as to criticize or to ask for something.

If a legislator has voted courageously or taken a

controversial stand of which you approve, show your support and appreciation.

Even if your letter is to request action or register a complaint, try to begin with or include a commendation.

Focus on legislative issues likely to be given serious consideration. Be realistic in what you ask.

• Learn what committees your legislator serves on. If you are interested in their work, let your legislators know. Since many legislative provisions pass on the floor in essentially the same form in which they emerge from committee, your letters at the committee deliberation stage may be more important than later ones.

• Spell out the reasons for your opinions.

Explain how proposals under consideration would affect you, your family, your work or your community. Personal experience is among the most important evidence you can provide a legislator.

Send your legislator reprints or other information to back up your views, but *never* send copies of the form letters or other exhortations to write that you may have received.

Be fair and factual with your subject matter. Don't exaggerate.

• Ask your legislator for a statement of his or her position. As a constituent, you are entitled to know it. If he or she has no position, your questions may help the legislator formulate one. Do not accept uncritically a legislator's attempts to avoid stating a position, but at the same time don't demand a public stand before he or she has all the facts—pro and con.

• Don't degrade your legislator or your opposition and don't impugn their motives.

• Never threaten to vote your legislator out of office, even if he or she disagrees with you.

• Keep a copy of your letter for future reference.

• Include your address and sign your name legibly.

• After your legislator answers your letter, send a follow-up letter. If he or she has agreed with your position, express thanks and ask him or her to take a leadership role in the legislature on this issue. If he or she has indicated disagreement, send additional information to try and win the legislator over to your position.

Key Points

Use your own words to state your position.

Illustrate your position with personal experiences if possible.

Never threaten a legislator.

Write while the issue is under consideration.

Guidelines for Contacting by Letter²³

Joan Spector

DO address the recipient properly

DO write legibly and be sure to include your address

DO be brief and to the point; discuss only one issue; identify a bill by number of title

DO use your own words and your own stationery

DO be courteous, rational, and relevant

DO explain any affiliation or other connection (family, business) related to the issue

DO include pertinent editorials or printed information when possible

DO time your letter to precede drafting of legislation, hearing, or vote, whichever is applicable

DON'T sign and send a form or mimeographed letter

DON'T begin on a self-righteous note; the recipient assumes you are a citizen who pays taxes

DON'T be abrasive or threatening

DON'T be vague. Use facts to substantiate your opinion

DON'T send carbon copies to other representatives or legislators; write each one individually out of courtesy

Legislative Systems—Local

Jurisdiction over local legislative matters resides in a community's governing body—a town board, a city council, a county seat. The structure of community government differs from locality to locality, depending on a community's size, legal status, and state law. It is important to know how your community governs itself, however, and how the community affects juveniles who live there.

For example, state law usually regulates what juvenile offenders may be placed in residential institutions for what reasons. Local ordinances, however, can determine zoning and curfew restrictions. Thus, group homes can be barred from certain communities or from certain areas in a community, and youths can be legally detained for being out at certain times of night.

It is important to be aware of the influence localities have in treating juveniles, and, especially because of the familiarity one has with one's own community, to feel free to advocate for changes in local regulations.



Introduction

After Congress passes a law that authorizes something to happen, funding may be appropriated and an agency designated or created to supervise the law's intent. For example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Law Enforcement Assistance Administration of the U.S. Department of Justice was created by the Juvenile Justice and Delinquency Prevention Act of 1974. OJJDP administers the flow of funds to states participating in delinquency prevention.

To receive funds, the state must also designate a state agency to administer the state's program. This is done through state law. The state agency may be the state's juvenile court or a department of youth services. The state must follow other provisions of the law, which include formation of a state advisory committee and the deinstitutionalization of status offenders. In addition, the state agency is responsible for the state's juvenile justice and delinquency prevention plan, which is required for federal juvenile justice funding under the law. This plan, developed by

the state according to federal guidelines and approved by OJJDP, sets forth programs for the state's juvenile justice system and indicates how the system will work, including the coordination of courts and programs, the definition of offenses and offenders, and the kinds of authorized treatment.

In states in which a juvenile justice plan is already in place, advocates should get a copy to assess its provisions. In addition, advocates should learn about the state advisory committee and try to become a member.

Regulatory and administrative agencies have significant power. The way laws are administered is subject to interpretation, and agencies may have wide discretion in the way they operate. In addition, agencies may have total responsibility for the promulgation of the regulations that define the nature of authorized programs. Often overlooked because they are out of the public's immediate view, administrative and regulatory agencies are prime targets for advocacy activities.



Administrative and regulatory agencies can yield as much power as legislative bodies. Although laws are written by legislators, their implementation is the responsibility of these agencies. Regulatory agencies are often considered a fourth branch of government because they combine legislative, administrative, and judicial functions in carrying out their responsibilities. You may want to influence such bodies for the following reasons:

- to make certain that laws you support are being adequately administered,
- to make certain that appropriations for laws you support are being spent properly,
- to inform the agencies that members of the public, as well as special interest groups, are concerned about their actions, and/or
- to influence appointments to agencies that have responsibilities in your areas of interest.

Action Checklist

Preliminaries

- Identify the administrative and regulatory agencies that deal with programs of interest to your group.
- Identify available members to scrutinize the actions of those agencies.
- Determine priority programs that should be carefully watched. List other programs you wish to follow in less detail.
- Ask to be added to the mailing list of agencies with programs you wish to follow. Many agencies issue announcements of pending and past actions for release to the press. These announcements are more easily understood by the general public than the more technical pronouncements published in public records such as the *Federal Register*.
- Make friends at the agencies involved. Your friends need not be top officials. They should be knowledgeable about technical matters and/or pending announcements that could affect you. If you have such friends, you can call on them when you need information and they can notify you when anything of interest to you occurs.
- Work with legislators interested in the same subject and inform them of your interests.
- Work with other organizations with similar interests.

Doing It

- Organize an observer corps and a monitoring project when possible.
- Keep informed about agency action. Read agency releases. Try to get notification from friends in the agency when a pending agency action could affect you. Use reports from observers or monitors.
- Stimulate open sessions. "Executive session: action may be used to make or to consider policy, or even to hear witnesses." You cannot monitor sessions you are prohibited from attending.
- Work with experts. If you are to influence their actions, you must understand their subject matter. Call upon experts to explain anything you do not understand. These experts could be employees of the agency, members of your group or an advisory committee, or individual consultants in your community.
- Influence appointments to regulatory and administrative agencies. Many of your problems will be resolved if a person who favors your viewpoint heads the agency or can be represented on, and influential in, an agency advisory board.
- Maintain contact with legislative and appropriations committees with jurisdiction over the agency. These committees have "oversight" responsibilities to make sure that the agency is properly administering the law. If you find that the agency is not following its mandate, report this to friendly legislators and committee staff members. Their actions will bring pressure on the agency and publicize your position. Be prepared to testify if necessary.
- Testify in favor of appropriations for agencies when you support their programs. This will win friends at the agency and publicize programs you support. Send copies of your testimony to officials at the agency. If you support the programs but feel they are being improperly administered, include this view in your testimony and send it to the appropriate officials. You may lose some agency friends, but you will make your presence felt and perhaps reform agency spending patterns.
- Be prepared to testify when an agency proposal could affect you or your position. If oral testimony is impossible, submit written statements and solicit statements from your allies. Administrative action favoring special interests is too often approved without any comments from citizen groups.

- Notify the "parent" agency if you find fault with the local administration of a program. Go through the agency channels before you bring further action, unless time is important and this procedure would be too slow.
- Bring or threaten legal action against the agency if all other measures fail.

Evaluation and Follow-Up

- Maintain your contacts at the agencies even if you

are not immediately concerned about a program at the agency.

- Help generate new jobs or public support for any agency employees who are harassed or dismissed in retaliation for helping you.
- Work for remedial legislation if your efforts reveal shortcomings.

An OBSERVER CORPS is a group of people who regularly attend and monitor sessions of local governing bodies, boards, committees, or courts. Some observers corps see themselves as non-participating, impartial viewers; whereas others add advocacy roles to their functions, encouraging their members to speak out and join in discussions where possible.

Uses

- To obtain current, first-hand, detailed information on what takes place at meetings of decision-making bodies (to share with branch members and the community, supplementing press coverage).
- To gather information that will help prepare testimony for presentation at a subsequent meeting of the group being observed.
- To obtain documentation for reform proposals.
- To learn of new action possibilities.
- To educate citizens and observers about governmental procedures.
- To be sure official procedures are being followed.
- To make officials more conscientious in their work.
- To discourage and counteract government secrecy and abuses.

Resources Needed

People

A coordinator is needed to make sure all sessions are being covered. Many volunteers may be involved in the observation work.

Time

Depends on how long you want to observe. Some corps are year-round operations; others are set up just for a few weeks or months. Observers must commit enough time to monitor an entire session or meeting; this could be an all-day commitment.

Money

Little or none needed. If funds are available, they could be used to reimburse observers for travel or babysitting expenses, or perhaps to print and publicize observers' reports.

Action Checklist

Preliminaries

- Find out when and where the body that you want to observe holds its meetings.
- Learn if any other organizations have similar observer projects. Coordinate rather than duplicate efforts.
- If there are any obstacles to observing sessions and taking notes, launch a campaign to have the meetings declared open to the public.
- Recruit volunteers who will share the job of observing the sessions. Give regular volunteers the responsibility of finding their own substitutes on days they can't attend.
- Plan schedules and assign volunteers to specific sessions. Make sure all sessions in which you are interested are covered.
- Learn what the body or officials to be observed may and may not do under their official procedures or by law. For example, find out the procedures for casting votes in legislative bodies and what judges may do in specific courtroom situations.
- Prepare an evaluation-reporting sheet and guidelines for the observers to use in recording their observations.

DOING IT: Observing Sessions

- Arrive on time, or, if possible, a few minutes early.
- Introduce yourself as a member of the observer corps to the chairperson of the body you will be observing.
- Obtain a copy of the agenda and of any background materials prepared for the meeting. The clerk or secretary to the body will generally be able to provide these. If not, check on the press table, where information is placed for reporters, to see if there are any extra copies there.
- Take detailed, factual notes so you will have a record of what took place and so you will be able to report afterwards on what happened. Include in your notes things such as the nature of participation and comments by each member of the group, the votes for and against each proposal considered, and the subjects in which each member showed an interest.
- Encourage other people to attend sessions with you. Having a spouse, relative, or friend to compare notes



with will make the session more enjoyable for you while the additional observer will help show the participating officials that there is citizen interest in their actions.

- If your observer corps operates on a philosophy of nonpartisan noninvolvement:

Be seen but not heard while observing.

Don't display any reaction to discussions or actions taken by the body while you are observing.

Never discuss political or legislative matters (with the group as a whole or any of its members) while you are observing.

Refuse requests to give your agency's view, answer questions, or otherwise participate unless you have made prior arrangements with your agency to do so.

- If your observer corps tends towards partisan action and involvement:

Take advantage of all opportunities to make your agency's position known.

Make known your reaction to events. Your expressions while you're observing and conversations with participants afterwards can convey your feelings.

Object if you see violations of procedures. You might (with prior agency approval) want to interrupt the proceedings, or you might want to notify the press, file a formal complaint, or work with an ally on the body you are observing to call attention to the abuse.

Evaluation and Follow-up

- Arrange to receive a copy of the minutes of the

meeting for your agency files and for comparisons with your notes.

- Check the official transcript, if there is one, for the meeting you attended to compare what you observed with what was recorded. Note especially if the actions to which you objected are accurately reported. If they are not, work to get the record corrected.

- Report your findings to your agency, making sure that agency leaders and program chairpersons are immediately informed of any developments at the meeting requiring their attention or other follow-up action. If your branch has collected information that would have a bearing on an item set for the next meeting of the group observed, for example, the information should be submitted to them in time to be considered.

- If your observations documented abuses, discuss the problems with the officials involved to see if they are willing to make needed reforms. If they are uncooperative or unresponsive, use appropriate action tools such as demonstrations, publicity, letters, and visits to your legislators to try bringing about the reforms.

Key Points

Follow the guidelines your agency sets for observers; be either an impartial nonparticipant or an active advocate, as your agency prefers.

Make sure all sessions of the body being observed are "staffed" by members of the observer corps.

Make use of the information gathered by the observers.

Monitoring means keeping tabs in a "watchdog" manner on the performance of a government agency or other type of organization to see if and how it meets its responsibilities. As with an observer corps, a monitoring project can either stop short of making any direct attempts at reform, or it may include such attempts. Law enforcement, consumer and environmental protection, school aid programs, advertising and television programming are some of the areas where monitoring has been effectively used.

Uses

- To be sure a law is implemented and enforced after passage
- To create pressure on enforcement authorities to give priority to specific tasks or aspects of their programs
- To identify inadequacies in existing laws or institutions and to build a case for reforms
- To lay a groundwork for follow-up publicity, pressure, negotiations, or even litigation aimed at eliminating abuses in the area monitored
- To see if news coverage of a controversial issue has been fair
- To evaluate the quality of radio or television programming

Resources Needed

People

Monitoring needs resourceful, determined, meticulous persons. Legal or other professional help may be necessary to plan properly and follow up on a monitoring project.

Time

Monitoring to document performance generally requires at least several months. Follow-up activities to correct abuses detected may require several more months, or even years.

Money

Bare Bones Budget: Relatively little money needed at first. Postage will be the major expense.

Better Budget: Long distance telephone calls, publicity, and duplication of documents or reports may be needed. In the follow-up stage, large amounts of funds to finance legal action may also be required.

Sources: (1) Coalitions of interested groups, (2) public interest firms which may assist or totally fund your projects, (3) donated services.

Action Checklist

Preliminaries

- Learn all you can about the organization you intend to monitor.

Find out its budget, the deadlines and other constraints under which it operates, its priorities, and its decision-making process.

Identify the specific individuals and offices which have the responsibility for making (and changing) policies related to your monitoring area.

Identify individuals, groups, and other factors which could influence the behavior of the organization.

- Determine the performance standards you feel the organization monitored should meet. These standards may be spelled out in a law, or your agency may decide, after study and discussion with the persons affected, that the standards are those to which the organization ought to adhere to be effective.

- Let the organization know of your interest in its activities. Knowledge of your intention to monitor may be an incentive to upgrade performance.

- Stay informed about the activities of the organization.

Ask to receive all documents issued and get on its mailing list.

Identify sympathetic insiders as well as former employees and others with knowledge of the organization who may be able to help keep you informed.

If the organization operates in secret and refuses to provide you with current information, make a public issue of its secrecy and consider legal action. Meanwhile, try to develop informal sources of information such as sympathetic insiders.

- Devise a system to record information you gather about the agency. If more than one person is participating in the monitoring activities, be sure all are using the compatible record-keeping systems.

Doing It

- Check regularly on the actions of the organization. Contact the agency involved, attend meetings it



sponsors, read its publications, and interview staff members and beneficiaries of its programs to see if and how the agency meets your standards.

- Keep detailed records of all contacts made with the agency, documentation collected and correspondence. Because these materials may ultimately be used in a lawsuit, consider grouping monitors in teams of two to provide witnesses for conversations, interviews and fact-finding expeditions.
- Analyze your findings to identify the source of any problems uncovered. If a government agency is not providing as many school lunches as are needed, for example, determine if the reason is a lack of funds, interest, staff, competence, food or transportation.
- Prepare periodic reports summarizing your findings. Try to include a prescription for action that would improve the organization's performance. Distribute these reports to organization officials, your own agency members, individuals, and groups that have an interest in or are affected by the organization's activities.

Evaluation and Follow-up

- If you are displeased with the organization's level of performance, call the problems you have found to the appropriate officials' attention. Give them a chance to review your findings and to respond. However, always ask for responses by specific dates, and put your requests in writing.
- Build up public pressure on the organization to improve its performance or change its ways. Among the ways to do this are the following:
Keep the press informed.

Increase the demand for its services. Provide effective publicity, and help citizens exercise their rights.

File formal petitions or take other legal action asking that the organization conduct its business actions differently.

Plan letter-writing or telephone campaigns to the organization or to persons in a position to influence its behavior.

Inform sympathetic legislators who may threaten or schedule a hearing or investigation.

If you fail to get a satisfactory response from them, go over the heads of the individuals responsible for the policies or actions of which you disapprove. Try to get their superiors to approve a change in procedures.

Consider, threaten, or carry out demonstrations.

- Be ready to negotiate, but only with officials who have the power to effect needed remedies.
- If inadequate legislation is the root of the problem, work to change the law. This may mean amendments to or repeal of existing law or perhaps passage of additional legislation.
- Prepare for litigation and follow through if necessary. Often the threat of legal action, backed up by a visible lawyer, will result in policy changes.
- Continue your monitoring activities.

Key Points

Monitoring takes a long time. Stick with it.
Careful documentation is critical.

Advisory Boards are used by many governmental bodies and private corporations primarily to get expert or "constituent" input. Although advisory boards rarely have any official powers, their recommendations typically have a great influence on a large number of decisions ranging from the provisions of a proposed regulation or bill to the award of a government agency's contracts or a food store's food-dating policy. While the composition, existence and activities of some advisory boards remain secret, a growing number of these bodies and their members have in recent years come under public scrutiny and have been challenged for a lack of representativeness and accountability in their actions.

Uses

- To increase your agency's influence
- To help make policy
- To be consulted on pending actions that might affect your interests
- To open up secret proceedings by providing a public presence

Resources Needed

People

A coordinator is required, using others, as necessary, to determine dates for new appointments, to compile and present lists of qualified candidates, and to build up support for specific candidates.

Time

May take from a few days to at least several weeks. Court action, public hearings or other time-consuming steps may be necessary.

Money

Little or none essential if you wish only to research names and submit them to the agency or corporation. If the advisory body's meetings are secret or closed, you may need extensive funds to wage a publicity campaign or pursue the matter through the courts or through a proxy fight among stockholders in a publicly owned corporation.

Action Checklist

Preliminaries

- Determine the structure and function of the advisory

board. Find out how many people are on the advisory board, whom they represent, how and when vacancies are filled and when and where the board meets.

- If there is no existing advisory board, determine whether and how to work for the creation of one. If the advisory committee created will be dominated by undesirable special interests, it might be better not to have one.
- Prepare a list of qualified candidates to fill vacancies or to be added as public members of the advisory board.

Be realistic in your selection. If politics is a factor, choose people of the right race, sex, residence, and party. Always propose nominees who are fully qualified for the job, even if past appointees were not.

Get your candidates' agreement to serve and be involved in a campaign to get the appointment, if necessary.

- Present your list to people with power to influence or make appointments. This may include the U.S. president, your state governor, state or local legislators, and community and political leaders. It helps to have a working relationship with a member of this person's staff.

DOING IT: Working for Appointment

- Get other groups to support your nominees, even if you have to compromise to get a nominee agreeable to all.
- Publicize your nominee. Issue press statements and releases. Make appointments to advisory boards an important issue to be watched closely. Work through your public information chairperson.
- If the advisory board is advisory to a corporation, get a stockholder to attend the annual meeting and propose your nominee. Study in advance the procedures followed at the annual meeting.
- If the advisory board consists only of representatives of a single interest group, propose that the membership be expanded to include public representatives.
- Dramatize the issue if the board is a secret one or holds meetings closed to the public.

Ask to attend a meeting of the board. If you are refused admittance, notify the press. Try to obtain a written refusal.

When the board is meeting, go to the meeting place



and request attendance, preferably in view of press representatives.

Work with a friendly legislator who can assist in publicizing the secrecy of the advisory board, particularly if it is advisory to a governmental body. Encourage the legislator to hold hearings or call for hearings on secret advisory boards. Work with the legislator to get witnesses for and to publicize the hearings, if held.

Threaten to bring suit or actually bring suit to open advisory hearings. Publicize your actions through press releases.

Evaluation and Follow-up

- Keep in touch with your appointee so he or she knows your agency's position.

- Make certain that your appointee is attending advisory board meetings and informing you of developments.
- Give your appointee public support when needed.
- Work for more public accountability of and representation on the advisory board.

Key Points

Learn as much as possible about the advisory board.

Prepare and publicize a list of qualified candidates.

Dramatize the issue if the board or its meetings are secretive.

A budget describes estimated receipts and planned expenditures for a specified period. Nearly all organizations that handle funds, from local agencies to the federal government, work within the guidelines of one or more budgets. Budgeting and accounting systems vary among organizations, but the most common types distinguish between operating (day to day) and capital (facilities and equipment) costs. Some budgets relate funds to particular programs and projects; while others simply show different expense categories such as salaries, supplies, and transportation.

In government, a budget agency within the executive branch generally prepares the budget in consultation with the affected agencies. The chief executive (mayor, county executive, governor, president) gives final approval to proposed budget and submits it to the legislature. Before funds can be spent, the legislature must make appropriations to the agencies involved. Depending on administrative procedures, the agencies, in turn, may exercise considerable discretion in allocating their appropriated funds among different projects and priorities.

Uses

- To find out how and where tax money is being spent
- To see if a government agency has been given enough money to implement a specific program
- To evaluate and determine spending priorities
- To see if actual spending is in line with described spending
- To influence spending patterns
- To get information needed to comment on specific legislative proposals
- To train citizens for effective participation in government

Resources Needed

People

If you intend to analyze the entire budget of a large governmental unit such as a city or county, you need a committee of at least three people so that you can monitor all meetings of the legislative body. Some discussion relevant to the budget generally arises at each meeting. To do a good job with budgets, you need people who have, over a period of years,

became familiar with the budgetary process and who can give your analyses continuity.

While it is not necessary to be a professional budget analyst, it helps to have the advice of one. Check your members and their families and friends for experts. Seek the advice of former branch officers and budget project chairpersons. Seek the advice also of experts within the budget agency or within the agency whose budget is of interest to you.

Time

Budget analysis is very time-consuming. If your goal is to study an entire school board or county government budget, you have a year-round job since budget-making is a year-round process. The greatest time commitment is required at the time the budget is released and hearings on it are held.

Money

Little or none needed. Duplicating analyses and testimony and some publicity are your only costs, unless you require a paid, outside consultant.

Action Checklist

Preliminaries: Studying the Budget

- Determine your goals for budget study and analysis.
- List priority programs. If you are limited in time and people, concentrate your efforts on a few programs of major interest. Coordinate your activities with your efforts on legislation and on administrative and regulatory agencies when appropriate.
- Learn about the budgetary process. Know preliminary stages in which citizen input is allowed. There are often preliminary conferences in the pre-hearing stages.

Determine which officials and staff members make input into the budget. Learn procedures for agency requests, including which officials make the submissions and the decisions on relevant budget items. Understand the agency timetables for budget requests and be prepared to work within them.

- Form good working relationships with budget officers within agencies and with staff members of the budget agency. Learn how well the agency has used past appropriations and try to determine future needs.
- Organize members and allies to study and evaluate the budget.

Learn what you can from budget meetings. Try to attend agency staff briefings, which are more detailed and comprehensive than most briefings arranged for citizen groups.

Work with other organizations and divide work responsibilities. You may wish to pool resources for research and analysis and then present separate statements with perhaps differing recommendations.

Find experienced people to help you learn about the budget documents and process. Check to see if you could get help from other branch members or their spouses. Call on friends in regulatory and administrative agencies. Consult citizen representatives who have dealt with budgetary matters in the past.

- Get copies of the current, most recent past, and proposed budgets. If the figures you seek are uncompiled, try to get them from the agency involved. In many cases, you are legally entitled to access to those figures.

- If the budget is so complicated that ordinary citizens cannot understand it, work for simplifications and explanations by government. Meanwhile, consult your experts on interpretation of budget items.

- List questions you wish answered by the budget, and note the answers while you are reviewing the budget. These questions might deal with spending priorities, patterns and effectiveness, wasteful or padded budget items, large sums which may be supporting special interests, back door expenditures such as tax credits not shown in the budget, the accuracy of the budget statistics, and the costs vs. the benefits of current vs. alternative programs.

- Examine the budget and accompanying documents carefully for any mention or evidence of program or policy changes.

- Invite officials to brief you on the budget, or on their portion of it. Ask them any questions you could not answer by reading the budget documents. Study all available material before meeting with officials so you can ask intelligent questions and gain the most information possible from your meeting.

Doing It: Making Your Views Known

- Meet privately with government officials to discuss their budget. If you have done the proper preliminary work, you may be invited to consult with these officials. Otherwise, request a meeting.

- Make your suggestions early in the budgetary process and continue pressure for your programs until the budget is approved.

- Present or submit statements and accompanying press releases at every opportunity, including agency pre-budget and budget hearings and hearings before legislative and appropriations committees in the legislature.

- Work with other groups to present and publicize your ideas.

- Be specific when referring to possible cuts or increments. Cite exact figures and suggest possible sources of money to increase funds for a project. Be realistic in your estimates and arguments. Whenever possible, cite specific examples of program benefits and potential benefits with additional funds.

Evaluation and Follow-up

- Thank your allies for their help.

- Watch to see that money allocated is spent in the way you expected.

- Begin work on the budget for the following fiscal year. Keep in mind the tremendous "lead time" normally required for study and input.

- Use your experiences to press for reforms in the methods of publicizing and communicating budgetary information. Encourage budget officials to simplify and publicize the information contained in their documents.

- Leaving records of work you have done. Since budget analysis is difficult, newcomers will need all the help they can get.

- Maintain contacts with government officials and staff members.

Key Points

Determine your goals and priority programs.

Learn the budgetary process.

Form a good working relationship with budget officials.

Study the budget, obtaining help from experts.

Be specific in your comments.



Introduction

The judicial system seeks to interpret and apply laws made by the various state and federal legislatures. There are two major aspects to the judicial system in this country—the federal court system and individual state court systems. Generally the system involves courts, services, detention, probation, parole, and so forth.

Each state structures its judicial system differently, according to state law. This includes what court will hear cases involving juveniles (for example, family court or juvenile court), how services will be provided to offenders, and even how an offender is determined (for example, a youth may drink, drive, or smoke cigarettes legally in one state but not in another, depending on his or her age).

Advocacy groups should become familiar with the way their state court system works and how youths

become involved in the court system. It is instructive to sit in on court proceedings. In addition, concerned groups can systematically monitor court proceedings to ensure fair application of laws affecting juveniles.

The courts can also be used in another way by advocacy groups. Citizens can petition the justice system to force another person, agency, or institution simply to obey the law. For example, a residential institution for juveniles can be sued for not providing adequate services under the law.

Advocacy groups should remember that courts are the final arena of justice, and courts make the ultimate determination if a law or the intent of a law is being violated. Advocates should become familiar with this avenue of social action, or it is an integral part of the democratic process.

The following material focuses on court action and court monitoring.

CONTINUED

1 OF 2



For advocates who are concerned about what happens to children and youths once they become involved with the juvenile justice system, court monitoring can be useful and educational:

- monitoring can help one understand who goes through the system—for example, the number of males and females and the number of minority youths—and for what offenses
 - monitoring can help one understand what happens to youths once they are in the system
 - monitoring can help one understand how the system should operate and how it actually does operate
- Courts should be monitored to see whether
- they are operating properly and within the law
 - they are within their discretion and treat individuals equally
 - status offenders are not being committed to correctional institutions or secure detention centers if state law prohibits it
 - minorities and females receive equal treatment

In the latter instance, for example, many courts still label sexual activity in girls a status offense while dismissing the same activity when engaged in by boys. Similarly, some activities may be labeled juvenile delinquency offenses when committed by minority youths and labeled status offenses when committed by nonminority youths. Many white middle-class youths committing status offenses are not even processed by the courts, but are handled informally.

Anyone can monitor juvenile court proceedings,

although it is useful to have some background information on how the courts work before beginning a monitoring project.

Background Information

The following articles provide background information on the courts. The first describes the New York State family court structure, the court that handles juveniles in that state. The others describe various legal procedures available to community agencies.

As first steps in understanding your own local court procedures, however, keep in mind the following:

- Many local agencies may already have information on your local courts and be willing to share it, for example, the local branch of the American Junior League, the American Civil Liberties Union, the Legal Aid Society, or the National Council of Jewish Women. You can also contact your court and ask for an appointment to discuss how it works.
- Your state or locality may not have a separate juvenile court. Juveniles may be handled through Family Court or Superior Court. Call the court to find out.
- Your state or locality may no longer process status offenders but may automatically refer them to a special diversion program outside the court or within the probation department. Again, call the court to find out.
- Finally, become familiar with your state laws concerning children and youths. Determine, for example, how your state defines a status offense or a juvenile offender.



NOTE: The following material describes court monitoring in the Family Court in New York State. While the organizational system may differ from state to state, basic principles will apply in most courts.

Brief History of the Family Court

The first juvenile court was established in the United States in Illinois in 1899. Until that time, children of all ages accused of crimes were sent to the courts and incarcerated with adults. Advocates of court reform endorsed a movement to separate child and adult proceedings, arguing that children should receive special treatment and that a separate children's court should be established to act in the best interests of the juvenile.

The new children's court was not supposed to be "punitive," it was to be "fatherly." This philosophy, known as *parens patriae*, advocated that a judge act as a surrogate parent rather than determine guilt and punishment. The judge was to use the professional staff of the court and other agencies to devise a program of rehabilitation for the child. The program was NOT designed to be proportional to any offense; rather, it was to correct the deficiencies in the child's life which led to his/her behavior.

According to this philosophy, the juvenile court was never viewed as a criminal court. There was no adversary system as practiced in the criminal court. Hearings, records and proceedings were confidential.

The terminology used in Family Court differs from that used in other courts. Plaintiffs, complainants or the prosecution are "petitioners", defendants are "respondents"; trials are "fact-finding hearings"; and sentences are "dispositional orders".

There are presently specialized juvenile courts or juvenile divisions of courts in almost all jurisdictions in the United States. The Family Court Act in New York State was enacted in 1962 as part of a revision of the State court structure. "The Act unified jurisdiction over legal problems related to family difficulties which had previously been splintered. The Act established a statewide court with jurisdiction over all aspects of family life except divorce, separation and annulment." The latter were left with the Supreme Court.

The Family Court deals with the problems of children and families in crisis. The court may decide whether an abused or neglected child should be removed from his/her parents' home and placed in foster care, whether a youth who is "out of control" should be sent to an institution, and whether a parent should be

banned from the home to protect family members. The court also has jurisdiction over several other matters including custody of children, the failure of individuals to support their families, and determinations of paternity.

At the time of the establishment of the Family Court, supporters of the system viewed it as a major accomplishment; however, despite their hopes, most observers now feel that the Court does not fulfill its original purpose.

With growing populations and current public concern regarding the incidence of juvenile crime, budget cutbacks and large caseloads, the structure, philosophy, and function of the Family Court are currently being reevaluated.

Family Court of New York State

The Family Court of New York State is a specialized court that has jurisdiction over cases involving children and families. These cases include:

| | |
|---|--------------|
| Adoptions | "A" Petition |
| Permanent Neglect | "B" Petition |
| Juvenile Delinquency | "D" Petition |
| Support | "F" Petition |
| Guardianship | "G" Petition |
| Handicapped, (Education of) | "H" Petition |
| Informal | "I" Petition |
| Public Health | "J" Petition |
| Foster Care Review | "K" Petition |
| Voluntary Placement Approval | "L" Petition |
| Consent to Marry | "M" Petition |
| Neglect and Abuse (Child Protective) | "N" Petition |
| Family Offenses | "O" Petition |
| Paternity | "P" Petition |
| Mentally Defective | "Q" Petition |
| Referred from Supreme Court | "R" Petition |
| Persons in Need of Supervision (PINS) | "S" Petition |
| Uniform Support of Dependents Law (USDL) | "U" Petition |
| Custody | "V" Petition |
| Material Witness | "W" Petition |

A proceeding in the Family Court is begun by the filing of a petition. Petitions are designated with the letter prefixes according to the type of case as noted in the list above. Thus, a juvenile delinquency petition is known as a "D" petition. In some courts the name of the petition will not be announced; instead the letter

associated with the petition will be read or will appear on the calendar.

Legal Representation

Section 249 of the Family Court Act directs that the court "shall appoint a law guardian to represent children if independent legal representation is not available to the child." This primarily covers children who are involved in juvenile delinquency, PINS or child protective (neglect or abuse) proceedings and permanent neglect proceedings. The ability of the child to obtain counsel of his or her own choice may or may not have anything to do with the ability of his/her parents to pay. The courts have found that the interests of parents and their children do not always coincide and, frequently, different attorneys must represent the parent and the child.

There are, generally speaking, two methods of obtaining attorneys for appointment as law guardians:

- A contract is signed between a city or county with a corporation, usually the Legal Aid Society, to provide the service. The corporation employs attorneys who work full time in the Family Court and serve any children needing representation.
- The local Bar Association asks its members to serve as law guardians or panel attorneys on a by-request basis either as a public service or to gain courtroom experience. A list of names is submitted to the Appellate Division of the Supreme Court for approval. The approved list is given to the Family Court and appointments are made from it. Attorneys are compensated for their work by the State at the rate (presently) of \$10/hr. for work outside the courtroom and \$15/hr. for time spent in court.

In New York City almost all law guardians are provided by contract with the Legal Aid Society. In cases with multiple respondents where the interests of all are not identical, the same office cannot represent more than one respondent. In that instance, the second method is used to appoint attorneys for the additional respondents. In New York City these attorneys are called 18(b) attorneys (referring to section 18(b) of the County Law which provides authority for this).

Outside New York City most law guardians are appointed from a list described above. They are commonly referred to as "panel attorneys" or simply "law guardians." The term "18(b) attorney" is not in general use outside New York City.

From time to time, observers may also witness the

appointment of a *guardian ad litem*, a person appointed to safeguard the interests of the child other than with regard to the conduct of the trial. The most extensive use of the *guardian ad litem* is in other courts; e.g., in a lawsuit where the possessions of a child may be taken away without his/her full understanding.

In Family Court, the parent or guardian of an accused juvenile sometimes fails to appear. In that case it may be necessary for the judge to appoint a *guardian ad litem* to stand in place of the parents.

Indigent adult respondents are also guaranteed the right to legal representation in child protective, family offense, paternity, custody, termination of parental custody by means of permanent neglect, and foster care review proceedings by section 262 of the Family Court Act.

Matters Dealing With Juveniles

• Juvenile Delinquency and Persons In Need Of Supervision (PINS) (D&S Petions)

A juvenile delinquent is a person over seven and less than sixteen years of age who commits an act which would be a crime if engaged in by an adult. (NOTE: a juvenile delinquent is not criminally responsible for his/her acts. A juvenile offender is criminally responsible.)

A person in need of supervision is a person less than sixteen who does not attend school as required by law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other legal authority.

• Procedures

Police Custody

Juveniles may be taken into custody and questioned when a police officer (or private person) reasonably suspects that the child has committed an act which would be a crime if committed by an adult.

A screening process for juveniles in custody occurs at the police station. Some children (usually in the less serious cases) are released to their parents or guardian or are referred to a youth bureau program. In more serious cases, the child will be questioned at the stationhouse and then booked and taken either to the Family Court or a detention center. The police officer must make every reasonable effort to notify the parents or guardian of the child that he or she has taken the child into custody. Notice to the parents that

the child has been taken into custody is extremely important since any statement that the child makes to the police in the absence of the child's parents may make the statement inadmissible as evidence in court.

A child who is being detained must be brought before a Family Court judge either the day he/she is taken into custody or, in the event the court is not open, the next day the court is in session.

Probation Intake

When the police or a private person wants to bring a case into the Family Court, the first step in the process is to speak to a representative of the Department of Probation, an agency which plays an integral part in the functioning of the court. Aside from interviewing the parties in a dispute prior to the filing of a petition, the Probation Department is responsible for maintaining juvenile records and working with people after they are involved in the court process. The probation workers interview the people involved in the problem and may try to settle the problem without taking the case through court.

Solving the problem voluntarily without going to court is called adjustment. Under new Family Court rules, the Probation Department must consider specific criteria before it may adjust a case. The probation officer must state in writing for court review the reason why the case was adjusted. Moreover, probation officers, without prior court approval, may not adjust cases where there have been prior adjustments or where certain serious delinquency allegations (designated felonies) have been made.

• Court Intake Hearing (Arraignment)

Juvenile Delinquency Cases

If the decision is made to refer the case to Family Court, a court appearance is scheduled. This court appearance serves somewhat the same function as an arraignment in Criminal Court. At the "arraignment" the Assistant Corporation Counsel, Assistant County Attorney or Assistant District Attorney (depending upon the location of the court or type of case) files a petition alleging that the child is a juvenile delinquent. At this time the juvenile is advised of the allegations against him/her as well as informed of his/her rights to remain silent and to be represented by counsel. The court will appoint a law guardian, unless the respondent can afford private counsel.

If the juvenile denies the allegations in the petition, the case is adjourned and a date for a fact-finding hearing is scheduled. At "arraignment" the judge must decide

whether to release the child to the custody of his/her parents (parole) or whether to detain (remand) the juvenile. The factors which the judge considers in making the decision after a petition has been filed are: (1) whether there is a substantial probability that the youth will not appear in court for his/her next court date or (2) whether there is a serious risk that the youth may commit a crime before the next court date. If the judge decides to remand the juvenile, the judge may send the youth to a detention center (secure or nonsecure) or to a temporary care facility (public or private institution or foster home).

If the judge decides to remand the respondent the agency representing the public (normally the Corporation Counsel in large cities, the County Attorney outside large cities, or possibly the District Attorney in the case of A, B, and C felonies) must be ready to proceed to fact-finding in all cases, except A, B, and C felonies, within three days after detention is ordered by the judge. When the respondent is charged with an A, B, or C felony, there must be a probable cause hearing within three days of the respondent's remand.

At the hearing, the representative of the public has the burden of showing that sufficient evidence exists to believe that acts constituting a crime (if done by an adult) were committed and that the juvenile committed such acts. If probable cause is found, the court may continue the detention of the juvenile for no more than 14 days, when the fact-finding hearing must begin. If probable cause is not established, the judge must order the juvenile's release.

If the juvenile admits the allegations in the petition at "arraignment," the judge may enter an order adjudicating the youth a juvenile delinquent. A referral to Probation or other agency is made for an investigation and report (known as an I and R) prior to disposition. A dispositional hearing date is set.

• PINS Cases

The petitioner in PINS cases is almost always the parent of the respondent or the school in which the respondent is enrolled.

The processing of PINS cases at the court intake stage is similar to that for juvenile delinquency cases except that a respondent in a PINS case will never be remanded to a secure detention facility pending outcome of the proceeding. Rather, if the judge decides to remand the respondent, the youth will be remanded to the Commissioner of Social Services.

• **Fact-Finding Hearing**

At the fact-finding hearing the judge listens to the evidence and decides whether the allegations have been proven. In the case of a delinquency petition, the hearing is to determine whether the respondent committed the act or acts alleged in the petition, which, if committed by an adult, would constitute a crime. In the case of a petition to determine need for supervision, fact finding means a hearing to determine whether the respondent committed the acts alleged to show that he/she violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his/her parents, guardian or legal custodian.

At the hearing a finding of juvenile delinquency must be based on proof beyond a reasonable doubt, the same standard used in criminal cases.

If the allegations in the petition are established, the judge enters an order finding the respondent to be a juvenile delinquent or a PINS. The order must state the ground for the finding, and the specific facts upon which it is based. In the case of a finding of juvenile delinquency, the order specifies the section or sections of the penal law which the youth violated. If the respondent is found to have committed a designated felony act, the order must so state.

If the youth is found to be a juvenile delinquent, the judge must once again decide whether to remand or parole the juvenile. If the youth is remanded, the dispositional hearing must commence within ten days after remand.

If the judge finds that the allegations have not been established, the judge can dismiss the petition and, if the child has been detained, can order that the child be sent home. At or following a fact-finding hearing, the court, with the exception of the petitions involving designated felony acts, may also order that the proceedings be "adjourned in contemplation of dismissal" (ACD). An ACD is an adjournment of the proceedings for a period of up to six months with a view to dismissal of the petition if the juvenile does not get into trouble again during the period the proceeding is adjourned.

• **Dispositional Hearing**

If the youth is found to be a juvenile delinquent or a person in need of supervision, Probation is assigned to do an investigation and report (I and R). In some cases, the judge may order a mental health study. Often the dispositional order is based on the investigative reports which are issued after fact-finding.

The order may also be based on the consent of the parties.

• **Disposition in Juvenile Delinquency Proceedings**

The judge can make the following dispositional orders in a juvenile delinquency proceeding:

- dismiss the petition;
- place respondent on probation;
- suspend judgment for up to one year or grant an ACD;
- place the respondent in his/her home or in the custody of a suitable relative or suitable private person in a foster home, group home or institution under the control of the Commissioner of Social Services or the Division for Youth. Placement may be for up to eighteen months. In the case of a youth who committed acts which would constitute a misdemeanor, such juveniles may be placed for up to one year;
- require that the respondent make restitution or perform services for the public good; or
- place the respondent with the Commissioner of Mental Health or Mental Retardation and Developmental Disabilities for up to one year if the court finds that the juvenile suffers from a mental illness, mental retardation or developmental disability.

• **Disposition in Designated Felony Act Cases**

Youths between the ages of 13 and 15 who are found to have committed designated felony acts may be subject to restrictive placement. In determining whether a restrictive placement is required, the court must consider the following factors:

- (1) the needs and best interests of the respondent;
- (2) the record and background of the respondent;
- (3) the nature and circumstances of the offense;
- (4) the need for protection of the community; and
- (5) the age and physical condition of the victim.

Under a restrictive placement where the youth was found to have committed a designated class A felony act (murder in the first degree, murder in the second degree, arson in the first degree, kidnapping in the first degree), he or she is placed with the Division for Youth for an initial period of five years. The placement may be extended for one-year periods up to age 21. During the first year, the respondent must be confined

in a secure facility. During the second year, the respondent must be placed in a residential facility (secure or otherwise) and cannot be released from it. After the first two years of placement, the respondent may not be released from a residential facility without written approval of the Director or designated Deputy Director of the Division for Youth. The respondent is subject to intensive supervision whenever not in a secure or residential facility, and the division must report in writing to the court every six months on the respondent's progress.

Under a restrictive placement, where the youth was found to have committed any other designated felony act, he or she is placed with the Division for an initial period of three years. For not less than 6 nor more than 12 months, as determined by the court, the respondent must be confined in a secure facility. The respondent is then to be placed in a residential facility for an additional court-ordered period of not less than 6 nor more than 12 months. The provisions on extension of placement and the prohibitions against transfer and release during and subsequent to the first two segments of the placement period are substantially identical to those outlined above.

Under the Juvenile Offender Act, a thirteen year-old accused of committing murder in the second degree and fourteen and fifteen year-olds accused of

committing specific felonies which are the same as designated felonies can now be tried and held responsible for such acts in Criminal Court. Juveniles found guilty in Criminal Court are known as juvenile offenders. The Criminal Procedure Law provides that the Criminal Court or a superior court judge may, in his/her discretion, transfer such cases to the Family Court for processing as a designated felony act case. In certain designated felony act cases, consent of the District Attorney is necessary to transfer the case to the Family Court.

• **Disposition or Adjudication of Persons in Need of Supervision (PINS)**

Upon a finding of person in need of supervision the judge may enter an order:

- 1) discharging the respondent with a warning;
- 2) suspending judgment as in a juvenile delinquency proceeding;
- 3) placing the respondent in a foster group home or social service institution (certain DFY facilities which are authorized to receive juvenile delinquents are not authorized to receive PINS placements);
- 4) putting the respondent on probation for up to one year.



Litigation

Passage of a law—often viewed as the end of an arduous legislative process—is actually only a beginning. The vast number of laws passed in the last decade have been initial steps toward remedying some of our society's crucial problems. But the rights inherent in this legislation, like the rights recognized by our Constitution, are not automatically self-fulfilling.

Litigation is one way to determine rights and duties under those laws and to ensure compliance with them. It is both a realistic method for effecting change and a powerful means of working within the system for the best interests of the public. Citizen groups involved in various areas of public concern have increasingly used litigation to protect public interests: environmental groups have succeeded in halting construction of industrial plants in areas where they would substantially interfere with public enjoyment and use of natural resources; nonpartisan groups such as the League of Women Voters have sued to ensure the full use of the franchise; civil rights groups have sued to protect the rights of minorities; and housing groups have gone to court to prevent the increase of ghetto housing.

Any area of citizen concern is suitable for litigation. This guide explains the litigative process to citizen organizations so that they will know how to use it for their own ends and shows how the expense of a lawsuit can be minimized. It is primarily designed for organizations that intend to initiate lawsuits.

Your organization should also be aware that a more limited involvement in litigation is possible: that of *amicus curiae* (friend of the court) in a suit brought by an individual or other organization. The purpose of an amicus is to inform the court, by means of a legal memorandum, on some point at issue in the suit about which the amicus was expertise and which is not covered by the parties to the suit. An amicus is not a party to the suit and therefore has no control over the suit or the relief requested in the suit. Permission by the court must be obtained in order to be an amicus and usually both parties to the suit must also agree to the amicus entering the case.

Deciding to Litigate

Many community organizations are experienced in using various types of strategies—lobbying, picketing, conducting public education campaigns, etc.—to achieve their goals. They have built up a certain amount of expertise in the use of these methods and

each at times has proven successful. But at certain times and on certain issues (you will have an idea as to what these are, based on past dealings), no amount of public pressure will convince officials to voluntarily act in the way your organization believes is required for the public good. In addition, there are times when immediate action is necessary and there is no time to mount a public campaign or wait for lobbying to bear fruit.

This is the time to consider seeking relief by going to court. Though certain types of court proceedings are lengthy, others are not. If you can show a special need for a particular action to be taken immediately, a court can issue preliminary relief—such as ordering an official to do or refrain from doing certain acts—until there is time for a full hearing and decision on the matter.

But what of the consequences of suing an official who has cooperated with your organization in the past and whose cooperation you will need in the future?

There are several reasons why suing an official might increase his cooperation in the future:

- suits are often welcomed by officials since court action takes them off the hook by relieving them of personal responsibility for a decision that is unpopular politically: the official can say he had to do it because he was ordered by a court.
- bringing suit usually increases the persuasive powers of an organization in future negotiations with officials. Officials tend to treat organizations that are litigants more seriously than those that rely on persuasion alone because they know such organizations are willing to use means other than sheer persuasion to accomplish their goals.

It is also possible that the mere fact that your organization is planning a suit will result in a change of action by officials. In this sense, litigation itself serves as a pressure tactic! If this happens, there may be no reason to continue with the lawsuit. The decision to litigate is not irreversible. A suit can always be dropped before filing with a court, and the plaintiff can often withdraw a suit after it is filed. In addition, if an out-of-court agreement is reached between parties to the suit, the suit can be dismissed by the court.

If you lose a suit in the lower court, you are not obligated to appeal. The decision on whether to appeal should be based on such factors as the chances of success on appeal and the time and cost

involved. Your lawyer will be able to advise you on these matters.

Litigating on a Small Budget

Lawyers do not always charge high fees—at least not in the area of public interest litigation. Bar associations and private law firms throughout the country have established sections devoted to what is known as *pro bono publico* work (work "for the public good") in which public interest suits are handled without charge or at reduced rates; law firms handling only public interest cases have been established in many parts of the country; and national organizations such as the American Civil Liberties Union, the Sierra Club, and the National Association for the Advancement of Colored People will take without charge cases they consider to be of public concern. Since most cases undertaken by community organizations will involve matters of public concern, such organizations have a wide range of free or low-cost legal aid available to them. Law school faculties and government-paid legal services or legal aid lawyers are also often interested in such suits.

Another way for organizations to cut legal costs is by forming coalitions with other individuals and organizations also concerned about the issue to be litigated. The coalitions can then share whatever costs are involved.

In addition, courts frequently award attorneys' fees in public interest suits, so there is the possibility that your lawyer will have his fee paid by the defendant in the suit.

If your organization can obtain a lawyer who will take the case without charging a fee, the only other costs involved in the suit will be court costs. These costs are usually minimal and cover such things as filing fees and other administrative costs charged by the court. (While court costs vary throughout the country, your lawyer will be able to give an accurate estimate of what they will be in your suit.) If you *appeal* a case, you will need a transcript of the proceedings in the lower court and this can be expensive. However, your lawyer can ask the court to assess your court costs to the defendant, and this is often done. These costs can also be raised by soliciting public donations or by other money-raising methods typically used by volunteer groups.

Choosing a Lawyer

- Survey the legal resources available in your

community (law firms, law schools, bar association, legal aid societies).

- Talk to other organizations with litigation experience about their lawyers.
- Interview several lawyers who have been recommended and who are interested in the matter you wish to litigate.

As you begin talking to a lawyer, keep in mind how you will want him to work with your organization. The following suggestions may help clarify what you can expect of each other:

Explain fully to a lawyer the nature of your organization and what it wishes to achieve by the lawsuit. Gauge his reactions to both. It is vital that your organization be represented by a lawyer who understands the goals of the organization and who will have the necessary commitment to the suit.

Tell the lawyer, too, whether you want to appeal to a higher court if the original decision is adverse. Since it is best to have the same lawyer or firm handle the case through appeal, it is important to determine how far the lawyer is willing to go with the case.

Stress to the lawyer the public relations angle of handling a public interest suit. Such a suit usually gets a great deal of publicity and affords a lawyer an excellent opportunity of making himself known to the public.

Look for a lawyer with whom you can frankly discuss all the options available to your organization and the ramifications of each. The lawyer should be questioned about his choice of courts, which judge he feels would be best to hear the case, and what he feels is the best legal strategy.

Most important of all, find an attorney with whom you feel comfortable and with whom you can communicate easily. The necessity for candor cannot be overstressed!

Working With Your Lawyer

Your organization will usually know more about the subject matter of the suit than the lawyer does; however, he has the technical skills necessary to implement your goals—so the best relationship is one in which there is mutual respect for each other's expertise. Be willing to put your expertise to work to help the lawyer by fully briefing him on the subject matter and being willing to gather facts he says are needed.

Rely on his expertise to tell you what facts are necessary to win the suit and the best way to get those facts. Courts have very technical rules concerning what data is admissible, and the data required for a lawsuit may not always be of the same type your organization may be accustomed to gathering. However, if your organization has experience in gathering data for various purposes, your lawyer may well want to put this expertise to work. It will cut down considerably on the amount of time the lawyer has to spend on the case, and your willingness to help should make it easier to find a lawyer who will take the case without a fee.

You must also rely on your lawyer's advice as to how the case should be presented at trial. He will know which legal theories the court is apt to find persuasive and how best to present them.

Consult your lawyer on any out-of-court action your group plans to utilize while a case is pending. For instance, is it wise to picket a landlord during the course of a housing suit? Should you attempt outside negotiation of the same points covered in the suit?

DON'T BE AFRAID TO ASK QUESTIONS! Part of the art of winning a lawsuit is tactical; make sure your lawyer explains to you the options available to him and why he chooses the one he does. The papers filed with the court on your behalf will be phrased in legal terminology—but before they are filed you should insist that the points in them be explained to you. This is especially important with regard to what you are asking the court to order done if you win. Your wishes should determine the relief your lawyer requests and he should be guided by your practical knowledge of what is needed to accomplish the goal of the suit. Your lawyer is supposed to represent your organization and its interests to the court—and it is your responsibility to see that he is doing it adequately.

Understanding the Courts

The court system in this country is divided into federal and nonfederal courts. Federal courts consist of 94 district courts, 11 circuit courts of appeal, and the Supreme Court. The *jurisdiction* of federal courts is restricted by Congress and the Constitution, and only certain types of suits can be brought there. Your lawyer will advise you which these are. Each state determines the number and type of courts that will hear matters of local concern, and state courts usually range from municipal courts through appellate courts to the state supreme court. Appeal can be taken from

the highest state court to the U.S. Supreme Court in some suits.

Suits are usually begun at the lowest level of either the state or federal court, with appeal made through the *courts of appeal* to the state supreme court or the United States Supreme Court. Some suits can be brought in either state or federal court, and the person bringing the suit can choose the forum.

All courts have technical rules of procedure that govern the manner and form in which a matter must be presented to it. The party initiating a lawsuit is the *plaintiff*, and the party being sued is the *defendant*. Individuals, corporations, unincorporated associations, and government officials can sue and be sued. There can be several plaintiffs and defendants, or one plaintiff or defendant can sue or be sued as the representative of a large number of similar persons, all of whom will be bound by the court decision. (The latter is known as a class action.) In order to be a *party* to a suit, an organization must show that its members have some special interest in the subject matter of the suit.

Local rules govern how a suit is begun, but usually the plaintiff files a *complaint* which sets forth the reason why he is in court and what he wants the court to do. If the defendant wishes to contest the suit, he must file an *answer* to the complaint within a specified period of time, in which he sets forth why the *relief* requested by the plaintiff should not be granted.

Lawsuits are given a number determined by the date of filing, and cases are usually heard by the court in numerical order. However, if the plaintiff can show that for some reason the case cannot wait until the court hears it in the normal order, the court will hear it immediately and render a preliminary decision which will be in effect until the case is heard in its normal order. A lawsuit can also be expedited if one party can convince the court that no material facts are in dispute, and the court can base its decision on arguments of law which the parties submit to it in writing without oral argument.

When the court hears the case, both parties can offer evidence to present their sides of the case. In order for the court to accept evidence as proof of a fact, the evidence must conform to technical rules concerning admissibility. As you gather data for a lawsuit, keep in mind that the principal question a judge considers is whether the evidence presented is relevant to the issue.

When the court issues a final decision in a suit, the

party against whom the decision is rendered can appeal the decision to a higher court (known as an appellate court). Appellate courts do not conduct new trials, and usually no new evidence can be presented to them. They merely hear legal arguments on why the lower court decision should be reversed.

Litigation is a viable, dynamic process for making the nation's laws live and function. It belongs in your repertoire of strategies just as much as lobbying in legislative campaigns or monitoring administration of laws, and in some cases it may be the only strategy to get results. The courts exist, like other branches of government, to serve the people; but unlike the rest of government, courts can't initiate corrective efforts. It is the responsibility of concerned organizations like yours to recognize that litigation is a full-fledged tool for change and to go to the courts in the public interest to achieve that change.

Diagram of the Federal Court System

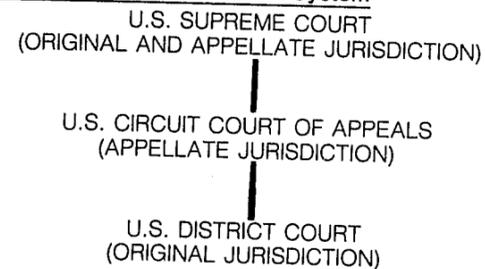
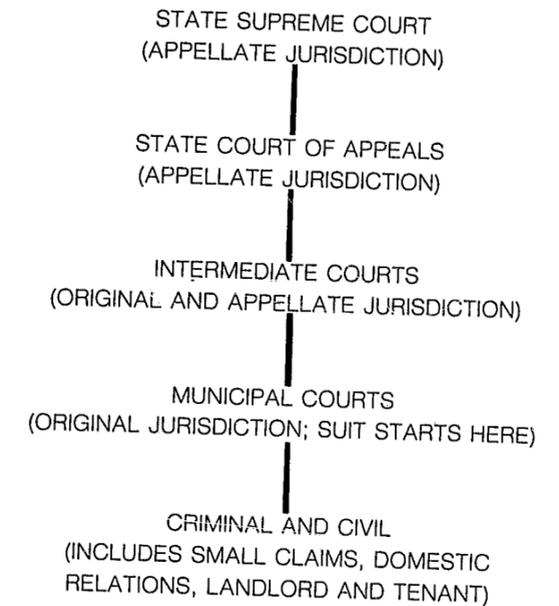


Diagram of a State Court System

(This diagram will of necessity vary from state to state, but is intended to give some basic idea of a state court system.)





Litigation has become a standard weapon in the arsenals of community groups working for reform. Public-spirited organizations have gone to court seeking to gain compliance with laws already on the books or to achieve needed reforms.

The League of Women Voters is one of many citizens' organizations that increasingly have looked to the judiciary to help protect the public interest. For the uninitiated, the experiences of state and local Leagues throughout the country will dispel the myths surrounding litigation and provide insights on the organizational costs and benefits of legal action.

How to decide when litigation is called for? How to find a lawyer? How to fund the suit? How to gauge the impact of legal action on community standing? These are the questions that citizens' groups must answer before entering the courtroom. The League's experience can point the way for other groups that are eager to use the judicial process to safeguard the public interest.

When letters, petitions or formal complaints fail to sway an official to the side of the public interest, it's time to consider litigation. When negotiation—or even confrontation—can't win compliance with the law, it's time to consider a lawsuit. When a group of individuals is suffering as a result of official intransigence, it's time to consider legal action.

Obviously, the possibilities for court action are as varied as the injustices that concern citizen activists. Consumer groups, neighborhood associations, civil rights groups, taxpayers' organizations—all who seek to protect the public interest—enjoy equal access to the judicial process.

Any one who has ever watched Perry Mason, Owen Marshall or Petrocelli knows that a good lawyer is vital to a successful case. Most savvy citizens' groups scout around for an attorney with expertise in the subject area of the suit. They ask other organizations for recommendations. They contact law firms, law schools, bar associations and legal aid societies. Very often, they locate a lawyer who will undertake the public interest litigation for a reduced fee or without charge.

Even if they lick the lawyer problem, budget-conscious citizens' groups worry about court costs. Filing fees, administrative charges, printing bills and the like can mount up. The attorney's out-of-pocket expenses—travel, postage, supplies, etc.—take a chunk out of the litigation budget, too. One answer to the money crunch is the traditional fundraising drive,

pitched to members and the public, that organizations rely on to finance any worthwhile action campaign. Many groups find that it's actually easier to raise a "legal defense fund" on a specific issue than to solicit money for an organization's operating expenses. Sometimes citizens' groups can simply adjust their budgets, reallocating available funds for the lawsuit. And with public interest litigation, there is always the possibility that the court will make the defendant foot the bill for lawyer's fees and court expenses.

"Our reputation will be ruined," cries many a naysayer when a citizens' group contemplates court action. The League's courtroom skirmishes have proved just the reverse. A courageous foray into the courtroom does wonders for a local group's community standing. Contributions continue to come—including some from new sources. The publicity that accompanies action on a controversial issue often attracts prospective members eager to get involved in meaty issues.

Gone are the myths militating against court action—the horror stories about organizing and documenting a case, securing counsel and raising necessary funds. In their place are newfound litigative techniques and newfound confidence that energetic court action in the public interest pays off both for the community and for the organization that risks it. Leagues that have had their day in court are ready to recommend the litigative strategy to other community groups. Win or lose, citizens' groups should be prepared to answer the challenge of governmental indifference with the classic rejoinder "We'll see you in court."

A Litigation Checklist

- Contact an attorney to discuss the feasibility of bringing suit and the kinds of relief that could be granted by a court. Then you can give your members a realistic picture of what the proposed lawsuit can achieve.
- Ask the attorney when you make an appointment if you will be billed for that initial visit and if so, at what rate.
- Point out your financial situation to the lawyer at the outset. If you can't afford to pay attorney's fees, ask the lawyer to donate his/her services.
- Approach established attorneys or law firms for free legal assistance first—they can afford it.
- Ask for an estimate of the court costs involved in the lawsuit, but remember that unanticipated expenses

may cause the final sum to exceed the attorney's estimate. To help keep costs down, offer to gather data and perform research, duplicating and other chores.

- Assess the amount of time required to maintain contact with the attorney, gather any necessary data, raise any necessary funds and keep the membership and the community informed about the lawsuit. Measure these requirements against your organization's other commitments.
- Ask your attorney about incorporating your community group as a means of insulating individual members from liability for activities of the organization. Many states have a special simplified and inexpensive procedure for incorporating nonprofit organizations. However, if your state has a campaign finance law, it may apply to incorporated organizations. Ask your attorney what the consequences of incorporation would be under that law.
- Ask the attorney if your suit is one that can be filed in either state or federal court. If it is, discuss the relative advantages and disadvantages of each.
- Keep your leaders and members up to date on the suit's progress. The time it takes a court suit to go from the preparatory stages to ultimate judgment depends, of course, on the complexity of the case. Designate one person as a liaison with the attorney to report regularly to the leadership. Progress reports at general meetings and in newsletters will help keep the membership interested in all developments in the case.

- Media coverage is extremely helpful in maximizing the public interest purpose of your lawsuit, but careful planning is required. Since lawsuits are sometimes not described accurately by the media and/or the opposing party in the suit, it's essential that you provide the media with adequate information about your suit—both when it's filed and when a decision is rendered—so that the purpose and consequences of the suit will be understood by the public. Always check with your attorney on the propriety, timing and content of all press releases and statements to the media. If you plan to use tax-exempt money to fund the suit, be careful about how you describe your organization's involvement in the suit.
- Be prepared to monitor the court order in the suit. The court will issue an order directing the parties to take certain action in accordance with its ruling in the case. This order is the sole source of the parties' responsibilities imposed by the court. They are required to do only what is stated in the order. If, as a party to a lawsuit, you have reason to believe that an opposing party is not in full compliance with the court's order, you may, through your attorney, petition the court to find the noncomplying party in contempt of court. Since court proceedings are matters of public record, another organization may wish to monitor compliance with a ruling on a subject which concerns it even if it has not been a party to the suit.



The court system provides an important avenue of action in some cases. For example, to make local, state, or national government perform or refrain from performing a specific act or program of acts, you may use legal action including mandamus and injunctions. You may also bring legal action against private corporations, organizations, or individuals. Sometimes you will produce equally satisfactory results simply by threatening to take a dispute to court where it can be publicly examined. If the target of your threat does not want this type of attention, fruitful negotiation may promptly get underway.

Class Action Suit

A "class action suit" is a further kind of legal action in which one or more individuals file a lawsuit in behalf of a larger group of individuals. If the court eventually agrees that the suit is broader than the individual complaint and involves a broad class of individuals, the determination of the case is applicable to all persons in those circumstances.

In *Morales v. Turman* (383 F. Supp. 53 Eastern District of Texas 1974), for example, a suit was brought in behalf of Morales and all other youngsters in a Texas institution for juveniles concerning conditions and treatment.

Amicus Curiae

Short of filing a suit on your own initiative, it may sometimes be appropriate to seek the permission of the court to enter a lawsuit as an "amicus curiae," that is, literally, "friend of the court" (also referred to as an "amicus brief"). This technique is used when an individual or group who is not a party to a lawsuit

wishes to present to the court legal arguments, facts, or other information that may not have been included in the positions of the parties to the lawsuit. In this way they may urge the court to consider in its decision the public or private interests or a third party. An amicus brief is often filed in class action suits when an advocacy group wishes to become involved in an action of special significance. An amicus brief can be filed in support of the plaintiff, who filed the original brief, or, in some cases, in support of the respondent, against whom the original brief was filed.

In New York City several years ago, for example, a class action suit was filed in behalf of a minority youth who allegedly was being denied residential placement and special services in a publicly supported but privately operated child care agency because of his minority status. Since the case had considerable implications for admission to services and the rights of children in the field of child welfare, several organizations filed amicus briefs, some in support of the youth and others in support of the City of New York.

There are many legal complexities involved in filing suits or becoming an amicus curiae. Seek the advice and assistance of a lawyer who can frame your case in the best way possible for your purposes. There are also many expenses.

If and when your group seeks action through the judicial system, note that some of the methods commonly used in trying to influence action in the executive and legislative branches of government do not apply. For example, a letter-writing or telephone campaign is generally considered an improper tactic if aimed at judges.

Introduction

The most basic form of advocacy is education—simply informing other people of your point of view. Although education is basic, however, a forum is not always available and it is often difficult to be clear and concise on issues that are important and may be controversial.

The following sections outline in detail the variety of ways to get your point across in your community. With the support of an informed community, you will find that all other aspects of advocacy are more effective. Community education is indeed the base on which other actions on behalf of youth should rest.

Service personnel, overworked and necessarily preoccupied with daily crises, often fail to assess their community to determine available or potential resources for help with their work. There are innumerable possibilities, frequently not obvious at first glance, that can be seized to the advantage of a service or advocacy agency. It may well be valuable to invest your time to study the various entities within your community to discover who may have an interest in the activities you are about to initiate.

A similar project may have been done before. For example, the results of a community needs assessment or other statistics may be available to you for the asking. Service staff are generally pleased to share their successes and might help a new project along if it is not a duplication of services.

Public officials, the business community, librarians, school principals, researchers, and others should be consulted as to resources, as well as solicited for their support for your project. Prepare a list of questions to ask before locking yourself into an action plan. Asking for advice is a good way to engage people's support.

An agency's board of directors can be a valuable resource to your work if they are brought in from the beginning. Gain their support with sufficient information about your project to ensure their involvement. The board needs to feel responsible for the success of your program—they are liable if something goes wrong. (It is important to have a good representation of the community on your board.) As you proceed with your project, bring in potential opponents and work with them. They can become your greatest allies; if they are not included, they may

fight your project without interest in your client or your goal.

Also involve your peers, if only by asking their advice, to gain their approval or at least acceptance. Do your homework: learn about the field you plan to enter to earn the respect of those you will be working with. Work collaboratively with others in your community—there is power in numbers, if you can agree on a few issues. It is difficult to work in isolation and usually ineffective.

Build a track record. If you are successful at achieving change, or if you have a client you were able to help, see that it gets recorded and that you and your agency get the credit. Make the people whose support you seek, aware of your past successes. You can do an excellent job, help everyone in your community, and get all sorts of laws changed, but if no one knows about it, your image will not change. You do not have to initiate a sophisticated media campaign to obtain the public's attention. Let your staff in on what you are trying to accomplish and encourage them to talk about it; encourage your board to discuss your project with friends and business associates; recruit volunteers (don't forget youth and senior citizens) to spread the word; send invitations to the media for your functions; establish a relationship with members of the press who may become sympathetic to what you are trying to do.

In short, know what people have power, and plan strategies to engage their help. If you know what makes your community work and are willing to get involved with the community, the resources available to you are countless.

The daily papers are important media sources reaching large numbers of people. There are other papers, however, with more focused audiences, and these may be very important in your attempts to reach specific groups. These special publications are smaller and thus more closely geared to the reader's interests. They may also be easier to use than the larger media outlets since smaller papers are usually hungry for news of interest. Such publications include the following:

- Weekly newspapers which depend more on local news than national or international news. They typically consider themselves an integral part of the local community and depend on hometown folks to provide the bulk of the news they publish. Since they are smaller and more manageable, many people who only skim the dailies read these from cover to cover.
- Employee publications which are put out by major industries, universities, governmental agencies, and other organizations for employees and their families. With those, you can peg your publicity to the interests of the particular groups covered.
- Neighborhood newspapers which are of particular significance when trying to reach or mobilize the residents in particular areas.
- Ethnic newspapers which can be a big bonus when you are trying to involve minority groups.
- College and high school newspapers which can help in your bid for students, faculty, and staff.
- Throwaway shopper news which are provided free by participating merchants. Distributed at retail outlets, through the mail, or delivered door to door, these papers frequently include television guides, community calendars, and news columns of interest to the average shopper in addition to advertisements.
- Local magazines which may carry feature stories of your project.

Your coverage in newspapers may be in the form of press or news releases, feature stories, editorials, special columns, letters to the editor, advertisements, or Sunday section specials.

News or Press Releases may be prepared by your organization and submitted to the appropriate editors or broadcasting managers. Some simple guidelines for preparing releases are:

- The "lead" of the story should include the *who*, *what*, *when*, *where*, *why*, and, if possible, the *how* of the story in the first two or three sentences. Cover the

details with each successive paragraph being of lesser importance. Forget about what the people wore and ate.

- Use short words, short sentences, and short paragraphs.
- Be brief. The maximum coverage that an editor will give to one story is about one or two double spaced, typewritten pages. One double-spaced page equals about six inches of newspaper column. Omit most adjectives and unnecessary words like "the," "a," and "an." If you can't adequately cover a story in one to two pages, perhaps you should prepare two or more releases.
- Stick to facts and be sure every point (dates, time, places, names) covered is accurate.
- Type the release on regular 8½ × 11 inch white paper, double spaced, leaving 1½ inch margins on each side and 3½ inch margin at the top of the first page.
- Never submit carbons, but photocopies may be used.
- Include your organization's name and your contact person's name, address and phone number in the upper left-hand corner of each page.
- Type the release date, followed by the date the release is being mailed or delivered, in the upper right hand corner of each page. Put either "For Immediate Release" or "Release After (time/date)." Releases to be held by the editor for some time are more likely to get buried; therefore, it is definitely preferable to use "For Immediate Release" whenever possible. Many publicists date releases two or more days after the day it is being mailed to make up for time lost in the mail and in getting to the editor's desk.
- Before submitting a release, carefully proofread it for factual, typographical, and grammatical errors. Then ask yourself—and possibly others—if it would be interesting and make sense to someone not already involved with the project.
- If all's well, mail the release to the appropriate people. If possible, deliver it yourself.

Many newspapers have style sheets explaining how to prepare news releases. If you are not comfortable preparing a news release, you may prepare a single fact outline for the editor or other staff to use in writing a release. The newspaper may have guides for fact outlines; essentially they are prepared with five marginal headings; *who*, *what*, *when*, *where* and *why*.



When your fact outlines or releases are used, study how the media changed them so you can improve your future releases (or at least more closely approximate how the media want them).

Editorials are considered by many to be the most influential section of the newspaper. Don't be bashful; ask the editor for editorial support. An editorial would typically follow, not precede, other forms of publicity in the paper. Submitting a news release may be a good occasion to suggest an editorial. You might send the editor a copy of the release along with a cover letter explaining why you feel an editorial would be appropriate. You might even include an outline of what could be covered in the editorial, but since editorials are the editors' pride and joy, expect that they will want to write their own. The editor may decline giving editorial support, but offer you the opportunity for an op-ed column which a member of your organization or a friend having a way with words can write.

Letters to the Editor can be used to solicit support, explain your program, and to thank the paper and/or public for past support. Letters will also get your agency's name in print and associated with a particular issue. Newspapers and other media usually welcome letters to the editor, generally on both sides of an issue. Letters to the editor are often easier to

get into print than feature articles, are widely read, and, because they are usually not edited, allow your point of view to be expressed rather than the newspaper's. In considering editorial replies, do not forget magazines, radio, and television, which also have procedures for publicizing editorial replies.

Some tips for writing letters to the editor are:

- Write as often as you are concerned about an issue.
- Don't wait to respond to an article or editorial about an issue—write your own views and submit them unsolicited.
- Discuss only one issue per letter.
- Be brief and to the point.
- Explain the reasons for your opinions. Explain how proposals under consideration would affect you, your family, your work, or your community. Personal experience is among the most important evidence you can provide.
- Be fair and factual with your subject matter. Don't exaggerate.
- Include your name and address. Letters are often turned down without them.
- Keep a copy of your letter for future reference.

Media Relations refers to your dealings with newspapers, radio, television, magazines, newsletters and other publications. Media relations is a key part of any advocacy program, to be used along with the other techniques described in this section in communicating with your members and your community.

Uses

- To keep the community aware of your activities
- To build morale through public recognition of members' work
- To open the performance of an individual's organization or institution to public scrutiny and to exert pressure for reform
- To announce forthcoming events and attract attendance
- To build public confidence in the activities of your agency
- To mobilize community action in support of your goals

Resources Needed

People

All contact with media should be channeled through a public information chairperson. Depending on the size of your community, the activity of your agency, the number and type of local media, and the availability of time, the public information chairperson can work alone or may need a committee's help.

Time

The amount of time needed for effective press relations work depends in large part on the scope and nature of your agency's activities. Calendar notices and meeting announcements can be prepared and submitted in just a few minutes. Arranging a press conference where an explosive report will be released, publicizing a major demonstration, or informing the community about a new referral service may take a few weeks. Working on a television "special" or building public support for a new program may take months.

Money

Bare Bones Budget: Can be very low. Postage for news releases, duplication and stationery will be your

major costs. Use members' telephones for making and receiving calls.

Better Budget: Include funds for photography, either to pay expenses for a volunteer or to hire a professional at times when a newspaper photographer or television cameraman is not available to cover your newsworthy activities. A professional's rates may range from \$5 to \$25 per picture, with the cost per picture decreasing with the number you order. Include money also to produce slides and tapes for broadcast use.

Best Budget: Include funds for producing professional quality films for television use.

Action Checklist

Preliminaries

- *Compile a press list of media and writers likely to use your agency's news and keep it up to date.* Learn which editors or departments cover the type of news you will be generating. Determine and adhere to their deadlines and other requirements for copy length and illustrations.
- *Study your predecessor's files and consult him or her about specific problems and media representatives with whom you may be dealing.*
- *Establish a policy on the clearance of releases and statements before they are issued to the press.* Errors and retractions are embarrassing and damage your credibility.
- *Have a spokesperson easily available to the press at all times.*
- *Have a procedure for reproducing and delivering releases quickly when your news is "hot" and deadlines are close at hand.*
- *Compile a background file on your agency for reference use.* This should include old clippings, releases, and publications.

Doing It

- *Be timely.* Submit stories and ideas as far ahead of deadlines as possible and while they are still current.
- *Be newsworthy.* Submit stories and ideas of interest to the entire community if you want to get good coverage.

Don't overdo routine stories. Above all, don't call press conferences when a news release would be equally effective in making your announcement.



Don't beg, plead, or threaten in order to get more time or space. Stories and ideas are generally evaluated solely on the basis of their merits.

Be realistic. Routine business meetings may merit only a calendar notice in the local weekly while a report exposing violations of a conflict-of-interest law may be front page news for all the big-city dailies.

- *Target your information to the right publications, editors and departments.* Make a special effort to tailor your materials to fit the preferences and needs of each outlet. Do not send the same story to more than one department or writer at the same publication unless each one knows about the duplication.

- *Go beyond news releases to get media attention.* Submitting letters to the editor from officers, providing exclusive tips to columnists, preparing public service radio announcements, and arranging appearances on TV talk shows are effective alternatives or supplements to news releases.

- *Alert members and supporters when you expect press coverage* so they can be part of the audience. It is a good policy to inform agency members of newsworthy activities before you inform the press so they don't learn about their own organization from a second-hand source.

- *Try to include references to the programs and purposes of your agency in materials you distribute.*

- *Keep reference copies to old releases and distribution lists.*

Evaluation and Follow-up

- *Monitor broadcasts and publications for use of your materials.*

When you see your submissions used, study the media's treatment of them so you can find ways to

approximate more closely the media's needs with future materials.

Keep a scrapbook of news clippings and records of broadcast use of your material.

Consider quality as well as quantity of coverage. One long, front-page story in a major metropolitan newspaper may move you closer toward your goals than 35 one-inch fillers in your local weekly.

Send copies of clippings to the people mentioned in them. Use your agency's newsletter to report on press coverage. If members see that their activities are attracting attention, they are likely to be inspired to do even more work.

- *Thank editors when they provide you with good coverage or do a good job on your stories.*

- *Don't alienate editors by demanding an apology or retraction for every minor typographical mistake or omission in their coverage of your news.* Save your complaints for serious errors and consider the others as the price you pay for free publicity.

- *Don't call editors to ask why your stories or ideas weren't used.* Instead, study those that were chosen and work to make yours as interesting.

Key Points

Channel all press contacts through your public information chairperson.

Always be completely honest in your dealings with the press.

Learn media deadlines and meet them.

Don't beg or coerce editors in attempts to get your stories used. If they are of community-wide interest, they will be accepted on their merits.

A **Speakers Bureau** is a clearinghouse that provides speakers, discussion leaders, and resource persons to address or participate in meetings, classes, and various programs. It may provide speakers representing only one organization, viewpoint or subject; or it may include diverse groups, viewpoints and disciplines. It may also provide film and literature to supplement its speakers.

Uses

- To systematically reach organized groups and opinion leaders with a persuasive, impressive personal representative
- To build public understanding or support (including fund-raising and recruitment) for your position, organization, and activities
- To dispel misinformation or to rebut charges
- To make the best use of your spokesperson's time
- To respond efficiently to requests for speakers or personal appearances
- To insure that all your spokespersons are consistent in their public statements
- To provide a central community source of speakers

Resources Needed

People

A coordinator is needed to organize and operate the bureau. Several other volunteers may help with administrative tasks. Your public information chairperson should be involved in efforts to publicize the bureau and speakers' appearances, as well as in the preparation of literature for distribution at speaking engagements and audio-visual materials for use in conjunction with appearances. Up to several hundred people can form the speaker corps.

Time

Organizing and publicizing the bureau, preparing handouts and audio-visual materials, and training speakers will require from 30 to 80 hours. This work can be spread out over several months, but could be done in a few weeks, if necessary. Allow 60 to 90 minutes per speaking engagement to process the request, provide needed materials, help with publicity, and get evaluations.

Money

Bare Bones Budget: None. Use someone's home and telephone free. Do no mailings and have no handouts or audio-visual aids for speakers. Have speakers absorb travel expenses. Many bureaus are run this way.

Better Budget: Provide enough money for the following (listed in order of priority): handouts about your group or position for all audience members at speeches; printing and postage for news releases about the speakers bureau; reproduction and mailing to speakers of background information and sample speeches; audio-visual aids for speakers (slides, charts, posters, samples, props, etc.); travel expenses for speakers, especially parking fees or carfare, but perhaps babysitting fees also.

Sources: Fees paid or contributions made by groups supplied with speakers, perhaps on an ability-to-pay basis or perhaps to cover only expenses.

Action Checklist

Preliminaries

- *Decide what subjects your speakers will cover.*
- *Recruit a corps of speakers who are or will become informed on these subjects.*

Include agency officers and most active members, but also other members and supporters.

Seek out people who belong to organizations like a toastmistress club or who have had public speaking experience. Teachers are often excellent speakers.

- *Set up a background file on each speaker to help fill requests and publicize talks.* Include the following information: (a) time and days generally available; (b) transportation available; (c) topic specialties; (d) background, interests, other memberships and affiliations; (e) appearances made on your behalf; (f) biography; (g) several black and white glossy photographs.

- *Help your speakers be more effective by improving their knowledge of speaking techniques and of your agency's activities, positions, and organization.*

Provide written fact sheets outlining key points to be included in talks, along with statistics, examples, quotes, and other useful specifics.

Be sure speakers are on your agency's mailing list and are kept informed of all key developments about which they may be asked at a speaking engagement.

Provide sample speeches for speakers to use with modification into their own style.

Run training workshops to let speakers practice talks, exchange tips and discuss problems. A local speech teacher, toastmaster, or toastmistress might do this free. Check members and spouses for possibilities.

Before sending a new speaker out alone, have him or her accompany an experienced speaker to observe.

Tape or film talks for critical review.

- Assemble handouts your speakers can distribute.

Use existing organization literature if it is appropriate.

Provide enough extra copies of the handouts for groups to send to absentees with their next newsletters (have your speakers suggest this).

Work out a system to "code" your handouts if they include reply forms so you can measure responses.

- Prepare audio-visual materials for speakers. (See later material on audio-visual techniques.)

If you have a large number of speakers, consider preparing a short (10 to 15 minutes) slide show or film giving the basic information about your topic. The speakers can then build on this to discuss their specialty.

Keep track of the location of your materials. If speakers can't easily pick them up, provide delivery service.

- Let groups know you have speakers available.

Use the press. Channel all contact with newspapers, radio, and television through your public information chairperson.

Contact organizations directly.

- Prepare a brochure or letter to send to presidents and/or program chairpersons. Tell them who is available, what the topics are, how much notice is needed, and what costs, if any, are involved.

- Here are some types of groups you might want to contact:

Civic associations

Women's clubs or men's clubs

Youth and scout groups (and groups of their adult leaders)

Activist, "issue" groups (environment, consumer, peace, etc.)

Classes (adult education, school and university)

Senior citizen groups

Labor unions

Business and professional organizations

Church and religious groups

Service or fraternal community organizations

Teacher groups

Parent groups

If you learn a group has had or is planning a program on your opponent's view, ask to present your own view "for balance."

The largest groups are not necessarily the most important ones to address. A presentation before a small group made up of opinion or organization leaders may sometimes do you more good than a talk before 500 apathetic individuals.

If a group is too small to make a talk worthwhile, suggest that it combine with a nearby or related group for a joint meeting featuring your speaker.

- Focus your efforts on the groups most likely to contain the types of people you want to reach or whose active support you want.

Don't hesitate to speak before potential opposition groups. Your speaker may be able to neutralize the opposition by a talk that stresses areas of agreement, dispels misconceptions, and impresses audience members with knowledge, "responsibility," sincerity, or friendliness. Be sure to send your best, most experienced representatives on such missions.

Follow up on your initial mailing by telephoning organizations you especially want to reach.

If a formal speech can't be arranged as the main feature of a program, ask for five or ten minutes to make a brief presentation and distribute literature.

Doing It: Operating the Bureau

- When you get a request for a speaker, find out all you can about the group making the request, the intended audience, the program format, the speaker's obligations (speech only, answering questions, eating dinner, or joining a coffee hour) and the facilities.

- Choose the speaker who can most effectively deal with the assignment.

Consider sending someone with ties to the group (e.g.,

a businessperson to a chamber of commerce, a young person to a youth group). This will show you have things in common.

Save your top people for the most important appearances.

- Give your speaker all the information you can on the group, audience, and facilities, and help him or her tailor the talk to the occasion.

- Have a contact to deal with as plans progress or change.

- Check out all details in advance.

If your speaker will need special equipment (table, easel, projector, screen, etc.), be clear on who will provide it. Be sure you will have the right type and necessary back-up equipment such as spare bulbs and special three-prong plugs.

Get permission in advance if you want a sales or literature table as part of the presentation.

- Provide the sponsoring group with background material on your speaker and your agency to use in publicity and introductions.

- Be sure the speaker gets literature, exhibits, and other audio-visual materials needed for the talk and knows how to use them.

- Two days before the meeting, call up both the sponsoring group and your speaker to remind them of the engagement and make sure there are no problems.

Evaluation and Follow-Up

- After the talk, call the group contact for a frank opinion of your speaker's effectiveness. Do this

before calling your speaker, if possible. At the same time, ask for copies of the group's newsletters mentioning the speech or other write-ups of the event.

- If your speaker doesn't call you with a report, you should call. Ask about the size of the audience and the reception. Offer reassurance and arrange for all needed follow up.

- You may use written evaluation forms, too, but you will get more rapid, complete, and honest feedback by telephone.

- Be sure to thank your speaker, not only privately by telephone or in person, but also publicly through your newsletter.

If the sponsoring group sends you a thank you note, or if you get any other feedback from the speech, including newspaper clippings, be sure to send copies to your speaker.

Give speakers certificates or awards for service each year.

- If you coded your handouts, check to see which talks led to new members, request for information, contributions or other feedback.

Key Points

The worst thing you can do is promise a group a speaker who does not appear. Be sure all commitments are kept, even if your coordinator has to fill in for a "no-show" speaker at the last minute.

Never send out a poorly informed or misinformed speaker. Be sure all speakers have up-to-date information, especially about controversial matters.

A Talk may take the form of a lecture, briefing, presentation, formal statement, testimony, welcome, or "brief remarks." It may be read, recited from memory, delivered from notes or an outline (extemporaneous), or delivered with no prior preparation (impromptu).

Uses

- To inform, persuade, impress, or entertain through a personal appearance
- To present information and opinions at hearings, meetings, conventions, debates, panel discussions, and similar gatherings.

Resources Needed

People

A researcher, a writer, an artist, and a speaker make up the team for a successful talk. One person may combine all these roles, or the jobs may be divided according to background and skills.

Time

Will vary with the experience of speaker, familiarity with assigned topic, and lead time available for preparation. Old speeches can often be quickly reworked for new uses. Experienced speakers will often deliver brief talks with no prior preparation.

Money

Little or none needed, except to purchase supplies for making audio-visual aids if these are to be used. On the day of the talk, the speaker may incur travel, parking, or babysitting expenses.

Sources: (1) Out-of-pocket, absorbed by volunteers; (2) fees paid or contributions made by group inviting the speaker.

Action Checklist

Preliminaries

- Research the audience first.

Lace the speech with specific references to the audience's interests, leaders, heroes, achievements, plans, members, attitudes, and potential involvement in your activities.

Respect beliefs, loyalties, and attitudes of audience members. Be able to show how your view follows from or agrees with theirs.

- Review old speeches. They may often be successfully reused with the addition of specific references to the new audience and recent events.

- Include many examples, anecdotes and other specifics to illustrate and prove your points. Generalities are boring and unconvincing.

- Actively involve the audience in the talk. Plan to poll audience members before or during the talk. Ask rhetorical questions, invite feedback, or ask people to introduce themselves. Encourage listeners to publicly commit themselves to your view.

- Make clear what you want the audience to do in response to your appearance (e.g., support a bill, give money, join up, tell their friends, write a letter).

Draw conclusions for the audience rather than rely on its members to draw their own, especially if the subject is complex or the audience is not well informed on your topic.

Show the audience members what your topic means to them and to people about whom they care.

- Arouse the audience's needs (i.e., discuss the problems) before you describe the solution.

- Prepare your audience early for later counter-arguments it will hear.

- Present only the favored side of a controversial position to persuade less informed audiences and to reinforce views of already persuaded groups. Present both sides to better informed audiences and to opponents. The latter groups must be inoculated against subsequent counter-propaganda.

- Divide your talk into an introduction, body and conclusion. Tell your audience what you will tell them; go ahead and tell it to them; and then tell them what you have told them.

- Give your listeners frequent guideposts so they can stay with you. Remember, they can't go back to "reread" a sentence they may have missed.

Use a highly structured organization. Tell the audience how many points you intend to make and conspicuously label each one with words like "first," "second," and "third."

Use concluding words like "finally," "last," or "in conclusion," but only when you are at the end of your talk.

Repeat and review your main points. Make clear the relation of the details in your talk to these points.

- Use repetition, refrains, and chants, especially when addressing large audiences. (Observe how effectively these techniques are used in political speeches and sermons.)

- Make sure the talk is in language that sound natural for the speaker, yet accommodates the audience.

- Write for the ear, not the eye. Use short sentences and words wherever possible. Even if grammatically incorrect, use phrases and incomplete sentences for emphasis.

- Don't assume the audience knows what any specialized term means. Include a definition, preferably with an example, the first time a term is used.

- Make all speeches as short as reasonable for the occasion. Audiences always appreciate brief, to-the-point presentations.

- Use large type, double or triple space, underline and use phonetic spellings for unfamiliar words when preparing a text for a speaker. Don't use onion skin, paper that rattles in a microphone.

- Remind the speaker to pause at appropriate places. Write the word "pause" or some numbers (1-2-3-4-5-6) at the stopping places in the text.

Doing It: Delivering the Talk

- Practice beforehand out loud, or better, on tape. Be particularly sure you can pronounce all the words and names in your speech.

- Go out with an experienced speaker before doing any public speaking on your own. Try to visit a session similar to the one at which you'll be speaking. For example, observe a hearing before you testify.

- Make sure the pages of your talk are arranged in the right order. In fact, make sure you have all the pages. Number all pages and note cards so they may be quickly reassembled if they are dropped or blown away. (It happens surprisingly often!)

- Arrive early enough to hear relevant, previous speakers, especially on controversial issues and to determine the tone of the meeting. Ad lib with references to what you have seen, if appropriate.

- Develop and use good platform habits.

Don't speak too quickly. Pause between sentences and thoughts to give your audience a chance to digest or react to what you have said.

Speak loudly enough. Ask at the start of your talk if you can be heard in the rear. If not, get the microphone fixed before you continue. Be sure not to be too close to the microphone.

Avoid reading your text.

- Use pauses to look at your notes or text and see what comes next. Then, when you speak, look at your audience instead of your text.

- Read quotations or statistics, which you would not be expected to remember, but try not to read much else.

Look at members of the audience in all parts of the room and establish "eye contact" with individuals.

- Be flexible. Cut, if you must, even if you spent hours in preparation. If a previous speaker usurps your main point or your best example, don't give it again. Instead, note your agreement, summarize for emphasis, and concentrate on the remaining parts of your talk.

- If asked a question you can't answer, don't get flustered. Promise to get the information to the questioner and follow through immediately. To avoid this problem, try to anticipate questions you will be asked to have answers ready.

- Know when to stop. Build up to an effective conclusion and end your talk while the audience is still interested and enthusiastic.

Evaluation and Follow-Up

- Ask to see evaluations of your talk, even if they are unfavorable. Rejoice in praise, but also work to improve weak points.

- If you promised follow-up information to any audience members, provide it immediately.

- Report to others in your agency on your experience and reception.

- If a recording or videotape of your talk is available, review it critically to find ways to improve your next talk.

- Participate in speaker training workshops or public speaking courses.

Key Points

Tailor your talk to the specific audience you will be addressing.

Use a highly structured organization for your talk.
Look at members of the audience while you speak.

Be as brief as possible.



Public Meetings, Conferences, and Teach-ins are all variations on the same theme. They bring together relatively large numbers of persons for a period of information sharing and discussion. Depending on their length, size, scope, and purpose, these gatherings may also include joint action on the part of the participants.

Uses

- To thoroughly explore an issue or position
- To provide education, especially on a controversial issue
- To expose participants to new ideas and viewpoints
- To rally public support, increase your ranks, or otherwise stimulate action
- To inform and update participants
- To provide an opportunity for persons with related interests to interact

Resources Needed

People

One or two persons should coordinate the entire effort. In addition, committees or individuals are needed to coordinate the program, facilities, and publicity. Persons or groups to take responsibility for conference finances, exhibits, registration, housing, and child care may also be needed. A conference steering committee composed of the coordinators and the persons with major responsibilities for each of these areas is a useful planning device.

Time

A public meeting should last no longer than three hours and can be organized in a few working days. A one-day conference or teach-in generally needs at least one month to set up. Larger or longer conferences require from one to several months of preparation, depending on their scope, size and length. A three-day conference including major speakers, seminars, work groups and entertainment may need six months of preparation.

Money

Bare Bones Budget: Up to several hundred dollars. Some printing and postage costs are usually unavoidable. You may also have to pay for a guard, insurance, and janitorial expenses. If you can get

speakers to donate their time, obtain a free meeting site, get free food or dispense with meals, and get free clean-up services and arrange free printing or duplication, you will eliminate all costs.

Better Budget: Up to several thousand dollars. Allow sufficient funds for (1) printed handouts for participants; (2) publicity materials such as posters, leaflets, direct mailings, and news releases; (3) room or hall rental, including security, insurance, sound equipment, podium, tables, and chairs (the latter items may be included in the space rental fee); (4) speakers' fees and travel expenses; (5) films, slides, projectors, blackboards, and other back-up materials; (6) meals or refreshments, including free meals for special guests and speakers.

Sources: (1) Registration or admission fee; (2) contributions requested midway through the program, if the meeting is an informal affair; (3) sales of literature or other materials at the meeting; (4) grants from foundations or other organizations interested in your program; (5) exhibitors' fees. Meetings and conferences can be income-producing events if planned properly.

Facilities

The program will determine the kind of space needed for your meeting. Large halls for plenary sessions with nearby small rooms for discussions and workshops are ideal. Hotels, colleges, and large churches often have such facilities.

Action Checklist

Preliminaries

- *Decide on the conference topic, scope, and purpose.* Choose the most appropriate format to achieve your goals and accommodate the number and type of people you wish to attract.
- *Set up working committees and/or select coordinators* to be responsible for the various aspects of the conference.
- *Select a date for your meeting.* Try to avoid conflicts with other community events.
- *Plan a conference budget.* If you must charge a registration fee, be sure it is high enough to cover all your expenses yet low enough not to discourage attendance.
- *Obtain a convenient place that is the right size for your meeting.*

Make reservations as far ahead as possible.

If you use a hotel or college campus, be prepared to guarantee a minimum attendance.

Plan to be slightly crowded. This will work to your advantage. A smaller room that is filled to overflowing encourages interaction; whereas an enormous hall that is half-empty is depressing.

Check in advance on provisions for and costs of security guards, janitorial services, registration and exhibition areas, extra meeting rooms, food and beverages, sound systems, telephones, podiums, extra chairs, ash trays, copying equipment, and projectors. Some places provide these at no extra charge; others provide them for an additional fee; and others don't provide them at all.

If your conference location is unfamiliar to many of the participants, prepare maps showing meeting rooms and nearby restaurants. If meals are to be eaten independently, prepare a list of nearby restaurants too.

- Obtain approval for or modify your preliminary arrangements before it is too late to make changes.

- Invite speakers, panelists, and other key resource persons as soon as possible.

If your meeting is designed primarily to build support for one side of an issue, decide early whether you want the opposition to participate in the program. Inviting opponents may defuse any planned disruptions or charges of one-sidedness. In general, opponents should be scheduled early in the program, sandwiched between your most effective speakers.

If your meeting is designed to present a balanced examination of a controversial issue, seek out the best spokespersons you can find for each side. Ask opposing groups to help the program.

Make it possible for interested participants to question speakers.

Recruit discussion leaders, moderators, recorders, and observers to "staff" different conference sessions. Provide written instructions or hold an orientation for meeting for these people before the conference in advance of the conference.

- Plan the conference to have some lasting impact. Provide an opportunity for resolutions to be passed, implementation committees to be formed, and follow-up meetings to be planned. Include sessions showing participants how to apply what they learned.

- Plan materials and activities such as films, exhibits,

plays, and even entertainment, to supplement the speakers and vary the types of presentations.

- Make audience participation and discussions an integral part of the program.

Schedule some free periods for spontaneous discussions.

Plan more than one option per time slot if workshops or seminars are on the program.

Give small discussion groups working papers or discussion questions to help focus their sessions.

- Limit the amount of background material you give participants before the conference. You will have time for much advance preparation. Try to limit your pre-conference materials to only one or two hours' reading. Include suggestions for supplementary reading for those with more preparation time.

- Prepare conference publicity and preregistration materials. Include information on costs, location, speakers and program.

Work with your public information chairperson to publicize the conference.

Encourage organizations sending speakers, exhibits or representatives to help publicize the meeting.

Plan your publicity not only to attract attendance but also to inform the community about your agency's positions and concerns. Far more people will read about than attend your meeting.

- Make arrangements for conference communications.

If on-the-spot reports will be generated, make arrangements for duplicating, collecting, and distributing them.

Plan a message center for delegates to use to communicate with each other.

Determine procedures for locating participants and getting emergency messages to them during the conference.

- Encourage pre-registration and advance distribution of conference materials. This will eliminate confusion at the start of the meeting and make it possible to prepare a roster of participants, which many attendees will want.

- Arrange for tape recording, photographing, and otherwise documenting the conference proceedings. If you want to prepare bulletin reports, publications, slide shows, or other materials based on the conference,

you will need tapes, photos, film or notes to work from.

- Before the conference, review with key "staff" members their responsibilities for the meeting.

Be sure to meet with the staff of your meeting facility to go over every single detail, right down to the number and arrangements of chairs, ashtrays, and water pitchers in each meeting room.

Have an agency meeting at which you review plans and assign specific conference day tasks to members.

Brief your discussion leaders, recorders, and observers on their duties.

Doing It: Running the Conference

- For the day of the meeting, assign a member to "troubleshoot" each session. The person should be prepared to deal with problems such as insufficient chairs and missing speakers.

- Have enough people available to greet new arrivals, register them, and direct them to the appropriate meeting room without delay.

- Encourage everyone attending to complete an information card showing name, address, telephone number, and affiliation. This is a good way to build up a mailing list.

- Meet, brief, and escort all speakers. The person who made the initial contact or issued the invitation is usually best for this job.

- Have extra copies of working papers, maps, programs available for late registrants and for participants who didn't receive or who forgot their copies.

- Always introduce all speakers to the audience, even if there is a printed program.

- Have membership information and applications on

hand for participants whose interest in your agency is kindled by the program.

Evaluation and Follow-Up

- Station suggestion boxes or interviewers at strategic locations to enable you to get instant feedback from conference participants. Make appropriate, feasible changes in the program or arrangements to deal with criticisms.

- At the end of the conference or after specified sessions, distribute evaluation forms for participants' comments.

- If the program was interesting and successful, issue a conference report or prepare an audio-visual presentation based on the proceedings. Make copies available to libraries, schools, participants, and other interested organizations.

- If the conference results merited it, schedule a press conference or a press release to announce the achievements of the conference. Coordinate this activity with your public information chairperson.

- Thank all speakers and resource persons by letter.

- Use the registration list as a mailing list for future meetings and perhaps as a prospect list for attracting new members or action program allies.

Key Points

Start work as early as possible.

Time your conference so that it does not conflict with other major community events.

Don't have too much space.

Plan for audience participation and feedback.

Pay attention to all petty details beforehand.



Recorded Message Services, frequently known by names such as dial-a-consumer or dial-a-prayer, use the telephone to communicate short messages (generally 20 to 45 seconds). In most cases, the message is given only to persons who call a certain number; however, some new equipment automatically dials various telephone numbers and gives the message to the person who answers. The message services can be one-way (only giving out messages), or two-way (both giving and receiving messages). Among the information transmitted by these services have been the time, weather, stock prices, consumer and nutrition tips, employment opportunities, museum hours, coming events, gardening advice, public warnings and calls to action.

Uses

- To provide timely information on short notice
- To announce upcoming meetings, hearings, demonstrations, and other events
- To seek out public opinion on particular issues
- To educate the public
- To provide radio stations with broadcast material
- To provide an answering service

Resources Needed

People

One person could handle the entire operation. However, the job is best shared by two or three people: a writer to prepare announcements; a person with a good speaking voice to record them; and, in two-way systems, a "secretary" to listen to, transcribe and respond to or tally incoming messages.

Time

From 30 to 80 hours to set up and publicize the service. From 30 to 60 minutes (more at first) to write and record each message. Up to two hours to listen to and transcribe a full tape of messages. Additional time to follow up on messages or return calls.

Equipment

You will generally need a separate telephone line and an automatic telephone answering machine. In some cases, you will need a telephone "coupler" to connect the machine to the phone. The answering machines

work like tape recorders and are available in cassette as well as reel tape models.

Money

Bare Bones Budget: Try to get the telephone company to bill you at the "residential" rather than "business" rate for your telephone. Limit the area covered by your service to your local "unlimited" exchange area (i.e., to the area persons can call without paying an extra toll). Use the cheapest answering machine available (a few models cost less than \$200), but be sure they can handle your volume of calls. Many can't. Restrict yourself to a machine that gives but does not receive messages and that lacks a message counter or remote-control playback features. In the long run, purchasing an answering machine outright is the most economical approach; however, if you cannot raise the purchase price (\$250 to \$625) at one time, a rental, perhaps with option to buy, will be easier on your budget. Rental rates run from about \$16 to \$32 per month.

Better Budget: Get a "business" telephone which entitles you to a listing in the classified telephone directory. Consider a "toll-free" line that enables persons to call your message service, at no extra charge to them, from all over your state, from a multi-state region of the country, or perhaps from any part of the country. The cost for nationwide full-time use of a phone line in this manner is about \$1850 per month. An alternative, "measured rate," which varies with the time the line is in use, costs about \$350 per month for 25 hours' nationwide use, plus \$20 for each additional hour. Comparable costs for a statewide or regional "toll free" line may be as much as half of the nationwide rates. Check all rates with your local telephone company. With a better budget, get the more sophisticated and rugged machines. In addition, budget for news releases, spot announcements, paid advertising, posters, and/or direct mail to publicize your service and encourage calls.

Sources: (1) Donations from members or the public for operating the service; (2) grants.

Action Checklist

Preliminaries

- *Decide whether you want a one-way or two-way message service.* Machines that take as well as give messages can be used as an answering service and as opinion-gathering devices. They are also generally

more expensive and require extra time for playing back the tape to get messages.

- *Select a telephone automatic answering machine.* Comparison shop to get the best combination of price, guarantee, and features.
- *Make arrangements for installation of the telephone and the machine.* Many of the machines can be connected by a do-it-yourselfer.
- *Learn how to operate the machine and know the procedure to follow if it breaks down.*
- *Assign responsibility for writing and recording the messages.*
- *Set up a schedule for preparing and changing the messages.* Messages should generally be changed at regular intervals and at the same time of day.
- *Prepare the first messages.* Try to have some extra, "reserve" messages on hand at all times.

Write for the ear and not the eye. Use short sentences and words.

Include information on how callers can make contact with the sponsor of the message.

If you use the service to attack or criticize, check with a lawyer to be sure you will not be guilty of libel or slander.

- *Practice recording the messages to get the desired effect and a smooth performance.* Lengthen or shorten messages as needed to fit the tape. In general, a 100-word message will fill a 30-second tape, though the length will vary with the pace of the speaker.
- *Record the messages in "final" form.*
- *Publicize the message service to your members and the community.*

Doing It: Operating the Service

- *Record new messages at periodic intervals.*
- *Make test calls to the service every day to be sure the telephone and machine are working properly.*
- *Keep a record book of messages used.*
- *Continue to publicize the service.* Whenever there is an article or announcement about it, the number of calls will increase dramatically.
- *If you have a two-way service, promptly listen to and follow up incoming messages.*

Evaluation and Follow-Up

- *Periodically count the number of calls you receive to see if the cost of the message service is worth the number of people you are reaching.* Your money might be better used in paid advertising, direct mail, or other types of mass communication.
- *Test different methods of publicizing the service to see which ones get the best results.*
- *Try to get community and membership feedback on the adequacy of your messages and the intervals at which they are changed.*
- *Organize an appropriate follow-up action program if your incoming messages reveal an unmet community need.*

Key Points

Make sure the machine you use is rugged enough to stand up under the volume of calls you will receive.

Be careful not to libel or slander anyone or any organization in your messages. If in doubt about a statement, check with your lawyer before using it.

Make sure your service has enough response to be worth the cost.



A telephone tree or telephone chain is a prearranged pyramid-like system for contacting a group of people by telephone. Operating something like a chain letter, the tree is set up to spread a message through a large number of people who each make a few calls.

Uses

- To quickly mobilize members and supporters in emergency situations, for example, when the legislature threatens to kill a bill and a barrage of letters is needed
- To notify members of meetings, forthcoming actions, and particularly of last-minute changes in plans
- To increase turnout by providing personal invitations to reinforce mailed notices
- To help members get better acquainted by providing them with an opportunity to communicate with each other
- To save printing and postage costs involved in communicating brief notices by mail (telephone trees are not effective means of transmitting large amounts of information).

Resources Needed

People

A coordinator is needed, along with a network of reliable, key people, to form the skeleton of the telephone tree. The number of key people will vary with the size of the group to be notified and the time each person has available for the project.

Time

The coordinator will spend many hours, perhaps 40 or more, organizing the tree. Once it is set up, the tree can do dozens or hundreds of hours of total work with only five to 50 minutes' involvement by each member, depending on the number of calls each one is asked to make.

Money

None needed. Use home telephones at no additional cost. A major justification for telephone trees is their economy compared to mailings.

Action Checklist

Preliminaries

- Make a list, with current telephone numbers, of all

the persons whom you want the tree to reach. Put the list on index cards.

- From these people, recruit a smaller number of key people whose job includes calling other people, to be the major links in the chain. (There is more than one way to organize such a chain. One example is illustrated in the attached chart.)

Have as few key people as possible. Since each one may be responsible for reaching people who in turn will reach up to 10 people, be sure the key people are reliable. The effectiveness of chain depends on their doing their jobs properly.

Impress on the key people the importance of their completing their assigned calls.

- Divide up the people on your list among the chain participants. An easy way to do this is to spread the cards out on the floor and move them around until you have a good, workable arrangement.

Consider assigning responsibilities geographically. This way, callers can arrange transportation while notifying members of meetings.

Generally aim to give callers three to eight calls each so their participation in the telephone tree won't become too burdensome.

If the tree is used extensively, vary assignments occasionally to add interest and encourage members to deal with new people.

- Make a chart showing the key people involved and distribute it to them. Include phone numbers.
- Ask key people to notify you when they are going out of town so fill-in arrangements can be made.
- Hold message drills occasionally to test your chain for effectiveness and to identify weak links.

Doing It: Operating the Tree

- Start the tree as coordinator. Call your first level key people.
- As the tree is supposed to be operating, spot check its effectiveness by calling a few people down the chain to be sure they have been reached.
- Be sure your callers keep trying if someone is not at home. If a Key Person cannot be reached, have the caller notify you so you can fill in for his/her place on the chain.
- Arrange in advance for certain key people to notify

you when they were reached so you can judge the progress of the message.

- Arrange for your membership chairperson to keep you informed of changes in membership so you can keep your communications network current.

Evaluation and Follow-Up

- Spot check, as described above.

- Ask at meetings if members were called. Take steps to be sure those who weren't are called in the future.

Key Points

Have an organization chart for the telephone tree. Be sure your key links are reliable.



A Telephone Bank is a large number of telephones installed in a central location from which continuous calling is done.

Uses

- To recruit volunteer workers for action projects or election campaigns
- To conduct opinion polls
- To conduct voter registration drives
- To get out the vote or build attendance at a neighborhood meeting
- To achieve the purposes of a door-to-door canvass with fewer people in less time

Resources Needed

People

A large number of volunteers can be used to make the telephone calls, with one or two coordinators handling arrangements.

Time

Workers should be scheduled in shifts of no more than three hours; continuous talking is exhausting. You can expect to complete 40 reminder calls and 20 survey calls per phone hours. The amount of lead time needed by the telephone company to install the phone bank will vary in different parts of the country. In some places, installation of a telephone bank can be arranged on just a few days' notice; in other areas, a few weeks may be required.

Money

Telephone installation and service represent the major portion of project expenses. Although the rates and conditions will vary in different parts of the country, telephone bank service is generally charged at business rather than residential rates. In many areas, this means that there is a charge for each outgoing call above a minimum number. Telephone bank lines are installed at standard telephone installation charges. If the telephone bank is used for only a few days, a minimum charge equal to one month's telephone rental rate may be imposed.

Refreshments, record forms, and instruction sheets will be relatively minor expenses. The telephone bank location may have to be rented and may be costly,

though it might be possible to borrow an empty office or hall for the project.

Facilities

A central location in which the telephones can be installed is required. It should be large enough to seat callers, back-up workers and the chairperson of the phone bank.

Action Checklist

Preliminaries

- *Decide what areas or people to call and obtain lists of telephone numbers to use.* The lists may come from commercially available "criss-cross" directories that are arranged according to street address, from the telephone book, from past projects, membership lists, or other sources.

- *Obtain a central facility which is convenient and comfortable for the telephone bank location.*

- *Order the number of telephones needed to complete the job in the time allowed.* This may have to be done several weeks before you actually want the phones available. Plan to have one or two extra phones available for emergency use.

- *Have the telephones installed.*

Test each one after installation to be sure it works properly.

Arrange for your phone company to provide immediate repair service if any of the instruments malfunction while the telephone bank is in operation.

- *Recruit volunteers.*

Remind workers the day before the phone bank will be in operation that they have agreed to be part of the project.

Have each worker recruit his or her own substitute in case of emergency, but also have a "back-up" team available for last-minute fill-ins.

- *Prepare written instructions for each caller to use, outlining just what to say and how.* Include information needed to answer typical questions that may be raised by the persons being called.

Doing It: Operating the Telephone Bank

- *Place at each telephone a list of numbers to call, note pads, pencils, an ashtray and a drinking glass.*

- *Ask workers to arrive about 30 minutes early for a briefing.*

- *Start calling and continue until all prospects are reached.*

Have workers indicate where on each list they stopped making calls so duplication can be avoided.

Have workers note persons they could not reach so a callback team can place those calls again later.

- *Keep the telephone repairperson's number handy.*

- *Concentrate calls on hours when your targets are likely to be reached.* The hours right before and after dinner are especially good for calling.

- *Try to reach the maximum number of people in the minimum amount of time.*

Don't waste time waiting for someone to answer. After six or eight rings, go on to the next name on the list.

Be brief and courteous in all calls. Don't get drawn into arguments.

- *Record all information provided by callers.*

- *Don't leave messages with children.*

- *Provide refreshments to callers.*

Evaluation and Follow-Up

- *Follow up promptly on all promises made and on all expressions of interest or offers to help.*

- *Use information obtained by callers to update and correct the list of telephone numbers being used for the telephone campaign.*

Key Points

Provide written instructions beforehand for all callers, including a "script" to read in making calls.

Keep track of calls completed and not completed to avoid duplication and measure progress.



Exhibits For Display at branch of public meetings are available from many organizations. Such exhibits may be table-top, wall or bulletin board and may include live demonstrations, films, slide shows, literature or photos. An effective way to bring together many organizations for a community service or advocacy exhibit is to organize a fair related to a particular theme such as jobs, careers, health, consumer protection, the environment, juvenile justice, women, or politics.

Uses

- To inform the community of the work and resources of various organizations.
- To illustrate a problem and suggested solutions
- To provide a centralized source of information or assistance

Resources Needed

People

Usually it is best if one person coordinates the exhibit or fair. A small committee can help handle arrangements and invitations. A supervisor should be in charge of setting up and cleaning up the display area on the day(s) of the exhibit or fair. Your public information chairperson should be involved in publicity efforts.

Time

Invitations to exhibitors should be issued at least several weeks, preferably several months, in advance. This gives them time to prepare special materials and work schedules for the exhibit. In some cases, groups can respond to exhibit invitations on shorter notice.

Money

Generally none needed, since exhibitors are usually willing to pay their own expenses. If the exhibit or fair is large, a hall might be rented, though many community facilities are available free. If you sponsor a fair, include funds for promotion, publicity, and insurance.

Sources: (1) Exhibitors' fees. Commercial groups and trade shows charge exhibition fees, so you needn't hesitate except with low-budget, volunteer non-profit organizations; (2) admission fees if you hold a fair.

Equipment

Display tables, booths and audio-visual equipment are often needed. The exhibitor or the host group can provide these, with arrangements to be worked out in advance.

Action Checklist

Preliminaries

- *Decide on the purpose of the exhibit and whom you want to attract.* Identify organizations that should be invited to exhibit and citizens who should be invited to attend.
- *Obtain a site.* Use legal help if you are planning a large exhibit or fair.

Sign a contract or agreement with the owner regarding your use of the property.

Obtain any necessary permits from local officials. Be prepared to provide information about expected attendance, hours, and clean-up plans.

Make arrangements for security, public liability bonds, insurance, refreshments, and sanitation facilities, if needed.

If you choose an outdoor site, make arrangements for two days—the scheduled day and a rain date.

- *Invite exhibitors.* Provide details as to time, place, dates, cost to them, permitted activities, insurance, security arrangements, expected attendance, and facilities. Spell out in advance what equipment and services you will provide and what the exhibitors must provide. If possible, avoid arrangements making you responsible for receiving, storing or transporting exhibitors' material before or after the exhibit.
- *Publicize the exhibit or fair well in advance.* Work with your public information chairperson.
- *Confirm arrangements before the exhibit or fair.* Clear up any last-minute questions.

Doing It: The Day of the Exhibit or Fair

- *Arrive early* to help exhibitors set up, handle problems, and check on the facilities.
- *Have assistants on hand* to monitor activities and serve as trouble shooters or expeditors.
- *Provide ample opportunity for guests to view all the exhibits.*

- *Collect names and addresses of persons attending for possible mailing list use.*
- *Provide adequate security for unattended exhibits if this is part of your responsibility.*

Evaluation and Follow-Up

- *Canvass your members and guests for their reactions to the exhibit or fair.*
- *Check with exhibitors to see if they thought their participation was worthwhile.* Find out the results (i.e., sales, new members, placements, etc.) of their participation. Ask those with the best results to send you a letter outlining their experiences for your use in attracting exhibitors in the future.
- *Publicize the results of the exhibit or fair.*

- *Clean up thoroughly, restoring the exhibit hall or fair site to its original condition.* Give exhibitors a firm deadline for removing their materials and apparatus, after which you are free to dispose of any remaining items.

- *Use leftover literature in educational programs during the year or contribute it to a prison, school, community center, or other organization that could put it to good use.*

- *Notify the persons who came to the exhibit or fair of related activities sponsored by your agency.*

Key Points

Spell out clearly and in advance all division of responsibility between your branch and exhibitors.



Written Materials are needed at some point by nearly every organization and project. Newsletters, bulletins, brochures, and leaflets are the basic publications most agencies use. Books, reports, studies, reprints, speeches, testimony, magazines and working papers may also be required from time to time.

Uses

- To educate and inform the public
- To inform, motivate, and thank members
- To record your progress and accomplishments
- To report your findings or views

Resources Needed

People

You will need a writer, editor, designer, typist or typesetter, layout person and printer for each publication. In some cases, one person can do more than one job. You will usually need professional help for printing. Your agency's membership may include people experienced in publications work. Journalists and public relations specialists in your community are also a good source of professional help, whether they are volunteers or paid consultants.

Time

The time you need will depend in large part on the capabilities of printers in your area. In large cities, 200-page books can be printed overnight; whereas in some small towns, the same job may take two months. The speed with which your writers and typists work also influences the time needed to issue a publication, along with the number of approvals needed. A skilled, experienced writer or typist can often turn out better copy in one day than a beginner can produce in two weeks.

Money

Bare Bones Budget: Get a printer to donate services or offer a discount, or use cheaper or do-it-yourself reproduction processes like mimeographing. Type your own copy directly onto stencils or in "camera-ready" form, ready for photographic reproduction, to avoid paying for typesetting.

Better Budget: Hire professional typesetters, designers, and printers. As a rule of thumb, you can rarely get printing or duplicating done for less than a penny a page of copy. Color, artwork, printing

process, and the number of copies printed are the major factors affecting cost.

Sources: (1) Contributions to finance the issuance of the publications as a public service; (2) sale of the publications.

Some Types of Publications and Their Use

• **NEWSLETTERS OR BULLETINS:** These are usually used to inform your members—especially those that don't attend meetings—progress and accomplishments of your agency. Newsletters are good vehicles for meeting notices, background information, and recognition of members' services. The regular publication of a newsletter or bulletin to communicate with your members helps make a strong, effective agency. Newsletters should be short and issued frequently. It is better to send ten short newsletters a year at five-week intervals than only four large ones every three months.

• **Brochures:** Brochures are used to try to get new members by informing them of your activities. Try to make them a convenient size to fit into No. 10 mailing envelopes (i.e., one sheet of 8 1/2 x 11 paper folded into thirds). Revise them frequently to reflect current activities, leadership, and dues. Include a membership application form when appropriate.

• **Leaflets and Flyers:** These are often used as handouts or mailing enclosures. Focus on one issue or event per flyer. Make them concise and easy to read. One-page flyers are usually most effective. Show sponsorship (agency name, address, and phone) on all leaflets.

• **REPORTS:** These are lengthy studies, usually backed up by extensive research, used to inform members, government or the public about a problem, project or activity.

Action Checklist

Preliminaries

- *Decide on the purpose and intended audience of your publication* and plan the type and content of the publication accordingly. Always write for a particular audience and deal with its specific concerns.
- *Get an editor to take charge of the publication.*
- *Know your budget and plan with it in mind.* Consult printers at the start of your project so you can modify your plans to fit your budget before waste time planning an overly ambitious publication.

• *Choose the reproduction process.* Cost and time are the most important factors in determining which process to use to print your material. Four major options are open to most agencies:

Spirit duplicator (or ditto): This method has the least expensive machines and supplies. Good for only 100-150 copies.

Mimeograph: Good for 500 to 1,000 copies and looks better than ditto. Another advantage is that with mimeographing you can use electronic stencils with which you can mimeograph copies of newspaper clips and photographs. Many business machine retailers and duplicating shops offer 20-minute service at \$2-3 a page. However, since different types of machines take different types of stencils, be sure that yours fit the machines before you start.

Offset lithography: This is a fast, economical way to produce a large number of copies. You can use offset to reproduce something you have either typed yourself or had set in type, as well as drawings and clippings. You can also enlarge or reduce an entire page of copy to a specific size.

Letterpress: This method is used for very large runs and permanent publications where appearance is very important. It requires the use of metal type and engravings of art work or photos.

Doing It: Issuing a Publication

- *Write and edit the publication.*

Gather the information needed for the publication.

Get a draft written, preferably by one person.

Have a committee review the draft for omissions, language, approach.

Make revisions of the draft and submit it for final approval.

- *Design the publication.* Give your copy to the designer, who will use it in determining what the publication will look like. The designer will take many things into consideration when designing the publication:

Color: The color of both the paper and the ink can be varied. You want the publication to be eye catching, but first and foremost you want it to be readable. Black ink on white paper is usually the cheapest, but often for a few more dollars a colored paper can be used. Using more than one color ink is more expensive because the printer has to run your

publication through the press more than once. With some methods of reproduction, however, color can be varied rather cheaply. A variety of colors of spirit duplicator carbons are available. With ditto stencils, you can use several different color carbon backings and print multi-colored literature cheaply.

Paper: Besides color, the important factors in choosing paper are size, weight, and finish. Prices vary quite a bit, increasing for heavier weights of paper and for "slick" (coated) or textured finishes. Newsprint paper is very cheap, mimeograph-type relatively economical. Determining the weight of the paper is complicated and it is best to judge your needs after examining samples of paper. Be sure that your paper is heavy enough (generally "60 pound" for offset printing) so that the copy won't show through if you are printing on both sides. Regarding size, the more unusual your requirements, the more you will pay. Letter size (8 1/2 x 11) and legal size (8 1/2 x 14) and 11 x 17 paper are "standard" and cheapest, even if you have them folded in half or thirds to print booklets, newsletters or leaflets. You may also want to use recycled paper on which it is possible to get good results; however, recycled paper is usually more expensive.

Art: Consider cartoons and drawings prepared by your own members or, in place of original artwork, illustrations taken from "clip books" of line art available in many print shops. The "clip books" are large books with many drawings from which you can choose, some to literally cut out and paste onto your own copy.

Photographs: It is better to use no photos than bad ones. Pictures should be clear, with contrast, in focus and interesting. Natural photos are generally more interesting than artificially posed shots. For most publications within the means of community agencies, black and white rather than color photos will be used. "Crop" or edit photos to eliminate confusing, distracting background or elements. Members or friends can supply and sometimes process your photos. In addition, your local newspaper may be a good source of pictures, although you will probably have to pay a fee for a newspaper picture. Most photos should have captions.

Number of pages: More pages do not necessarily mean more information is included. You might just have a monotonous publication. A carefully, concisely written and edited publication is cheaper and usually more interesting than a wordy one that no one will find time to read

Typesetters: There is a large variety of type styles and sizes. If you are using a typewriter, you are more limited. If you are having your copy set by typesetters, they can show you samples of typefaces. Ask about them. Remember a fancy style may be harder to read than a plain one.

Tips on Design:

- Don't crowd the pages. Use blank space to give the eye a rest and to minimize confusion.
- Separate articles and chapters from each other by blank space, lines or symbols.
- Break up lengthy articles with subheads. Use short paragraphs for ease of reading.
- Don't overdo variety. Be careful that you are not adding only confusion by trying to add variety to a publication or page.
- Use type that is large enough to be read easily (usually at least a 10-point size type).
- *Make all corrections and get all approvals on the text and art before you get the publication typeset or typed.* This is very important. Corrections at a later stage are expensive and time-consuming.
- *Prepare the copy for the printer.* Have it typed or typeset.

Typing it yourself. Typewritten copy can be reproduced by all but the letterpress printing process. If you are typing your copy so that it will be camera-ready for a photo offset printing process, use an electric typewriter and a carbon ribbon for the best results. Try to use an electric typewriter for stencils and dittos too; it makes a darker, more even impression than most manual typewriters. If you have access to one of the selectric typewriters that offer a variety of types on circular fonts that can be inserted in the machine to produce italics, capital letters, bold face, or script type, you will be able to get many effects for little cost.

Typesetting. Type can be set by a typographer in either "hot" or "cold" type. Either type can be used for photo offset printing, but hot type is necessary if you print by letterpress. The chief advantage of these two typesetting methods over typewritten composition is space saving. Though the cost of typesetting is higher, you may compensate by saving on the smaller amount of paper needed to print the copy. Hot type is metal type set on a linotype machine. It is usually more expensive than cold type, yet the results are often better. Cold type refers to composition in which

no metal type is used. Typewriter and photographic methods are included in this category. Regardless of the method of typesetting you use, remember that once your copy is in type, any changes the typesetter must make are expensive. Get all necessary approvals first.

Whether doing your own typing or using a typesetter, you can have the right hand margin on your pages "justified" (lined up evenly) or "unjustified" (ragged). Justifying adds significantly to the cost of typesetting and to typing time. It is frequently unnecessary in informal publications.

- *Arrange your type or typeset copy, together with all art and photos, into the final layout for each page.* This is usually the designer's job. Paste up a "dummy" to indicate the exact position of everything on the pages. At this stage, you will need to get final approvals and make corrections.

- *Select and deal with a printer.* Knowing the right way to deal with printers can save you lots of money, time, and worry. Some rules:

If you don't know which one to choose, find some publications you like and ask who printed them.

Always get more than one bid on a job you want done. Printers may offer a low price to fill a slack period or to get your business the first time.

Always get your bids in writing.

Provide printers with exact specifications for your bid, noting things like paper size and quality, number of copies, whether or not publication will be put together, ink and paper colors, and delivery date and place.

Consult with your printer on how to save money perhaps by cutting corners or scaling down your plans.

Order largest number of copies possible in first printing to avoid second and third printings. There is generally a basic minimum charge just for starting up the printing press. Costs go down dramatically once this is met. For example, if you order 100 copies of a flyer, the cost may be \$3.50, but if you order 200 copies all at once, the cost may be only \$4.

Don't change your copy after it's given to a typesetter. "Authors' alterations" are expensive. One printing company calculates that 24 steps are involved in changing *one* comma—at a total cost of \$5. Proofread carefully first.

- *Distribute the publication.*

While you are planning your publication, determine

who will get copies and how. Make a distribution list so you order the right number of publications. Investigate the possibility of selling copies through local stores or encouraging local merchants to buy copies to distribute free to their customers or public libraries.

When the publication goes to the printer, start working on arrangements for distribution. Work with your public information chairperson to coordinate publicity, mailings and other distribution.

Always print enough extra copies for reference and subsequent other uses.

Evaluation and Follow-Up

- *Get feedback.* Build coupons or cards into your publications for responses.

- *Don't be afraid to make improvements the next time around.* Good writers almost always see weaknesses later on in their earlier work.

- *Don't take criticism personally.* Work to improve your work. Someone will always complain. Don't take an isolated gripe too seriously.

Key Points

Know who your audience will be and target your publication to it.

Get firm prices *in writing* from typesetters and printers.

Be sure to get final approval of your publication *before* having it set in type.



Mailings are an efficient and effective way to transmit information among members of your agency and community. A good, up-to-date mailing list is an invaluable advocacy tool. Your agency should have two types of mailing lists: one with all your members; the other with key nonmembers whom you want to keep informed of your activities. Mailings can be targeted to and within these lists. Proper planning and knowledge of mailing procedures can save your agency significant amounts of money and time.

Uses

- To keep your members, supporters, and other community members informed of your plans, progress, activities, and positions
- To announce the coming meetings and actions for which you seek public support, attendance, or participation
- To familiarize potential members, contributors, and supporters with your agency's outlook and activities in hopes of attracting their support and involvement.

Resources Needed

People

One member should be designated as mailing list coordinator with responsibility for keeping your agency's mailing list current and supervising mailings. Assistants may help. Commercial mailing services can handle nearly all of the administrative work, but are rarely economical if your list is small and is used only a few times each year.

Time

Varies with the size of your list, the number of mailings done, and the number of persons available to help. The initial organization and compilation of a nonmember mailing list may take up to several weeks, depending on the amount of research necessary to obtain the names and addresses you want. Each addition or change in your mailing list requires a few minutes to record and file. In preparing mailings, one person can usually address, stuff, seal, and stamp 70 to 80 envelopes in an hour.

Money

Bare Bones Budget: Use low-cost, do-it-yourself addressing systems which generally involve gummed or pressure-sensitive labels that are attached by hand to your mailing pieces. It is usually possible to make

several sets of labels with only one typing of your mailing list.

Better Budget: To automate your mailing process at least partially, use a professional mailing service to address your envelopes for you or request preaddressed labels.

Best Budget: Use a professional mailing service to handle all your mailing needs: addressing, stamping, stuffing, and sorting envelopes; updating your mailing list; maintaining your mailing list files; and delivering your mailings to the post office.

Action Checklist

Preliminaries: Organizing Your Mailing List

- *Decide what type of people you want to include on your mailing list.* Some examples are legislators and their staffs, reporters, prospective members or contributors, past members or contributors, neighboring agencies, community organization leaders, local government staff members, and coalition allies.
- *To assemble a mailing list, borrow or rent lists compiled by other organizations.* Many community organizations, local governing bodies, or local legislators have community leader or organization lists they will let you use. If you want to pinpoint residents of a specific geographic area, families with high incomes, members of a certain profession or other identifiable groups, commercial mailing list companies can provide the list you need. Never promise or provide your agency's membership list in exchange for the use of another list unless approved in advance.
- *See if other organizations will mail out your materials to their members or mailing lists.* This can save you time and money and provides the advantage of having your material arrive with what in effect is the "endorsement" of a familiar organization the recipient trusts.
- *Put individual or group names on separate file cards* if you are maintaining your own mailing list. This will make possible rapid revision of the mailing list.

Doing It: Maintaining Your List

- *Have a reasonable way of quickly finding out who is on the list.* To take advantage of lower mailing rates, you may have to sort your list by zip code, but keep cross-files to give you other useful information such as membership renewal dates, committee memberships and activities, relationship of the person to your

agency (e.g., supporter, press, lapsed member, legislator).

- *Have the post office return materials with incorrect addresses* so you can correct and update your mailing list. The cost for each such return is only a little more expensive than mailing one first-class letter and will save you many wasted months of postage. To get this service, just put "Return Requested, Postage Guaranteed" on the envelope.
- *Update your list before major mailings* to cut down the number of returns.
- *"Code" or subdivide your list* so you can do mailing to specific portions of it. You may, for example, want your members to receive all meeting notices, agency bulletins and publications, whereas you may want supporters to receive only occasional meeting invitations and legislators to receive only legislative committee reports.
- *Review your mailing list at least once a year* to "purge" it of persons who have never responded or whose interests no longer are relevant to your agency.

Preparing Mailings

- *Learn current postage rates* and the time it generally takes in your community for each class of mail to reach its destination. You can get this information by asking your local postmaster and doing some test mailings.
- *Investigate alternatives to first-class mail, but weigh their costs and benefits in time, work, and money.* If your agency mails out more than 1,500 pieces a year, at the rates in effect in September 1972, you would save money by converting to bulk mailing procedures. Then, instead of taking time to stamp your mailing pieces, you would simply imprint your permit, indicating that you had paid bulk-mail fees. However, you would also have to sort all your bulk mailings by zip code, mail at least 200 items at one time to take advantage of the lower rate, mail all bulk-rate items from a post office instead of from your corner mail box, and count the number of items included in each mailing. Review the entire bulk-mail procedure with your local postmaster.
- *Economize on the size of your mailings.* You can save money on paper, postage, and possibly on the

size of envelopes if you use both sides of a sheet of paper for your mailings. Learn how many sheets of paper make up one ounce (the weight which travels on one first-class stamp) and avoid doubling your postage costs just to add one sheet of paper.

- *Work with the Post Office.* The U.S. Postal Service is trying hard to please its customers. If you do extensive mailings, ask a postal consultant from the USPS to meet with you and advise you on how to make better use of the postal system. Check with your local postmaster to determine whether a mailing will get better service if it goes out at a certain time, day, week, or month. Avoid the Christmas season if it is at all possible.
- *Allow for the worst in mailing your material:* two to five days for first-class mail (promises of next-day delivery notwithstanding) and two to five weeks for third-class mail.
- *Plan your mailings ahead of time* and encourage as many members as possible to pitch in and share the burden. Organize mailing parties to get large jobs done while promoting group spirit.
- *If you want to encourage replies to your mailings, enclose return envelopes.* If you wish to save money, the return envelopes can be unstamped; but if you wish to maximize replies, pay postage. Either get a first-class business reply permit which is free and requires you to pay only for envelopes received, or pre-stamp your return envelopes and postcards. Be sure any forms you want returned fit conveniently inside your return envelope.

Helpful Information Sources

- Your local post office.
- Local mailing services.

Key Points

- Keep your mailing list current.
- Subdivide your mailing list to identify people for specific mailings.
- Learn postal rates and expected delivery times.
- Plan ahead.



Appendix 1

Definition of Advocacy and Model Policy Statements

An operational definition of Advocacy

(as adopted by the NJJPC Task Force, March 8, 1979)

Advocacy Definition

To advocate, according to Webster's Dictionary, is to speak or write in support of. Advocacy can be engaged in on behalf of an individual — case advocacy — or on behalf of a target group — class advocacy. There is a whole range of approaches, as gentle as supporting behind the scenes and as severe as instituting legal action. Between these extremes, advocacy can: 1) educate 2) suggest 3) speak out 4) pressure, and 5) demand.

To borrow in part from the definition developed by one of our member agencies, "Advocacy is a planned program of action that seeks to promote the welfare, rights, and interests of status offenders by intervention on their behalf in relation to those services and institutions that impinge on their lives." The objective of the Task Force for the National Juvenile Justice Program Collaboration is to help member organizations assist and encourage their local affiliates to provide more responsive, relevant, and effective delivery of alternative services to status offenders and other youth-at-risk.

Advocacy, for the purposes of this Task Force, includes supporting the provisions contained in the Juvenile Justice and Delinquency Prevention Act related to status offenders and other youth-at-risk. It does not include lobbying activities with the United States government, either Congress or federal agencies. Both case and class advocacy activities may be engaged in during the course of this project by either Task Force members, national organizations, and/or local affiliates.

Advocacy activities may include:

1. letters to editors
2. editorial replies
3. letter writing and telephone calls to legislators
4. monitoring and/or participating in state juvenile justice advisory board meetings
5. monitoring of deinstitutionalization (e.g. foster home placements) in states and local communities
6. working for the reallocation of funds from institutions to community-based services
7. educating communities in strategies for change
8. supporting incorporation of community-based programs into city budgets when threatened by termination of state or federal funding
9. monitoring court decisions and placements to assure compliance
10. monitoring community-based services to assure effective service
11. monitoring detention and provision of alternatives
12. influencing city and state decisions on youth facilities
13. conducting an assessment of community needs, service gaps, etc.
14. forming a coalition around a specific problem, e.g. juvenile justice
15. monitoring relevant legislative and administrative units
16. providing public relations — developing strategies for change
17. developing and maintaining communication with legislators, policy makers
18. presenting testimony at public hearings, legislative deliberations
19. participating with board/staff members on relevant state boards or commissions
20. monitoring courts, police, and social service agencies
21. seeking private and public funding support
22. bringing class action suits and other legal actions
23. providing staff education
24. providing board education
25. others

Three "Model" Policy Statements

(as adopted by the NJJPC Task Force, June 18, 1978 as a basis for development of individual agency positions)

Model A

We believe that children are our most precious natural resource, that every child deserves the right to develop to his or her fullest potential and that the family is essential to the nurturing and development of this potential.

While the cost of care for our children may be great, the cost of their neglect is astronomical. With this in mind the _____ (name of organization) _____ supports the concept that children and their families should have the opportunities essential for their optimal physical, emotional, mental and social growth. Therefore, we are committed to the following principles:

- Status offenders should be removed from all secure facilities, public or private.
- Status offenders should be removed from any secure or nonsecure public or private facility, which also houses adult offenders.
- Status offenders should not be mixed with juvenile offenders in any facility including community-based facilities, which house more than 20 youths.
- Community-based programs for status offenders, such as foster care and shelter care homes, group homes, halfway houses, and homemaker and home health services, should be provided.
- Services and programs which will maintain and strengthen the family unit, so that the juvenile may stay at home, must be supported.
- The deinstitutionalization of status offenders should be accompanied by a redirection of funding resources to assure the provision of adequate alternative services, appropriately assigned to public and private agencies.
- Educational programs which help youths remain in elementary, secondary or alternative learning situations should be expanded.
- Special attention must be given to girls and minorities, who are over-represented in the institutionalized status offender population.
- Jurisdiction over status offenders should be removed from the Juvenile Court. Community services offered by community based voluntary agencies, youth service bureaus and public social service departments are more appropriate resources for non-criminal youth.

Model B

We believe that children are our most precious natural resource, that every child deserves the right to develop to his or her fullest potential and that the family is essential to the nurturing and development of this potential.

While the cost of care for our children may be great, the cost of their neglect is astronomical. With this in mind the _____ (name of organization) _____ supports the concept that children and their families should have the opportunities essential for their optimal physical, emotional, mental and social growth. Therefore, we are committed to the following principles:

- Court jurisdiction over status offenders should be used as a last resort when all other options have been exhausted.
- Status offenders should be removed from all secure facilities, public or private.
- Status offenders should be removed from any secure or nonsecure, public or private facility, which also houses adult offenders.
- Community-based programs for status offenders, such as foster care and shelter care homes, group homes, halfway houses, and homemaker and home health services, should be provided.

- Services and programs which will maintain and strengthen the family unit, so that the juvenile may stay at home, must be supported.
- Special attention must be given to girls and minorities who are over-represented in the institutionalized status offender population.
- Educational programs which help youths remain in elementary, secondary or alternative learning situations should be expanded.
- Court resources should be strengthened to develop referral selections and procedures which will use alternatives to incarceration for status offenders.
- The deinstitutionalization of status offenders should be accompanied by a redirection of funding resources to assure the provision of adequate alternative services, appropriately assigned to public and private agencies.

Model C

We believe that children are our most precious natural resource, that every child deserves the right to develop to his or her fullest potential, and that the family is essential to the nurturing and development of this potential.

While the cost of care for our children may be great, the cost of their neglect is astronomical. With this in mind, the _____ (name of organization) _____ supports the concept that children and their families should have the opportunities essential for their optimal physical, emotional, mental and social growth. Therefore, we are committed to the following principles:

- Children and youth should only be removed from home when absolutely necessary, that is, for their protection from abuse and neglect, as defined by the Child Abuse Prevention and Treatment Act, as amended. *(see below)
- Status offenders should not be placed in humiliating, mentally or physically debilitating, or harmful facilities.
- Status offenders should be removed from all secure facilities, public or private.
- Status offenders should be removed from any secure or nonsecure public or private facility, which also houses adult offenders.
- Community-based programs for status offenders, such as foster care and shelter care homes, group homes, halfway houses, and homemaker and home health services, should be provided.
- Services and programs which will maintain and strengthen the family unit, so that the juvenile may stay at home, must be supported.
- Court resources should be strengthened to develop referral selections and procedures which will use alternatives to incarceration for status offenders.
- Educational programs which help youths remain in elementary, secondary or alternative learning situations should be expanded.
- Status offenders should receive truly rehabilitative treatment and supervision.

* Federal Regulations to the Child Abuse Prevention and Treatment Act define "child abuse and neglect" as follows:
"Child abuse and neglect" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare.

(1) 'Harm or threatened harm to a child's health or welfare' can occur through: Non-accidental physical or mental injury; sexual abuse, as defined by State law; or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. *Provided*, a child, for that reason alone shall not be considered a negligent parent or guardian; *However*, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health required it.

(2) 'Child' means a person under the age of eighteen.

(3) 'A person responsible for a child's health or welfare' includes the child's parent, guardian, or other person responsible for the child's health or welfare, whether in the same home as the child, a relative's home, a foster care home, or a residential institution" 45 CFR 1340.1-2(b)

Appendix 2

Correct Forms of Address

Correct salutation and closing for letters to officials

President

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Very respectfully yours,

Vice President

The Vice President
The White House
Washington, D.C. 20520

Dear Mr. Vice President:

Sincerely yours,

Member of the Cabinet

The Honorable _____
The Secretary of _____
Washington, D.C. 20520

Dear Mr. Secretary:

Sincerely yours,

Senator

The Honorable _____
The United States Senate
Washington, D.C. 20510

Dear Senator _____:

Sincerely yours,

Representative

The Honorable _____
House of Representatives
Washington, D.C. 20510

Dear Mr., Ms. or Mrs. _____:

Sincerely yours,

Appendix 3

Glossary of Terms

Frequently Used Legal Terms²⁹

Amicus Curiae—"Friend of the court." Refers to a person or organization permitted to file a brief with a court in order to better inform it about an issue in a case. An amicus is not considered a party to the suit.

Answer—The legal paper filed by the defendant in response to the complaint.

Brief—A legal memorandum filed with the court.

Civil Cases—Cases in which neither party is a governmental entity. The relief sought is usually money damages or the ordering of the defendant to do some act or refrain from certain action.

Class Action—An action on behalf of a number of persons, similarly situated, to obtain relief which will apply to the entire class. A class action can also be brought against a number of defendants.

Complaint—The legal paper filed by the plaintiff setting forth why he is in court and what he wants the court to do.

Court of Appeals—A court that usually has appellate jurisdiction only. It reviews the judgments of trial courts, and affirms or reverses them.

Criminal Cases—A criminal offense is defined by statute. In a criminal case a governmental entity is always the plaintiff, and the defendant is accused of committing an offense for which he could be imprisoned and/or fined.

Damage Action—An action for money.

Declaratory Judgment—A court order declaring the parties' rights.

Discovery—A variety of pre-trial procedures for finding out facts, narrowing issues, and preparing for trial.

Injunction—A directive issued by a court ordering a party to the suit to refrain from doing an act.

Jurisdiction—The legal power, right, or authority of a court to hear and decide particular types of cases. A case must be filed in the court having jurisdiction of its subject matter.

Appellate Jurisdiction—A court having authority to hear cases on appeal from lower courts. Certain courts may possess both original and appellate jurisdiction.

General Jurisdiction—A court having authority to hear and decide all types of disputes.

Original Jurisdiction—A court having authority to hear and decide cases when they are first filed.

Specific Jurisdiction—A court restricted to hearing and deciding only specific types of disputes, such as traffic, juvenile, probate, etc.

Opinion—A ruling issued by the court telling how it decided the case and why.

Order—A directive issued by the court (usually in conjunction with an opinion) ordering the parties to take certain action in accordance with the court's ruling in the case.

Parties—The plaintiff or defendant in a suit.

Pleadings—General term covering various papers filed with the court during the course of a lawsuit such as the complaint, answer, etc.

Relief—What a party to a suit wants a court to order done if he wins.

Trial Courts—Courts of original jurisdiction.

Glossary of Congressional Terms³⁰

Act—The term for legislation which has passed both houses of Congress and has been signed by the president or passed over his veto, thus becoming law.

Also used technically for a bill that has been passed by one house and engrossed. (*See Engrossed.*)

Adjournment Sine Die—Adjournment without definitely fixing a day for reconvening; literally "adjournment without a day." Usually used to connote the final adjournment of a session of Congress. A session can continue until noon, Jan. 3, of the following year, when by law it automatically terminates.

Adjournment to a Day Certain—Adjournment under a motion or resolution which fixes the next time of meeting. Neither house can adjourn for more than three days without the concurrence of the other. A session of Congress is not ended by adjournment to a day certain.

Amendment—Proposal of a member of Congress to alter the language or stipulations in a bill or act. It is usually printed, debated, and voted upon in the same manner as a bill.

Appeal—A senator's challenge of a ruling or decision made by the presiding officer of the Senate. The senator appeals to members of the chamber to override the decision. If carried by a majority vote, the appeal nullifies the chair's ruling. In the House the decision of the Speaker traditionally has been final, with no appeal to the members to reverse his stand. To appeal a ruling would be considered an attack on the Speaker.

Appropriation Bill—Grants the actual monies approved by authorization bills, but not necessarily to the total permissible under the authorization bill. An appropriation bill originates in the House, and normally is not acted on until its authorization measure is enacted. General appropriations bills are supposed to be enacted by the seventh day after Labor Day before the start of the fiscal year to which they apply, but in recent years this has rarely happened.

(See *Continuing Appropriations*.) In addition to general appropriations bills, there are two specialized types. (See *Deficiency and Supplemental*.)

Authorization Bill—Authorizes a program, specifies its general aim and conduct, and unless "open-ended," puts a ceiling on monies that can be used to finance it. Usually enacted before the related appropriation bill is passed. (See *Contract Authorization*.)

Bills—Most legislative proposals before Congress are in the form of bills, and are designated as HR (House of Representatives) or S (Senate) according to the house in which they originate and by a number assigned in the order in which they were introduced, from the beginning of each two-year congressional term. "Public bills" deal with general questions, and become Public Laws if approved by Congress and signed by the president. "Private bills" deal with individual matters such as claims against the government, immigration and naturalization cases, land titles, etc., and become Private Laws if approved and signed.

The introduction of a bill, and its referral to an appropriate committee for action, follows the process given in "How A Bill Becomes Law." (See also *Concurrent Resolution, Joint Resolution, Resolution, in this Glossary*.)

Bills Introduced—In the Senate, any number of senators may join in introducing a single bill. In the House, until 1967 only one member's name could appear on a single bill. Between 1967 and 1978 there was a limit of 25 cosponsors on any one bill. A resolution adopted in 1978 eliminated the ceiling on the number of cosponsors, beginning at the start of the 96th Congress.

Many bills in reality are committee bills and are introduced under the name of the chairman of the committee or subcommittee as a formality. All appropriation bills fall into this category, as do many other bills, particularly those dealing with complicated, technical subjects. A committee frequently holds hearings on a number of related bills, and may agree on one of them or on an entirely new bill. (See *Clean Bill and By Request*.)

Bills Referred—When introduced a bill is referred to the committee which has jurisdiction over the subject with which the bill is concerned. The appropriate reference for bills is spelled out in Senate and House rules. Committee jurisdictions in the House were reorganized in 1974. Bills are referred by the Speaker in the House and the presiding officer in the Senate. Appeals may be made from their decisions.

Budget—The document sent to Congress by the president in January of each year estimating government revenue and expenditures for the ensuing fiscal year and recommending appropriations in detail. The president's budget message forms the basis for congressional hearings and legislation on the year's appropriations.

By Request—A phrase used when a senator or representative introduces a bill at the request of an executive agency or private organization but does not necessarily endorse the legislation.

Calendar—An agenda or list of pending business before committees of either chamber. The House uses five legislative calendars. (See *Consent, Discharge, House, Private and Union Calendar*.)

In the Senate, all legislative matters reported from committee go on a single calendar. They are listed there in order, but may be called up irregularly by the majority leader either by a motion to do so, or by obtaining the unanimous consent of the Senate. Frequently the minority leader is consulted to assure unanimous consent. Only cloture can limit debate on bills thus called up. (See *Call of the Calendar*.)

The Senate also uses one non-legislative calendar, for treaties, etc. (See *Executive Calendar*.)

Calendar Wednesday—In the House on Wednesdays, committees may be called in the order in which they appear in Rule X of the House Manual, for the purpose of bringing up any of their bills from the House or the Union Calendars, except bills which are privileged. General debate is limited to two hours. Bills called up from the Union Calendar are considered in Committee of the Whole. Calendar Wednesday is not observed during the last two weeks of a session, and may be dispensed with at other times — by a two-thirds vote. It usually is dispensed with.

Call of the Calendar—Senate bills which are not brought up for debate by a motion or a unanimous consent agreement are brought before the Senate for action when the calendar listing them in order is "called." Bills considered in this fashion are usually non-controversial, and debate is limited to five minutes for each senator on a bill or on amendments to it.

Chamber—Meeting place for the total membership of either the House or the Senate, as distinguished from the respective committee rooms.

Clean Bill—Frequently after a committee has finished a major revision of a bill, one of the committee members, usually the chairman, will assemble the changes plus what is left of the original bill into a new measure and introduce it as a "clean bill." The new measure, which carries a new number, is then sent to the floor for consideration. This often is a timesaver, as committee-recommended changes do not have to be considered one at a time by the chamber.

Clerk of the House—Chief administrative officer of the House of Representatives with duties corresponding to those of the secretary of the Senate. (See *Secretary of the Senate*.)

Cloture—The process by which a filibuster can be ended in the Senate, other than by unanimous consent. A motion for cloture can apply to any measure before the Senate, including a proposal to change the chamber's rules. It requires 16 senators' signatures for introduction and the votes of three-fifths of the entire Senate membership (60 if there are no vacancies), except that to end a filibuster against a proposal to amend the Standing Rules of the Senate a two-thirds vote of senators present and voting is required. It is put to a roll-call vote one hour after the Senate meets on the second day following introduction of the motion. If voted, cloture limits each senator to one hour of debate. A proposal must come to a final vote after 100 hours of debate.

Committee—A subdivision of the House or Senate which prepares legislation for action by the parent chamber, or makes investigations as directed by the parent chamber. There are several types of committees. (See *Standing, Select or Special*.) Most standing committees are divided into subcommittees, which study legislation, hold hearings, and report their recommendations to the full committee. Only the full committee can report legislation for action by the House or Senate.

Committee of the Whole—The working title of what is formally "The Committee of the Whole House [of Representatives] on the State of the Union." Unlike other committees, it has no fixed membership. It is comprised of any 100 or more House members who participate — on the floor of the chamber — in debating or altering legislation before the body. Such measures, however, must first have passed through the regular committees and be on the calendar.

Technically, the Committee of the Whole considers only bills directly or indirectly appropriating money, authorizing appropriations, or involving taxes or charges on the public. Actually, the Committee of the Whole often considers other types of legislation. Because the Committee of the Whole need number only 100 representatives, a quorum is more readily attained, and business is expedited. Before 1971, members' positions were not individually recorded on votes taken in Committee of the Whole except for automatic roll calls in the absence of a quorum.

When the full House resolves itself into the Committee of the Whole, it supplants the Speaker with a "chairman." The measure is debated or amended, with votes on amendments as needed. When the committee completes its action on the measure, it dissolves itself by "rising." The Speaker returns, and the full House hears the erstwhile chairman of the committee report that group's recommendations.

At this time members may demand a roll-call vote on any amendment *adopted* in the Committee of the Whole. The last vote is on passage of the legislation in question.

Concurrent Resolution—A concurrent resolution, designated H Con Res or S Con Res, must be adopted by both houses but does not require the signature of the president and does not have the force of law. Concurrent resolutions generally are used to make or amend rules applicable to both houses or to express the sentiment of the two houses. A concurrent resolution, for example, is used to fix the time for adjournment of a Congress. It might also be used to convey the congratulations of Congress to another country on the anniversary of its independence.

Conference—A meeting between the representatives of the House and Senate to reconcile differences between the two houses over provisions of a bill. Members of the conference committee are appointed by the Speaker and the president of the Senate and are called "managers" for their respective chambers. A majority of the managers for each house must reach agreement on the provisions of the bill (often a compromise between the versions of the two chambers) before it can be sent up for floor action in the form of a "conference report." There it cannot be amended, and if not approved by both chambers, the bill may go back to conference under certain situations, or a

new conference may be convened. Elaborate rules govern the conduct of the conferences. All bills which are passed by the House and Senate in slightly different form need not be sent to conference; either chamber may "concur" in the other's amendments. (See *Custody of the Papers*.)

Congressional Record—The daily, printed account of proceedings in both House and Senate chambers, with debate, statements and the like incorporated in it. Committee activities are not covered, except that their reports to the parent body are noted. Highlights of legislative and committee action are embodied in a Digest section of the *Record*, and members are entitled to have their extraneous remarks printed in an appendix known as "Extension of Remarks." They may edit and revise remarks made on the floor, and frequently do, so that quotations reported by the press are not always found in the *Record*.

Beginning on March 1, 1978, the *Record* incorporated a procedure to distinguish remarks spoken on the floor of the House and Senate from undelivered speeches. At the direction of Congress, all speeches, articles and other materials members inserted in the *Record* without actually reading them on the floor were set off by large black dots. However, a loophole allows a member to avoid the dots if he delivers any portion of the speech in person.

Congressional Terms of Office—Begin on Jan. 3 of the year following a general election and are for two years for representatives and six years for senators.

Consent Calendar—Members of the House may place on this calendar any bill on the Union or House Calendar which is considered to be non-controversial. Bills on the Consent Calendar are normally called on the first and third Mondays of each month. On the first occasion when a bill is called in this manner, consideration may be blocked by the objection of any member. On the second time, if there are three objections, the bill is stricken from the Consent Calendar. If less than three members object, the bill is given immediate consideration.

A bill on the Consent Calendar may be postponed in another way. A member may ask that the measure be passed over "without prejudice." In that case, no objection is recorded against the bill, and its status on the Consent Calendar remains unchanged.

A bill stricken from the Consent Calendar remains on the Union or House Calendar.

Continuing Appropriations—When a fiscal year begins and Congress has not yet enacted all the regular appropriation bills for that year, it passes a joint resolution "continuing appropriations" for government agencies at rates generally based on their previous year's appropriations.

Contract Authorizations—Found in both authorization and appropriation bills, these authorizations are stopgap provisions which permit the federal government to let contracts or obligate itself for future payments from funds not yet appropriated. The assumption is that funds will be available for payment when contracted debts come due.

Correcting Recorded Votes—Rules prohibit members from changing their votes after the result has been announced. But frequently, hours, days, or months after a vote has been taken, a member announces that he was "incorrectly recorded." In the Senate, a request to change one's vote almost always receives unanimous consent. In the House, members are prohibited from changing their votes if tallied by the electronic voting system installed in 1973. If taken by roll call, it is permissible if consent is granted. Errors in the text of the *Record* may be corrected by unanimous consent.

Custody of the Papers—To reconcile differences between the House and Senate versions of a bill, a conference may be arranged. The chamber with "custody of the papers" — the engrossed bill, engrossed amendments, messages of transmittal — is the only body empowered to request the conference. That body then has the advantage of acting last on the conference report when it is submitted.

Deficiency Appropriations—An appropriation to cover the difference between an agency's regular appropriation and the amount deemed necessary for it to operate for the full fiscal year. In recent years deficiency bills have usually been called supplemental appropriations.

Dilatory Motion—A motion, usually made upon a technical point, for the purpose of killing time and preventing action on a bill. The rules outlaw dilatory motions, but enforcement is largely within the discretion of the presiding officer.

Discharge a Committee—Occasionally, attempts are made to relieve a committee from jurisdiction over a measure before it. This is rarely a successful procedure, attempted more often in the House than in the Senate.

In the House, if a committee does not report a bill within 30 days after the bill was referred to it, any member may file a discharge motion. This motion, treated as a petition, needs the signatures of 218 members (a majority of the House). After the required signatures have been obtained, there is a delay of seven days. Then, on the second and fourth Mondays of each month, except during the last six days of a session, any member who has signed the petition may be recognized to move that the committee be discharged. Debate on the motion to discharge is limited to 20 minutes, and if the motion is carried, consideration of the bill becomes a matter of high privilege.

If a resolution to consider a bill (*see Rule*) is held up in the Rules Committee for more than seven legislative days, any member may enter a motion to discharge the committee. The motion is handled like any other discharge petition in the House.

Occasionally, to expedite non-controversial legislative business, a committee is discharged upon unanimous consent of the House, and a petition is not required. (*For Senate procedure, see Discharge Resolution.*)

Discharge Calendar—The House calendar to which motions to discharge committees are referred when they have the necessary 218 signatures and are awaiting action.

Discharge Petition—In the House, a motion to discharge a committee from considering a bill. The motion, or petition, requires signatures of 218 House members.

Discharge Resolution—In the Senate, a special motion that any senator may introduce to relieve a committee from consideration of a bill before it. The resolution can be called up on a motion for approval or disapproval, in the same manner as other matters of Senate business. (*For House procedure, see Discharge a Committee.*)

Division Vote—Same as Standing Vote. (*See below.*)

Enacting Clause—Key phrase in bills saying, "Be it enacted by the Senate and House of Representatives. . . ." A successful motion to strike it from legislation kills the measure.

Engrossed Bill—The final copy of a bill as passed by one chamber, with the text as amended by floor action and certified to by the clerk of the House or the secretary of the Senate.

Enrolled Bill—The final copy of a bill which has been passed in identical form by both chambers. It is certified to by an officer of the house of origin (House clerk or Senate secretary) and then sent on for signatures of the House Speaker, the Senate president, and the U.S. president. An enrolled bill is printed on parchment.

Entitlement Program—A federal program that guarantees a certain level of benefits to persons who meet the requirements set by law. It thus leaves no discretion to Congress as to how much money to appropriate.

Executive Calendar—This is an additional, non-legislative calendar, in the Senate, on which presidential documents such as treaties and nominations are listed.

Executive Document—A document, usually a treaty, sent to the Senate by the president for consideration or approval. These are identified for each session of Congress as Executive A, 95th Congress, 1st Session; Executive B, etc. They are referred to committee in the same manner as other measures. Unlike legislative documents, however, treaties do not die at the end of a Congress, but remain "live" proposals until acted on by the Senate or withdrawn by the president.

Executive Session—Meeting of a Senate or a House committee (or, occasionally, of the entire chamber) which only the group's members are privileged to attend. Frequently witnesses appear at committee meetings in executive session, and other members of Congress may be invited, but the public and press are not allowed to attend.

Expenditures—The actual spending of money as distinguished from the appropriation of it. Expenditures are made by the disbursing officers of the administration; appropriations are made only by Congress. The two are rarely identical in any fiscal year; expenditures may represent money appropriated one, two or more years previously.

Filibuster—A time-delaying tactic used by a minority in an effort to prevent a vote on a bill which probably would

pass if brought to a vote. The most common method is to take advantage of the Senate's rules permitting unlimited debate, but other forms of parliamentary maneuvering may be used. The stricter rules in the House make filibusters more difficult, but they are attempted from time to time through various delaying tactics arising from loopholes in House rules.

Fiscal Year—Financial operations of the government are carried out in a 12-month fiscal year, beginning on Oct. 1 and ending on Sept. 30. The fiscal year carries the date of the calendar year in which it ends.

Floor Manager—A member, usually representing sponsors of a bill, who attempts to steer it through debate and amendment to a final vote in the chamber. Floor managers are frequently chairmen or ranking members of the committee that reported the bill. Managers are responsible for apportioning the time granted supporters of the bill for debating it. The minority leader or the ranking minority member of the committee often apportions time for the minority party's participation in the debate.

Frank—A member's facsimile signature on envelopes, used in lieu of stamps, for his official outgoing mail, thus postage-free. Also the privilege of sending mail postage-free.

Germane—Pertaining to the subject matter of the measure at hand. All House amendments must be germane to the bill. The Senate requires that amendments be germane only when they are proposed to general appropriation bills, bills being considered under cloture, or, often, when proceeding under an agreement to limit debate.

Grants-in-Aid—Payments by the federal government which aid the recipient state, local government or individual in administering specified programs, services or activities.

Hearings—Committee sessions for hearing witnesses. At hearings on legislation, witnesses usually include specialists, government officials and spokesmen for persons affected by the bills under study. Hearings related to special investigations bring forth a variety of witnesses. Committees sometimes use their subpoena power to summon reluctant witnesses. The public and press may attend "open" hearings, but are barred from "closed" or "executive" hearings.

The committee announces its hearings, from one day to many weeks in advance, and may invite certain persons to testify. Persons who request time to testify may be turned down by the committee, but most requests are honored.

Both houses have rules against conducting committee hearings in secret, but the House's are much more stringent.

Hold-Harmless Clause—A provision added to legislation to ensure that recipients of federal funds do not receive less in a future year than they did the previous year, if a new formula for allocating such funds would result in a reduction in the amount. To hold a state or city government "harmless" means that neither would be responsible for providing the additional funds or services to make up the difference between the level of benefits previously received and that which would be allowed under the new formula. The federal government would be obliged to provide the additional funds or benefits. This clause has been used most frequently to soften the impact of sudden reductions in federal aid.

Hopper—Box on House clerk's desk where bills are deposited on introduction.

House—The House of Representatives, as distinct from the Senate, although each body is a "house" of Congress.

House Calendar—Listing for action by the House of Representatives of public bills which do not directly or indirectly appropriate money or raise revenue.

Immunity—Constitutional privilege of members of Congress to make verbal statements on the floor and in committee for which they cannot be sued or arrested for slander or libel. Also, freedom from arrest while traveling to or from sessions of Congress or on official business. Members in this status may be arrested only for treason, felonies or a breach of the peace, as defined by congressional manuals.

Joint Committee—A committee composed of a specified number of members of both the House and Senate. Usually a joint committee is investigative in nature, such as the Joint Economic Committee. Others have housekeeping duties such as the joint committees on Printing and on the Library of Congress.

Joint Resolution—A joint resolution, designated H J Res or S J Res, requires the approval of both houses and the signature of the president, just as a bill does, and has the force of law if approved. There is no real difference

between a bill and a joint resolution. The latter is generally used in dealing with limited matters, such as a single appropriation for a specific purpose.

Joint resolutions also are used to propose amendments to the Constitution. They do not require a presidential signature, but become a part of the Constitution when three-fourths of the states have ratified them.

Journal—The official record of the proceedings of the House and Senate. The Journal records the actions taken in each chamber, but, unlike the *Congressional Record*, it does not include the verbatim report of speeches, debates, etc.

Law—An act of Congress which has been signed by the president, or passed over his veto by Congress; for example, the Civil Rights Act of 1964 (HR 7152) became Public Law 88-352 during the 88th Congress.

Legislative Day—The "day" extending from the time either house meets after an adjournment until the time it next adjourns. Because the House normally adjourns from day to day, legislative days and calendar days usually coincide. But in the Senate, a legislative day may, and frequently does, extend over several calendar days. (See *Recess*.)

Legislative Veto—A procedure permitting either the House or Senate, or both chambers, to review proposed executive branch regulations or actions and block or modify those with which they disagree. The specifics of the procedure may vary, but Congress generally provides for a legislative veto by including in a specific piece of legislation a provision that administrative rules or actions taken to implement the legislation are to go into effect at the end of a designated period of time unless blocked by either or both houses.

Lobby—A group seeking to influence the passage or defeat of legislation. Originally the term referred to persons frequenting the lobbies or corridors of legislative chambers in order to speak to lawmakers.

The definition of a lobby and the activity of lobbying is a matter of differing interpretation. By some definitions, lobbying is limited to attempts at direct influence by personal interview and persuasion. Under other definitions, lobbying includes attempts at indirect influence, such as persuading members of a group to write or visit their representative or senators, or attempting to create a climate of opinion favorable to a desired legislative action.

The right to attempt to influence legislation is based on the First Amendment to the Constitution, which says Congress shall make no law abridging the right of the people "to petition the government for a redress of grievances."

Majority Leader—Chief strategist and floor spokesman for the party in nominal control in either chamber. He is elected by his party colleagues and is virtually program director for his chamber, since he usually speaks for its majority.

Majority Whip—In effect, the assistant majority leader, in House or Senate. His job is to help marshal majority forces in support of party strategy and legislation.

Manual—The official handbook in each house prescribing its organization, procedures and operations in detail. The Senate manual contains standing rules, orders, laws and resolutions affecting Senate business; the House manual is for operations affecting that chamber. Both volumes contain previous codes under which Congress functioned and from which it continues to derive precedents. Committee powers are outlined. The rules set forth in the manuals may be changed by chamber actions also specified by the manuals.

Marking Up a Bill—Going through a measure, in committee or subcommittee, taking it section by section, revising language, penciling in new phrases, etc. If the bill is extensively revised, the new version may be introduced as a separate bill, with a new number. (See *Clean Bill*.)

Minority Leader—Floor leader for the minority party. (See *Majority Leader*.)

Minority Whip—Performs duties of whip for the minority party. (See *Majority Whip*.)

Morning Hour—The time set aside at the beginning of each legislative day for the consideration of regular routine business. The "hour" is of indefinite duration in the House, where it is rarely used. In the Senate it is the first two hours of a session following an adjournment, as distinguished from a recess. The morning hour can be terminated earlier if the morning business has been completed. The business includes such matters as messages from the

president, communications from the heads of departments, messages from the House, the presentation of petitions, reports of standing and select committees, and the introduction of bills and resolutions.

During the first hour of the morning hour in the Senate, no motion to proceed to the consideration of any bill on the calendar is in order except by unanimous consent. During the second hour, motions can be made but must be decided without debate. Senate committees may meet while the Senate is in the morning hour.

Motion—Request by a member for any one of a wide array of parliamentary actions. He "moves" for a certain procedure, or the consideration of a measure or a vote, etc. The precedence of motions, and whether they are debatable, is set forth in the House and Senate manuals.

Nominations—Appointments to office by the executive branch of the government, subject to Senate confirmation. Although most nominations win quick Senate approval, some are controversial and become the topic of hearings and debate. Sometimes senators object to appointees for patronage reasons — for example, when a nomination to a local federal job is made without consulting the senators of the state concerned. Then a senator may use the stock objection that the nominee is "personally obnoxious" to him. Usually other senators join in blocking such an appointment out of courtesy to their colleague.

One Minute Speeches—Addresses by House members at the beginning of a legislative day. The speeches may cover any subject, but are limited strictly to one minute's duration. By unanimous consent, members may also be recognized to address the House for longer periods after completion of all legislative business for the day. Senators, by unanimous consent, are permitted to make speeches of a predetermined length during the Morning Hour.

Override a Veto—If the president disapproves a bill and sends it back to Congress with his objections, Congress may override his veto by a two-thirds vote in each chamber. The Constitution requires a recorded vote. The question put to each house is: "Shall the bill pass, the objections of the president to the contrary notwithstanding?" (See also *Pocket Veto and Veto*.)

Pair—A "gentlemen's agreement" between two lawmakers on opposite sides to withhold their votes on roll calls so their absence from Congress will not affect the outcome of a recorded vote. If passage of the measure requires a two-thirds majority, a pair would require two members favoring the action to one opposed to it.

Two kinds of pairs — special and general — are used; neither is counted in vote totals. The names of lawmakers pairing on a given vote and their stands, if known, are printed in the *Congressional Record*.

The special pair applies to one or a series of roll-call votes on the same subject. On special pairs, lawmakers usually specify how they would have voted.

A general pair in the Senate, now rarely used in the chamber, applies to all votes on which the members pairing are on opposite sides, and it lasts for the length of time pairing senators agree on. It usually does not specify a senator's stand on a given vote.

The general pair in the House differs from the other pairs. No agreement is involved and the pair does not tie up votes. A representative expecting to be absent may notify the House clerk he wishes to make a "general" pair. His name then is paired arbitrarily with that of another member desiring a general pair, and the list is printed in the *Congressional Record*. He may or may not be paired with a member taking the opposite position. General pairs in the House give no indication of how a member would have voted. (See *Record Vote*.)

Petition—A request or plea sent to one or both chambers from an organization or private citizens' group asking support of particular legislation or favorable consideration of a matter not yet receiving congressional attention. They are referred to appropriate committees and are considered or not, according to committee decisions.

Pocket Veto—The act of the president in withholding his approval of a bill after Congress has adjourned — either for the year or for a specified period. However, the U.S. Court of Appeals for the District of Columbia Circuit on Aug. 14, 1974, upheld a congressional challenge to a pocket veto used by former President Nixon during a six-day congressional recess in 1970. The court declared that it was an improper use of the pocket veto power. When Congress is in session, a bill becomes law without the president's signature if he does not act upon it within 10 days, excluding Sundays, from the time he gets it. But if Congress adjourns within that 10-day period, the bill is killed without the president's formal veto.

Point of Order—An objection raised by a member that the chamber is departing from rules governing its conduct of business. The objector cites the rule violated, the chair sustaining his objection if correctly made. Order is restored by the chair's suspending proceedings of the chamber until it conforms to the prescribed "order of business." Members sometimes raise a "point of no order" — when there is noise and disorderly conduct in the chamber.

President of the Senate—Presiding officer of the upper chamber, normally the vice president of the United States. In his absence, a president pro tempore (president for the time being) presides.

President pro tempore—The chief officer of the Senate in the absence of the vice president. He is elected by his fellow senators. The recent practice has been to elect to the office the senator of the majority party with longest continuous service.

Previous Question—In this sense, a "question" is an "issue" before the House for a vote and the issue is "previous" when some other topic has superseded it in the attention of the chamber. A motion for the previous question, when carried, has the effect of cutting off all debate and forcing a vote on the subject originally at hand. If, however, the previous question is moved and carried before there has been any debate on the subject at hand and the subject is debatable, then 40 minutes of debate is allowed before the vote. The previous question is sometimes moved in order to prevent amendments from being introduced and voted on. The motion for the previous questions is a debate-limiting device and is not in order in the Senate.

Private Calendar—Private House bills dealing with individual matters such as claims against the government, immigration, land titles, etc., are put on this calendar. When it is before the chamber, two members may block a private bill, which then is recommitted to committee.

Backers of a private bill thus recommitted have another recourse. The measure can be put into an "omnibus claims bill" — several private bills rolled into one. As with any bill, no part of an omnibus claims bill may be deleted without a vote. When a private bill goes back to the floor in this form, it can be defeated only by a majority of those present. The private calendar can be called on the first and third Tuesdays of each month.

Privilege—Privilege relates to the rights of members of Congress and to the relative priority of the motions and actions they may make in their respective chambers. The two are distinct. "Privileged questions" concern legislative business. "Questions of privilege" concern legislators themselves. (See below.)

Privileged Questions—The order in which bills, motions and other legislative measures are considered by Congress is governed by strict priorities. A motion to table, for instance, is more privileged than a motion to recommit. Thus, a motion to recommit can be superseded by a motion to table, and a vote would be forced on the latter motion only. A motion to adjourn, however, would take precedence over this one, and is thus considered of the "highest privilege."

Fro Forma Amendment—(See *Strike Out the Last Word*.)

Questions of Privilege—These are matters affecting members of Congress individually or collectively.

Questions affecting the rights, safety, dignity and integrity of proceedings of the House or Senate as a whole are questions of privilege of the House or Senate, as the case may be.

Questions involving individual members are called questions of "personal privilege." A member's rising to a question of personal privilege is given precedence over almost all other proceedings. An annotation in the House rules points out that the privilege of the member rests primarily on the Constitution, which gives him a conditional immunity from arrest and an unconditional freedom to speak in the House.

Quorum—The number of members whose presence is necessary for the transaction of business. In the Senate and House, it is a majority of the membership (when there are no vacancies, this is 51 in the Senate and 218 in the House). A quorum is 100 in the Committee of the Whole House. If a point of order is made that a quorum is not present, the only business in order is either a motion to adjourn or a motion to direct the sergeant-at-arms to request the attendance of absentees.

Readings of Bills—Traditional parliamentary law required bills to be read three times before they were passed. This custom is of little modern significance except in rare instances. Normally the bill is considered to have its first reading when it is introduced and printed, by title, in the *Congressional Record*. Its second reading comes when floor

consideration begins. (This is the most likely point at which there is an actual reading of the bill, if there is any.) The third reading (usually by title) takes place when action has been completed on amendments.

Recess—Distinguished from adjournment in that a recess does not end a legislative day and, therefore, does not interfere with unfinished business. The rules in each house set forth certain matters to be taken up and disposed of at the beginning of each legislative day. The House, which operates under much stricter rules than the Senate, usually adjourns from day to day. The Senate often recesses.

Recommit to Committee—A simple motion, made on the floor after a bill has been debated, to return it to the committee which reported it. If approved, recommitment usually is considered a death blow to the bill. In the House a motion to recommit can be made only by a member opposed to the bill, and in recognizing a member to make the motion, the Speaker gives the minority position preference over the majority.

A motion to recommit may include instructions to the committee to report the bill again with specific amendments or by a certain date. Or the instructions may be to make a particular study, with no definite deadline for final action. If the recommitment motion includes instructions, and it is adopted, floor action on the bill continues and the committee does not formally reconsider the legislation.

Reconsider a Vote—A motion to reconsider the vote by which an action was taken has, until it is disposed of, the effect of suspending the action. In the Senate the motion can be made only by a member who voted on the prevailing side of the original question, or by a member who did not vote at all. In the House it can be made only by a member of the prevailing side.

A common practice after close votes in the Senate is a motion to reconsider, followed by a motion to table the motion to reconsider. On this motion to table, senators vote as they voted on the original question, to enable the motion to table to prevail. The matter is then finally closed and further motions to reconsider are not entertained. In the House, as a routine precaution, a motion to reconsider usually is made every time a measure is passed. Such a motion almost always is tabled immediately, thus shutting off the possibility of future reconsideration except by unanimous consent.

Motions to reconsider must be entered in the Senate within the next two days of actual session after the original vote has been taken. In the House they must be entered either on the same day or on the next succeeding day the House is in session.

Recorded Vote—A vote upon which each member's stand is individually made known. In the Senate, this is accomplished through a roll call of the entire membership, to which each senator on the floor must answer "yea," "nay" or, if he does not wish to vote, "present." Since January 1973, the House has used an electronic voting system both for yeas and nays and other recorded votes in the Committee of the Whole. (See *Teller Vote*.)

The Constitution requires yeas-and-nays votes on the question of overriding a veto. In other cases, a recorded vote can be obtained by the demand of one-fifth of the members present.

Report—Both a verb and a noun, as a congressional term. A committee which has been examining a bill referred to it by the parent chamber "reports" its findings and recommendations to the chamber when the committee returns the measure. The process is called "reporting" a bill.

A "report" is the document setting forth the committee's explanation of its action. House and Senate reports are numbered separately and are designated S Rept or H Rept. Conference reports are numbered and designated in the same way as regular committee reports.

Most reports favor a bill's passage. Adverse reports are occasionally submitted, but more often, when a committee disapproves a bill, it simply fails to report it at all. Some laws require that committee reports (favorable or adverse) be made. When a committee report is not unanimous the dissenting committeemen may file a statement of their views, called minority views and referred to as a minority report. Sometimes a bill is reported without recommendation.

Rescission—An item in an appropriation bill rescinding, or canceling, funds previously appropriated but not spent. Also, the repeal of a previous appropriation by the president to cut spending, if approved by Congress under procedures in the Budget and Impoundment Control Act of 1974.

Resolution—A simple resolution, designated H Res or S Res, deals with matters entirely within the prerogatives of one house or the other. It requires neither passage by the other chamber nor approval by the president, and does not have the force of law. Most resolutions deal with the rules of one house. They also are used to express the sentiments of a single house, as condolences to the family of a deceased member or to give "advice" on foreign policy or other executive business. (Also see *Concurrent and Joint Resolutions*.)

Rider—An amendment, usually not germane, which its sponsor hopes to get through more easily by including it in other legislation. Riders become law if the bills embodying them do. Riders providing legislative directives in appropriations bills are outstanding examples, though technically they are banned. The House, unlike the Senate, has a strict germaneness rule; thus riders are usually Senate devices to get legislation enacted quickly or to bypass lengthy House consideration, and, possibly, opposition.

Rule—The term has two specific congressional meanings. A rule may be a standing order governing the conduct of House or Senate business and listed in the chamber's book of rules. The rules deal with duties of officers, order of business, admission to the floor, voting procedures, etc.

In the House, a rule also may be a decision made by its Rules Committee about the handling of a particular bill on the floor. The committee may determine under which standing rule a bill shall be considered, or it may provide a "special rule" in the form of a resolution. If the resolution is adopted by the House, the temporary rule becomes as valid as any standing rule, and lapses only after action has been completed on the measure to which it pertains.

A special rule sets the time limit on general debate. It may also waive points of order against provisions of the bill in question, such as non-germane language, or against specified amendments intended to be proposed to the bill. It may even forbid all amendments or all amendments except, in some cases, those proposed by the legislative committee that handled the bill. In this instance it is known as a "closed" or "gag" rule as opposed to an "open" rule, which puts no limitation on floor action, thus leaving the bill completely open to alteration. (See *Suspend the Rules*.)

Secretary of the Senate—Chief administrative officer of the Senate, responsible for direction of duties of Senate employees, education of pages, administration of oaths, receipt of registration of lobbyists and other activities necessary for the continuing operation of the Senate.

Select or Special Committee—A committee set up for a special purpose and, generally, for a limited time by resolution of either House or Senate. Most special committees are investigative in nature.

Senatorial Courtesy—Sometimes referred to as "the courtesy of the Senate," it is a general practice — with no written rule — applied to consideration of executive nominations. Generally, it means that nominations from a state are not to be confirmed unless they have been approved by the senators of the president's party of that state, with other senators following their lead in the attitude they take toward such nominations.

Sine Die—See *Adjournment sine die*.

Slip Laws—The first official publication of a bill that has been enacted into law. Each is published separately in unbound single-sheet or pamphlet form. It usually takes two to three days from the date of presidential approval to the time when slip laws become available.

Speaker—The presiding officer of the House of Representatives, elected by its members.

Special Session—A session of Congress after it has adjourned sine die, completing its regular session. Special sessions are convened by the president of the United States under his constitutional powers.

Standing Committees—Committees permanently authorized by House and Senate rules. The standing committees of the House were last reorganized by the committee reorganization act of 1974. The last major reorganization of Senate committees was in the Legislative Reorganization Act of 1946.

Standing Vote—A non-recorded vote used in both the House and Senate. A standing vote, also called a division vote, is taken as follows: Members in favor of a proposal stand and are counted by the presiding officer. Then members opposed stand and are counted. There is no record of how individual members voted. In the House, the presiding officer announces the number for and against. In the Senate, usually only the result is announced.

Statutes-at-Large—A chronological arrangement of the laws enacted in each session of Congress. Though indexed, the laws are not arranged by subject matter nor is there an indication of how they affect previous law. (See *U.S. Code*.)

Strike from the Record—Remarks made on the House floor may offend some member, who moves that the offending words be "taken down" for the Speaker's cognizance, and then expunged from the debate as published in the *Congressional Record*.

Strike Out the Last Word—A move whereby House members are entitled to speak for a fixed time on a measure then being debated by the chamber. A member gains recognition from the chair by moving to strike out the last word of the amendment or section of the bill then under consideration. The motion is pro forma, and customarily requires no vote.

Substitute—A motion, an amendment, or an entire bill introduced in place of pending business. Passage of a substitute measure kills the original measure by supplanting it. A substitute may be amended.

Supplemental Appropriations—Normally, these are passed after the regular (annual) appropriations bills, but before the end of the fiscal year to which they apply. Also referred to as "deficiencies."

Suspend the Rules—Often a time-saving procedure for passing bills in the House. The wording of the motion, which may be made by any member recognized by the Speaker, is: "I move to suspend the rules and pass the bill. . . ." A favorable vote by two-thirds of those present is required for passage. Debate is limited to 40 minutes and no amendments from the floor are permitted. If a two-thirds favorable vote is not attained, the bill may be considered later under regular procedures. The suspension procedure is in order on the first and third Mondays and Tuesdays of each month and usually is reserved for noncontroversial bills.

Table a Bill—The motion to "lay on the table" is not debatable in either house, and is usually a method of making a final, adverse disposition of a matter. In the Senate, however, different language is sometimes used. The motion is worded to let a bill "lie on the table," perhaps for subsequent "picking up." This motion is more flexible, merely keeping the bill pending for later action, if desired.

Teller Vote—In the House, members file past tellers and are counted as for or against a measure, but they are not recorded individually. The teller vote is not used in the Senate. In the House, tellers are ordered upon demand of one-fifth of a quorum. This is 44 in the House, 20 in the Committee of the Whole.

The House also has a recorded teller vote procedure, now largely supplanted by the electronic voting procedure, under which the individual votes of members are made public just as they would be on a yea-and-nay vote. This procedure, introduced in 1971, forced members to take a public position on amendments to bills considered in the Committee of the Whole. (See *Recorded Vote*.)

Treaties—Executive proposals — in the form of resolutions of ratification — which must be submitted to the Senate for approval by two-thirds of the senators present. Before they act on such foreign policy matters, senators usually send them to committee for scrutiny. Treaties are read three times and debated in the chamber much as are legislative proposals. After approval by the Senate, they are ratified by the president.

Unanimous Consent—Synonymous with Without Objection. (See *below*.)

Union Calendar—Bills which directly or indirectly appropriate money or raise revenue are placed on this House calendar according to the date reported from committee.

U.S. Code—A consolidation and codification of the general and permanent laws of the United States arranged by subject under 50 titles, the first six dealing with general or political subjects, and the other 44 alphabetically arranged from agriculture to war and national defense. The code is now revised every six years and a supplement is published after each session of Congress.

Veto—Disapproval by the president of a bill or joint resolution, other than one proposing an amendment to the Constitution. When Congress is in session, the president must veto a bill within 10 days, excluding Sundays, after he has received it; otherwise it becomes law with or without his signature.

When the president vetoes a bill, he returns it to the house of its origin with a message stating his objections. The veto then becomes a question of high privilege. (See *Override a Veto*.)

When Congress has adjourned, the president may pocket veto a bill by failing to sign it. (See *Pocket Veto*.)

Voice Vote—In either the House or Senate, members answer "aye" or "no" in chorus, and the presiding officer decides the result. The term also is used loosely to indicate action by unanimous consent or without objection.

Whip—See Majority Whip.

Without Objection—Used in lieu of a vote on noncontroversial motions, amendments or bills, which may be passed in either the House or the Senate if no member voices an objection.

Appendix 4

Newsletters, Periodicals, and Other Sources of Information *Newsletters and Periodicals*

Newsletters, periodicals, and other serial publications are important tools for keeping abreast of new developments in volunteerism and in juvenile justice. The following publications provide all types of useful information (e.g., advance notice of meetings and training programs, descriptions of innovative programs and practices, information on legislative activities, etc.). Some are available by writing the organizations that publish them; others are available as a service to members of the sponsoring organizations, and many of them may be found in local libraries.

CHANGE A Juvenile Justice Quarterly. Published by:
National Office for Social Responsibility
208 No. Washington St.
Alexandria, VA 22314

Crime and Delinquency. Published quarterly. \$15 including NCCD annual membership fee of \$4 per single copy. This publication serves as a professional forum for the expression and discussion of all competent views of the administration of criminal justice. Available from:

National Council on Crime and Delinquency
411 Hackensack Avenue
Hackensack, NJ 07601

FOCUS on Children and Youth. Available from:
National Council of Organizations
for Children and Youth
1910 K Street, N.W.
Washington, D.C. 20006

Juvenile Court Digest. \$18 per year, \$2 per issue, or as part of membership fee. This publication is a digest of juvenile court cases on a national basis. Available from:

National Council of Juvenile Court Judges
Box 8978
University Station
Reno, NV 89507

Juvenile Court Newsletter. Bimonthly publication. Available only as part of membership fee. This newsletter relates news of the National Council of Juvenile Court Judges organization and items on the juvenile justice system of national interest. Available at above address.

Juvenile Justice. Published quarterly. \$12 per year, \$3 per issue, or as part of membership fee. This newsletter features articles on the juvenile justice system, law, diversion, corrections, rehabilitation, etc. Available from National Council of Juvenile Court Judges at above address.

Juvenile Justice Digest. Published twice monthly. \$75 per year. Provides concise reports on important events in Washington, D.C., plus upbeat coverage of juvenile justice across the states and in the cities. Focus on issues, topics, legislation, grants information, upcoming events. Available from:

Washington Crime News Service
7620 Little River Turnpike
Annandale, VA 22003

New Human Services Review. Published bimonthly. \$9 per year for individuals, \$15 per year for institutions. This publication provides current information about developments across the entire range of human services, including news about new program developments, training, evaluation, legislation, and policy developments. Available from:

Behavioral Publications
72 Fifth Avenue
New York, NY 10011

Register Citizen Opinion. Published annually. 25 cents. This publication is a guide to political action, including a congressional directory. Available from:

Service Department
Board of Church and Society
100 Maryland Avenue, N.E.
Washington, D.C. 20002

The Grantsmanship Center News. Available from:

The Grantsmanship Center
1015 West Olympia Boulevard
Los Angeles, CA 90015

VIP Examiner. Quarterly newspaper. \$3 per year. This publication produced by the Volunteers in Probation Division of the National Council on Crime and Delinquency is addressed to crime, criminal justice, and concerned citizens. It is distributed to approximately 50,000 volunteers and professionals who work with volunteers in criminal justice. Available from:

Mr. Phil Groto
N.C.J.V.R.S.
The University of Alabama
Box 1935
University, AL 35486

Other Sources of Information

U.S. Department of Commerce. *County and City Data Bank*. Washington, D.C.: U.S. Department of Commerce, Bureau of the Census.

This volume, published following every national census, contains a wide variety of statistical items for each county, standard metropolitan statistical area, city, urbanized area, and unincorporated area in the United States. Most information is in easily interpretable statistical, tabular form.

International City Manager Association. *Municipal Year Book*

Primarily focusing on issues of urban management, this yearly publication provides a wide variety of information such as structure and nature of municipal services, city employment and payroll statistics, federal grants management, political municipal organizations, etc. Information is in both written and statistical, tabular form.

National Criminal Justice Reference Service (NCJRS)

The Reference Service is a function of the U.S.

Voluntary Action Leadership. Published quarterly. \$8 per year or \$2 per issue. Each issue includes articles on research in the volunteer field, resource listings, legislation, program profiles, news, and practical how-to-guides on such topics as training volunteers, recruitment, communication skills, fund raising, etc. Available from:

National Center for Voluntary Action
1214 16th Street, N.W.
Washington, D.C. 20036

Washington Newsletter. Published monthly, occasionally bimonthly. \$5 per year or 50 cents per copy. This newsletter focuses on legislation affecting criminal justice, juvenile justice, and related issues. Available from:

National Council of Jewish Women
15 East 26th Street
New York, NY 10010

Youth Alternatives. Published monthly. \$20 per year. This national newsletter focusing on issues and activities affecting youth and youth workers includes information on funding, policy developments, resources, conferences, jobs, etc. Available from:

National Youth Alternatives Project
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036

information essential to help improve the functioning of the criminal justice system."

The Reference Service maintains one of the most extensive data banks for criminal justice information available in the United States. The service is free, and its use is strongly encouraged. Among the many services provided by NCJRS are notification of published information in selected areas, reference and information, bibliographic listings, document retrieval, microfiche, document loans, and translations. A copy of *User's Guide to NCJRS* may be obtained by writing:

NCJRS
P.O. Box 24306
S.W. Post Office
Washington, D.C. 20024
Phone: (202) 755-9704

Directory of Child Advocacy Programs (1978)

U.S. Department of Health and Human Services
Administration for Children, Youth, and Families
Children's Bureau
Publications Section
P.O. Box 1182
Washington, D.C. 20013

National Children's Directory: An Organizational Directory and Reference Guide for Changing Conditions of Children and Youth (1977)

Urban Information Interpreters
P.O. Box AH
College Park, Maryland 20740
\$39.95 including postage

Fundraising

The Foundation Center is a nonprofit organization which researches, analyzes, and provides factual information on the philanthropic foundations. Services of the center include telephone service, mail service, research service, copy service, custom search of computer files, library service for visitors, and publications for free or sale. There are three national collections containing copies of all the Center's resource materials:

The Foundation Center
888 Seventh Avenue
New York, N.Y. 10019
(212) 489-8610

The Foundation Center
1001 Connecticut Avenue, N.W.,
Washington, D.C. 20036
(202) 331-1400

The Chicago Community Trust
208 South LaSalle Street, Suite 840

Chicago, Ill. 60604
(312) 372-3356

National Directory of Addresses and Telephone Numbers (1979)

Bantam Books, Inc.
666 5th Avenue
New York, New York 10019

National Directory of Runaway Programs, 1979 (1979)

National Youth Work Alliance
1346 Connecticut Avenue, N.W.
Suite 502
Washington, D.C. 20036

State Administrative Officials (Classified by Function): 1979 (1979)

State Legislative Leadership, Committees, and Staff: 1979 (1979)

The Council of State Governments
Order Department
P.O. Box 11910
Iron Works Pike
Lexington, Kentucky 40578

Washington Information Directory (1979)

Congressional Quarterly, Inc.
1414 22nd Street, N.W.
Washington, D.C. 20037

In addition there are fifty-three regional collections in thirty-nine states which have copies of the Center's major publications and maintain information concerning philanthropy in their geographical areas. For a listing of these regional collections and for general information about the overall program of the Center, its services, and publications, contact one of the three national Center libraries. Some of the Center's major publications available for research, and available for purchase are:

The Grantsmanship Center
1015 West Olympia Boulevard
Los Angeles, California 90015

The Center is a nonprofit organization which provides fundraising education through workshops in cities across the country.

Catalog of Federal Domestic Assistance (revised periodically). This is the most comprehensive, indexed document on all federal grant programs. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A notebook-sized collection of loose-leaf sheets, plus all updates, mailed to your address for one year. Binder available. This document gives pertinent details on over 1,000 programs administered by 55 different federal agencies, from aging to youth development.

The Foundation Directory (5th ed., 1975). Considered by many to be the single most important reference work available on grant-making foundations, it is indexed by geographical area and fields of interest. 1,198 pages with four supplements. Available from Columbia University Press, 136 South Broadway, Irvington, N.Y. 10533.

Foundation News. Focuses on current developments in foundation funding and lists recent foundation grants of \$5,000 or more. This bimonthly magazine is available from Council of Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

The Foundation Center Sourcebook (1976). Describes in depth 129 foundations with assets of \$10 million or more. Available from the Columbia University Press.

Free pamphlets available from the Center include: "What Will a Foundation Look For When You Submit A Grant Proposal," "What Makes a Good Proposal," and "Philanthropy in the United States: History and Structure."

Guide for Discretionary Grant Programs. Write directly to LEAA in Washington for a single copy of their latest *Guide*, which contains the annual plans submitted to LEAA by government planning organizations, including descriptions of projects funded or intended to be funded, and the procedures for applying for discretionary grant funds.

Des Marais, Philip, *How to Get Government Grants*. New York: Public Service Materials Center, 355 Lexington Avenue, New York, N.Y. 10017. This is a very practical, "how-to" book.

Dermer, Joseph. *The New How To Raise Funds From Foundations*. New York: Public Service Materials Center, 355 Lexington Avenue, New York, N.Y. 10017.

This 80 page manual is written in practical, down-to-earth language and covers all aspects of foundation fundraising from getting appointments to writing proposals.

Information on Federal Legislation

Congressional Quarterly, *National Journal*, *Congressional Index*, *Congressional Record*, *Congressional Directory*, *Congressional Staff Directory*. Available at many libraries.

Major newspapers with good Washington, D.C. coverage, such as the *New York Times*, the *Washington Post*, the *Washington Star-News* and the *Christian Science Monitor*. Available at many libraries.

Senate Document Room, Washington, D.C. 20510

House Document Room, Washington, D.C. 20515

Request specific bills, public laws, Presidential messages or committee reports.

Your legislators.

Your Congresspersons have access to the Library of Congress information services and can obtain copies of many bills and hearing records and conference reports for you.

Congressional committees.

Free copies of hearings and committee reports are available upon request as long as printings last.

Appendix 5

Resource Organizations National Juvenile Justice Program Collaboration Task Force Agencies

AFL-CIO, DEPARTMENT OF COMMUNITY SERVICES
815 16th Street, NW
Washington, DC 20006
(202) 637-5189

AMERICAN RED CROSS
17th & 'D' Streets, NW
Washington, DC 20006
(202) 737-8300

ASSOCIATION OF JUNIOR LEAGUES
825 Third Avenue
New York, NY 10022
(212) 355-4380

BIG BROTHERS/BIG SISTERS OF AMERICA
117 South 17 Street - Suite 1200
Philadelphia, PA 19103
(215) 567-2748

BOY SCOUTS OF AMERICA
Post Office Box 61030
Dallas/Fort Worth Airport, TX 75261
(214) 659-2000

BOYS' CLUBS OF AMERICA
771 First Avenue
New York, NY 10017
(212) 557-7755

CAMP FIRE, INC.
4601 Madison Avenue
Kansas City, MO 64112
(816) 756-1950

GIRL SCOUTS OF THE USA
830 Third Avenue
New York, NY 10022
(212) 940-7500

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(202) 785-2757

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THE NATIONAL NETWORK
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(202) 466-4212

THE SALVATION ARMY
120 West 14 Street
New York, NY 10011
(212) 620-4908

TRAVELERS AID ASSOCIATION OF AMERICA
701 Lee Street - Suite 600
Des Plaines, IL 60016
(312) 298-9390

UNITED NEIGHBORHOOD CENTERS OF AMERICA
232 Madison Avenue
New York, NY 10016
(212) 679-6110

YMCA OF THE USA, NATIONAL COUNCIL
101 North Wacker Drive
Chicago, IL 60606
(312) 977-0031

YWCA OF THE USA, NATIONAL BOARD
600 Lexington Avenue
New York, NY 10022
(212) 753-4700

Other National Public and Private Organizations and Agencies

Presented below is a selected listing of other voluntary organizations which have been involved in juvenile or criminal justice related programs or other efforts to change societal institutions. For a complete list of voluntary organizations, see the *Encyclopedia of Associations*, available in the reference departments of many libraries.

American Association of University Women (AAUW)
2401 Virginia Avenue, N.W.
Washington, D.C. 20037
Phone: (202) 785-7700

AAUW branches have a long history of involvement in social action and systems change efforts. The national office issues many publications, available from their sales office, related to action. These include:

—*Tool Catalog: Techniques and Strategies for Successful Action Programs*

—*Action Is Our Bag: A Working Guide for Planned Community Change*

—*Power Quotient Bag: A Working Guide for Developing Power*

American Bar Associations (ABA)

The ABA has many programs, activities, and publications focused on improving the criminal and juvenile justice systems. Also many local and state bar associations have juvenile justice committees which you may call to find out what information they have, and what activities they are involved in.

American Civil Liberties Union
156 Fifth Avenue
New York, N.Y. 10010
(Affiliates located in every state.)

Chamber of Commerce of the United States
1615 H Street, N.W.
Washington, D.C. 20062

Children's Defense Fund
24 Thorndike Street
Cambridge, MA 02141

The Defense Fund serves as an advocate for youth in such areas as school discipline, special education, health services, juvenile justice, and social services for families and children. Publications available for four dollars per copy from: 1520 New Hampshire Avenue,

N.W., Washington, D.C. 20036 include: *Children Out of School in America*, *School Suspensions: Are They Helping Children*, and *Doctors and Dollars Are Not Enough*.

General Federation of Women's Clubs (GFWC)
1728 N Street, N.W.
Washington, D.C. 20036, (202) 347-6450

John Howard Association
67 East Madison Street, Suite 1216
Chicago, IL 60603

The John Howard Association is a private, nonprofit, national service agency involved in public information, education, and reform in the field of crime and delinquency. The association assists in the development of national program standards, conducts surveys and master plans, conducts program evaluations, and monitors programs and services in the criminal justice system.

Consultative services and written material based on research is provided nationwide to interested public and private groups to promote the effective use of local volunteers by courts.

Kiwanis International
101 East Erie Street
Chicago, IL 60611

League of Women Voters of the United States
1730 M Street, N.W.
Washington, D.C. 20036

Focusing on government and civic affairs, the League's affiliates are active in monitoring and community education.

National Association of Counties Research Foundation
Criminal Justice Program
1735 New York Avenue, N.W.
Washington, D.C. 20006

The foundation maintains a listing of exemplary county

programs in criminal justice. It has published *Juvenile Delinquency: A Basic Manual for County Officials*.

National Council of Juvenile Court Judges (NCJ CJ)
University of Nevada
P.O. Box 8978
Reno, NV 89507

NCJ CJ provides technical assistance in all aspects of the juvenile justice system. Its "Non-Judicial Handling Committee" provides volunteers with information on community projects helping children in the courts. Audio-tape cassettes — including programs on runaways, the child advocate, delinquency prevention, and the schools — are available. The NCJ CJ Textbook Series includes volumes on *Legal Rights of Children* and *The Non-Delinquent Child in Juvenile Court: A Digest of Case Law*.

A list of books, periodicals, and tapes are available upon request. Numerous training programs are conducted throughout the year on juvenile justice topics.

National Center for Voluntary Action
1785 Massachusetts Avenue, N.W.
Washington, D.C. 20036
Telephone (202) 797-7800

The National Center for Voluntary Action (NCVA) is a nonprofit organization designed to stimulate and strengthen problem solving by volunteers and voluntary organizations, to increase public awareness about volunteer programs, and to motivate individuals and groups to become volunteers.

NCVA comprises a network of about 300 Voluntary Action Centers which are affiliated volunteer recruitment and referral agencies throughout the nation.

NCVA's *Technical Services Division* includes both the *Volunteer Consultant Network (VCN)* and the *Clearinghouse*. In VCN, more than 100 volunteer consultants aid volunteer groups in developing their community programs by providing assistance in program development, volunteer administration, fund development, and communications and public relations.

The Clearinghouse provides groups with a variety of materials on all aspects of volunteer administration and programming, quarterly magazine, *Voluntary Action Leadership*, offers interested individuals and groups a vast reservoir of helpful information. Brochures detailing the services and publications available from NCVA are available upon request.

National Council on Crime and Delinquency
411 Hackensack Avenue
Hackensack, NJ 07601
Telephone (201) 398-8550

The National Council on Crime and Delinquency (NCCD), works to improve the criminal justice system and to maximize the effectiveness of law enforcement, juvenile and criminal courts, and correctional institutions and programs. NCCD seeks to stimulate community programs for the prevention, treatment, and control of delinquency and crime. In addition to books and articles, four periodicals are published: *Criminal Justice Abstracts*, *Criminal Justice Newsletter*, *Crime and Delinquency*, and *Journal of Research in Crime and Delinquency*.

National Information Center on Volunteerism (NICOV)
P.O. Box 4179
Boulder, CO 80302
Telephone (303) 447-0492

NICOV, a nonprofit organization devoted to the expansion and dissemination of knowledge about volunteerism, provides technical assistance, consultation, training, and program evaluation for citizen involvement efforts.

The National Self-Help Resource Center, Inc.
1800 Wisconsin Avenue, Northwest
Washington, D.C. 20007
Telephone (202) 338-5704
Contact: Susan Davis, Executive Director

The National Self-Help Resource Center, Inc. encourages and trains volunteers in citizenship activities through the development of community resource centers. The center provides technical and practical information and has established a national network of community resource centers to exchange information and technical assistance.

National Student Volunteer Program ACTION
806 Connecticut Avenue, N.W.
Washington, D.C. 20009
Telephone (800) 424-8580 (toll free)

The National Student Volunteer Program (NSVP) was established by ACTION'S Office of Education Programs to provide assistance to student volunteer programs on high-school and college campuses across the country.

Social Advocates for Youth (S.A.Y.)

National Office
975 Northpoint Street
San Francisco, CA 94109
Telephone (415) 928-3222

S.A.Y. is a system of twelve nonprofit centers located in four states with a national administrative office in San Francisco. S.A.Y. centers provide individualized services to young people and their families, and work toward positive change in institutions affecting the lives of young people.

The United States Jaycees

Box 7
Tulsa, OK 74102

Volunteers in Probation

Division of the National Council on Crime and Delinquency
200 Washington Square Plaza
Royal Oak, MI 48067

The Volunteers in Probation Division of the National Council on Crime and Delinquency (VIP-NCCD) is dedicated to improving every phase of the criminal justice system through the use of volunteers. VIP-NCCD feels that volunteers are useful not only in the probation phase, but also in prevention, prosecution, institutions, and parole, and is attempting to generate further voluntary involvement in these areas.

VIP-NCCD provides consultation to groups and individuals interested in starting volunteer programs in the courts and in correctional institutions. A quarterly newspaper published by VIP-NCCD, *The VIP Examiner*, is an excellent source of information exchange on what volunteers across the country are doing in criminal justice.

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16. Diana Krauth, "How to Use the Congressional Record," The Grantsmanship Center News (January-February 1978), p. 49.
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29. Articles in "Education: Advocacy in the Community" are adapted from American Association of

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30. "Frequently Used Legal Terms" is excerpted from The Verdict Is In: A Look at Public Interest Litigation. Copyright © 1975 by the League of Women Voters Education Fund. Reprinted with permission.
31. "Glossary of Congressional Terms," Congressional Quarterly's Almanac, 96th Congress First Session, 1979.

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