



Society for Surgery of the Alimentary Tract

Advocacy Guide

Presented by the SSAT Public Policy & Advocacy Committee

“The best way to predict your future is to change it.” –Peter Drucker

BASIC CIVICS 101:

100 U.S. Senate Seats

435 U.S. Representative Seats

Every 2 years:

- Every U.S. Representative up for re-election
- 1/3 of U.S. Senators up for re-election
- Committee appointments and Chairs fluctuate with control of the House and Senate

Therefore:

- Representatives are essentially always running for re-election
- Access to both Senators and Representatives based on whether or not you will help then get re-elected
- The larger the group, the more votes are at stake

Congressman's Daily Schedule:

- 10 Scheduled Appointments (15 requested)
- 30 Drop-in Visits (100 requested)
- 10 Phone Calls (75 requested)
- 75 Faxes
- 100 Emails
- 125 Letters
- **IF YOU ARE NOT ACTIVE, ALL THESE PEOPLE GETTING ACTIVE REPRESENTATION ARE NOT YOU!!!!**

There are different ways to be an effective advocate:

- Face-to-face visits: national and local offices
- Lobbying from Home
- Building coalitions with other physician and patient advocate groups

The Face-to-Face Meeting:

I. Overview

- a. The First Meeting – the initial meeting with official or staff member is for you to get to know each other first to start building a productive relationship.
 - i. Identify yourself and your position (if you have one). If you are meeting with staff (most common), determine their role in the office and do it subtly.
 - ii. **BRIEFLY** describe your area of expertise and interest.
 - iii. Ask what the member/staff health care priorities are for the year. Try to get an idea on the timing of hearings or votes or other key events where the member might like to have your support.
 - iv. Make sure you volunteer yourself as a knowledgeable resource on selected issues.
 - v. Briefly describe your key issues. Make sure you tie them in to the member's district/state – how it impacts your practice, your patients, the hospital and your colleagues – basically how it impacts the legislator's CONSTITUENTS.
 - vi. Offer the member/staff to speak at an upcoming meeting or visit your institution or office. Call SSAT for assistance in setting this up.
- b. Regular/Ongoing Meetings - Timing is always critical, and use the staff at SSAT to help learn what issues are current. Use these meetings to share your position and try and learn where the member stands on your issues.
 - i. Be organized. Make your points in one to two minutes.
 - ii. If you are in a group, either plan what each person is going to say beforehand, or have one person as the primary spokesperson. And do NOT contradict each other.
 - iii. **The most important information you can bring** - Be prepared with examples of how the bill will impact either favorably or unfavorably your patients and the medical practices in your community.
 - iv. BE BRIEF. Let the member/staff ask questions. Ask them their position on the issue.
 - v. Show respect at all times for the staff and legislators.
 - vi. Point out groups that support your opinion, those that don't, and why. Acknowledge the opposition's legitimate points (there usually is at least one) and respond to those that are false or misconstrued, with facts, not emotion.
 - vii. Give the member a one-page fact sheet listing the reasons why he/she should support your cause. More detailed information can be sent to the staff if requested. Make sure to leave your business card or other identifying information.

- c. After Each Meeting – What you do after the meeting can be equally important. Both written and oral communications serve as a constant reminder that you are a concerned constituent. **Timing is important**; don't wait too long to follow-up with the office.
 - i. Write a thank you letter briefly restating your position. Write a thank you letter even if the legislator did not support your requests in the meeting.
 - ii. Attach any information you agreed to provide during the meeting.
 - iii. Ask to be kept informed on the progress of the bill (but don't count on it).
 - iv. Volunteer to present testimony, if appropriate, and ask to be notified of upcoming hearings.
 - v. Check back from time to time, but don't be a pest.
- d. Legislative Interviews: Five Common Case Scenarios
 - i. *"Don't Call Us, We'll Call You"* – The Senator/Representative (and/or staff) listens carefully and asks few or no questions. When you ask about his/her position, you are told he/she will think about your comments. You are thanked politely for your time. This is a totally noncommittal meeting.
 - 1. What do you do?
 - a. This is the single most common type of legislative meeting. It is not a bad one. You have established yourself and your position on relevant issues.
 - 2. But you can do more.
 - a. First, respect the fact that the Senator/Representative has not made a decision; don't try to press him/her for a commitment he/she is not ready to make.
 - b. Do ask questions to find out what forces might be influencing the decision.
 - c. Build your case – cite the impact on patient/physician populations back home, on their constituents. Cite other supporting groups.
 - d. Discern the level of grassroots pressure the Senator/Representative has been receiving. Also, try to discover if he/she has been contacted by other groups.
 - e. Always ask whether you can provide additional information to the office.
 - f. Always leave your name, address, and phone number (if you don't have a business card, write this on the fact sheet you leave) and the phone number and staff name for the SSAT office.
 - g. Ask if there are any other issues they would like to discuss with you. Don't waste time. But there may be other issues where you can find a common interest. If you are meeting with staff, this is a good time to discover if he/she is from your area and other

information that could provide the personal touch that adds to the relationship.

- h. As with any important meeting, **follow-up is crucial**. This is particularly true for the undecided. Write a thank-you letter, including any information requested at the meeting. For the undecided, it is also helpful to get others to write and/or phone the Senator/Representative to urge him/her to support your position.
- ii. *“I’m new” or “I don’t know much about health”* – This is more likely to happen with staff. There is a lot of turnover in Senator/Representative’s offices. Many staff – particularly those in the personnel office (with whom you will meet most often) – may know little about health care issues. In the personnel office, the staff may cover five or six issues, and it may not be a combination which makes sense. For example, he/she may cover defense, education, health and transportation.
 1. **BUT, CONTRARY TO WHAT YOU THINK, THIS IS NOT BAD NEWS!** – This is the best time to begin to develop your position as a valuable resource to the staff – a helpful expert on medical/health care issues. Best of all, you are an expert from back home. You are the constituent on whom they can rely on for accurate information, even when it is very technical. You can become an asset; you can make them look good and make their job easier.
 - a. Start out with the basics – who you are, what type of surgeon you are, where your office (hospital) is. Tell them what the SSAT is and what it represents.
 - b. Explain the advocacy “profile” of the organization – for example, that we are committed to patient-physician advocacy. Give them a cross section of issues you have worked on to support this profile.
 - c. This is the perfect time to bring up information that describes the practice of medicine in your area.
 - d. Give an overview of the issues you are most interested in and your position on those issues. The one-page fact sheet again is always valued.
 - e. Don’t use medical jargon. Don’t talk down.
 - f. Let them ask questions. In fact, encourage it.
 - g. In addition to the follow-up outlined previously, do what you can to develop this relationship. Letters, phone calls, e-mails and visits are all tools to use, but don’t become a pest. Be ready to help, but do not become overbearing.
 - h. Remember, new staff becomes experienced staff. If you encourage an interest in health, he/she could become an ally in

future years. If you underestimate them and don't treat them with the same respect, they will remember that as well.

2. Of course, some staff members are experts on health care issues; they are often pivotal advisors to the members of Congress. A relationship with such a staff is invaluable. Sophisticated staff will often ask you questions you don't have answers to. Don't fake it. Tell them you will get back to them with the answers, and remember to call the SSAT if you need help.
- iii. *"I agree" or "You are preaching to the choir"* – After you introduce the issue, you are told that the Senator/Representative agrees with your position and is going to vote in support of the bill.
 1. Great! Now what?
 - a. First, don't waste time. Thank them.
 - b. Ask what they think the prognosis is for the bill. If it's bad, ask their advice on what you and your organization can do to help address the obstacles.
 - c. Find out if there are other issues or problems that you can help the legislator with.
 - d. Ask if they need more information that would also be helpful, particularly relative to how the issue affects your state or district or how many patients would be affected.
 - e. Thank them again.
 - f. Leave.
 2. Keep the lines of communication open so you can be useful as the expert resource.
- iv. *"I agree, but..."* – These are variations on the previous types but with a twist. You may hear many excuses at the end of "I agree, but..." These days, the typical twist (or "but") is "there is no money, so how can we...?"
 1. Don't let this throw you!
 2. Acknowledge the point – for example, no money. Reinforce the importance of the issue and its impact on the district. Ask the member for advice on what you and your organization can do make this issue a legislative priority given the financial problems.
- v. *"That is not my position" or "I disagree"* (Politely) – After opening the discussion and presenting your issue, the Senator/Representative or staff tells you politely he/she disagrees with your position.
 1. **First and foremost, respect their right to disagree and act accordingly.** They have the power to cast the vote in the Legislature; even if you disagree today, you will need to work with them again on this and other issues.
 2. Listen closely to learn exactly why they disagree. For example, sometimes two parties will agree there is a problem, but disagree on

the solution – which can encourage dialogue about different strategies. Other times, parties disagree on whether a problem exists or the nature of the problem. In this case, facts can help.

3. Attempt to discern whether the problem is the issue or the politics. Politics are a different story... and a fundamental part of the democratic process. Contrary to what most physicians think, “politics” is a good thing. Politics are the foundation of a democracy.
 4. **Don’t dismiss criticisms and opposition automatically.** There may be a solid basis for his/her opposition. Look for the one point you can agree with. You don’t have to “win” on every point. You will win points just because you listened seriously to his/her comments and gracefully accepted his/her point of view.
 5. **Don’t debate the legislator or staff. Don’t try to negotiate.** (That is a job for the lobbyist). **Do** try to understand their position; the factors, pressures, and forces affecting them; and what is important for them to resolve the problem. Do acknowledge their position and the importance of your issue to their district.
 6. Agree that no bill is perfect. Try to find out if his/her concerns can be addressed by you and your coalition.
- vi. The Not So Common – The Adversarial Meeting – The adversarial interview is the one you are really worried about. But it almost never happens – almost...
1. Senators, Representatives, and staff may disagree with you, but they will not attack you or your position... unless you draw their fire.
 2. If a legislator or staff is attacked verbally, like any human being, they will respond. NEVER USE TERMS LIKE “I pay your salary,” or “You know nothing about health care...”
 3. And, if you are in a meeting where one of your participants engages in the above-mentioned activities, politely interrupt your representative, acknowledge their right to their own opinion, but make it clear to the legislator or staff that those views do not represent the positions of your organization. As a leader, it would be irresponsible for you to allow a legislator or staff to think badly about your organization because one member was inappropriate.
 4. **And most importantly, remember the two golden rules of advocacy.**
 - a. **Today’s opponent can be tomorrow’s friend.** – Everyone is entitled to their opinion and to disagree with you. If you have done everything to present the facts and a member still disagrees, let it go. There will always be another issue and maybe one where you agree.
 - b. **Compromise is the key to success.** In the world of politics, there is no such thing as the “right” answer. Compromise is success. Learning to understand and see things from a legislator’s

perspective – including all the attendant pressures – can allow you to position your issue and help him/her find a way to successfully resolve an issue.

e. How to Schedule a Meeting

i. Lobbying by Personal Visit

1. HOW TO SET THEM UP – One of the most effective ways to lobby is a face-to-face visit. Most legislators have offices within their districts and have regular office hours during which they are available to their constituents. (See legislative interviews.)
 - a. Write a letter to the congressman/state legislator requesting a visit. CC their scheduler and health aide. Identify who you are, the purpose of the visit, and who will be attending. Follow that up with a phone call to the office.
 - b. Expect 15 minutes with a legislator – no more than half an hour. If you are meeting in their district office, you may get more time. If you are meeting in Washington, DC, expect interruptions or cancellations with the member. The staff will usually be available.
 - c. It is usually best to visit your legislators in small and to keep your visits as brief as you can.
 - d. Don't detail your campaign contributions to the legislator or his/her party. It is ILLEGAL to discuss campaign contributions in legislative offices.
 - e. Be clear about what your position is and what you would like your legislators to do. Identify your bill by name and number whenever possible.
 - f. A short written statement of your position should be presented to your legislators to explain what the bill does and why they should support your viewpoint. Remember the fact sheet if you can.
 - g. Always follow up with a thank-you note to the legislator and staff. ALWAYS.

f. The Ultimate List of What *Not* To Do (If you read nothing else, read this!) – Taken from real-life stories... unfortunately!

i. **Malign, castigate, or in any way put down the opposition**

1. A fundamental rule in debating is to ban “ad hominem” attacks, e.g., against the person. Attacks on a profession or person are the sure sign of a losing side. Physicians are an educated, honorable breed. Please do not use tactics that undermine those qualities and the reputation of your profession. So no more comments about certain professions and no more asides about other people’s motivations. No lawyer jokes!

ii. **Debate, fight, or argue with a legislator or staff**

1. It happens. A physician takes a legislator's disagreement with his/her position personally and responds emotionally. As an advocate, you need to respect a legislator's right to disagree and respect their right to their own opinion. Remember, they have the power because they vote. And while you may disagree on this issue, there will no doubt be future issues you will both agree on.

iii. **Talk too much**

1. Learn to listen. Let them ask you questions. Your goal is not to prove that you are smart, but to convince them that you are a reasonable, decent person and that your position deserves consideration.

iv. **Think you can "badger" them into agreeing with you**

1. There is a clear line between grassroots advocacy and organizing your colleagues to "badger" a legislator onto your side. It just does not work.

v. **But I'm Right, I Should Win!**

1. You may not. In the legislative world, "right" is relative. Compromise is winning. Remember that.

Lobbying From Home

II. Lobbying by Letter – A PERSONAL LETTER MAKES A DIFFERENCE!!!

- a. One way to communicate your organization's view to a legislator is by letter. Legislators receive so much mail, the first thing they do is sort it to make certain you are a constituent. Remember that a legislator may read hundreds of letters each week. The following are recommendations for writing effective letters to legislators:
 - i. Write legibly or type.
 - ii. Write on your own personal stationery or business letterhead. If you are writing as a Representative of a group, write on the organization's stationery. No postcards. Sign your full name and address so your legislator can respond. Include a phone number and e-mail address as well, as the legislator may wish to talk or e-mail with you about your communication.
 - iii. If you are a constituent, begin your letter by saying so. If appropriate, thank the legislators for his/her work or support on a previous issue, cause, etc.
 - iv. Refer to the bill by name and number if possible. Concisely explain your position and why your support/oppose the bill. Write about one bill or issue in each letter.
 - v. Personalize your letter. Tell the legislator how the bill will impact his/her district. Cite your own experiences and/or local stories, if appropriate.
 - vi. Get whatever facts you can about the state, but remember to also bring the story home.
 - vii. After you have told your legislator where you stand, ask your legislator to state his/her position in a reply.
 - viii. If your legislator supports you with a vote on an issue, write and thank them. Be appreciative of any positive votes in the past. Much of the mail received by legislators is from displeased constituents; a letter complimenting your legislator will be remembered favorably the next time you write.
 - ix. Timing is important. Time it with an important vote or debate.
 - x. Do not send a photo or carbon copy to your other legislators when you have addressed a letter to one. Write to each legislator individually.
 - xi. **DO NOT SEND COPIES OF LEGISLATIVE ALERTS!**
 - xii. Address your legislators properly. Examples are below:
 1. Governors:
 - a. Address to His/Her Excellency John Doe
 - b. Dear Governor Doe:
 2. State Senators:
 - a. Address to The Honorable John Doe
 - b. Dear Senator Doe:
 3. State Representatives:

- a. Address to The Honorable John Doe
- b. Dear Representative Doe:
- 4. U.S. Representatives:
 - a. Address to The Honorable John Doe
 - b. Dear Representative Doe:
- 5. U.S. Senators:
 - a. Address to The Honorable John Doe
 - b. Dear Senator Doe:

III. Lobbying by Telephone

- a. The Goal – Most frequently, you will “lobby” by phone when the legislators are about to vote on a bill. The point here is to share your position and who you represent.
 - i. The following basic format works whether you speak to someone or leave a message. On the phone, be brief and be polite.
 - ii. Unless you really know the legislator (and I mean really), ask to speak with the health staff. Even if you know the legislator, you may talk to the health staff.
 - iii. Thank them for taking the call. Identify yourself by name, home town within his/her legislative district, and who you are representing.
 - iv. Identify the bill by name and number, state your position, briefly why the bill is important, and how you would like your legislator to vote.
 - v. Show appreciation for his/her service on past votes. Be positive.
 - vi. If speaking to someone and not leaving a voice-mail, ask them to tell you the legislator’s position. If they have not decided, find out if they need further information. If yes, supply it quickly. If no, thank them for their time and get off the phone. If he/she is opposed, find out why and impress upon them how important this issue is to physicians. **DO NOT ARGUE WITH THEM.**
 - vii. Call or e-mail the SSAT to keep us updated or your progress.

IV. Lobbying by E-mail

- a. The rules that apply to letter writing also apply to e-mailed correspondence. While many e-mail communications tend to be informal, we recommend that advocacy e-mails retain much of the same formality of handwritten letters.
- b. A NOTE ON E-MAIL EFFECTIVENESS
 - i. E-mail has gained in popularity as a means of reaching congressional offices. Nevertheless, e-mail does NOT carry the same weight as a letter. Our best advice is to check with your legislator’s office to determine their interest in receiving e-mails as opposed to other forms of correspondence.
 - ii. E-mail advocacy is less effective at the State House because many legislators do not weigh it heavily and some don’t even read their e-mails regularly.

Campaign Contributions

V. Introduction to federal campaign finance

- a. In 2010, the Center for Responsive Politics estimated that candidates in the 2010 Midterm Congressional Election spent at least \$3.7 billion. To finance their campaigns, these candidates rely on assistance from individuals, interest groups, corporations and unions.
- b. At the federal level, the primary source of campaign funds is individuals, followed by political action committees (PACs).

VI. Hard Dollars vs. Soft Dollars

- a. Hard dollars – Contributed by an individual directly to a candidate, political party or PAC.
 - i. Reported to and regulated by the Federal Election Commission (FEC)
 - ii. **An individual cannot contribute more than \$5,000 per PAC per year**
- b. Soft dollars – Contributed from a corporate account or dollars spent by a union or corporation's general account
 - i. Until recently, soft dollars could not be used for political activity, but rather for administrative and educational purposes not related to the election of specific candidates
 - ii. In a 5-4 decision in *Citizens United v. Federal Election Commission*, the U.S. Supreme Court ruled that corporations and unions have the same political speech rights as individuals under the First Amendment, which reverses the ban on soft dollars being used to make election-related independent expenditures

VII. What is a "contribution"

- a. The FEC considers ..."anything of value given to influence a Federal election" to be a contribution
- b. This **does not include volunteer work** – you can perform an unlimited amount of this if you are not compensated for it
 - i. Donations of food, beverage, office supplies, printing or other services, furniture, etc., are considered "in-kind" contributions, so their value counts against contribution limits
- c. Questions should be directed to the FEC in Washington, DC at 800-424-9530 or 202-694-1100

VIII. Individual Contributions

- a. Federal Campaign Finance Law places legal limits on how much and what you can give
- b. Individual contribution limits for 2011-2012 – This is for contributions from individuals directly to candidates for all Federal offices:
 - i. **\$2,500 per Election to a Federal Candidate** – Each primary, runoff and general election counts as a separate election
 - ii. **\$30,800 per calendar year to a national party committee** – Applies separately to a party's national committee, and House and Senate campaign committees

- iii. **\$10,000 per calendar year to state, district & local party committees (combined limit)**
 - iv. **\$5,000 per calendar year to any other political committee**
 - c. Married couples are considered to be separate individuals with separate contribution limits
- IX. Political Action Committee (PAC)
 - a. A group organized for the purpose of raising and spending money to elect and defeat candidates
 - i. By law, corporations, unions, and certain special interest group cannot contribute directly to candidates for federal office – they must do so through a PAC
 - b. PACs raise money from their eligible membership and then make contributions to political campaigns
 - c. Federal multi-candidate PACs are limited in the amount of money they can contribute to candidate campaigns or other PACs or Party Committees:
 - i. **\$5,000 maximum donation per candidate per election** – Primaries, general elections and special elections are deemed separate elections
 - ii. **\$15,000 maximum donation per political party or party committee per year**
 - iii. **\$5,000 maximum donation per PAC per year** – An example is donating to a candidate’s specific PAC organization
 - d. There are no limits to the amount to a PAC can spend on independently for or against a candidate – known as an “independent expenditure” or IEs – so long as there is no coordination or prior knowledge of the candidate or party committee
 - e. To learn more about a specific, a great resource is <http://www.opensecrets.org/pacs>
- X. Host an event
 - a. In coordination with the SSAT and with a Congressman or Senator’s local and Washington offices you can also set-up visits to your hospital or practice, or set up a fundraising event
 - b. Hospital/practice visit – This is a great opportunity to give your member of Congress a tour
 - i. You set this up with the Representatives’ office – call them and then follow-up that with a formal invitation via letter/email
 - ii. Coordinate around their schedule, not yours
 - iii. If you are going to give a tour of the hospital, involve your department head and your hospital’s administration is involved
 - c. Fundraiser/Dinner – Coordinating with your society and PACs to help present contributions directly to a Representative in the setting of an event
 - i. This can be at your house, a private event, etc.
 - ii. It is best to coordinate with your specialty PAC so that you can present an actual check to Representative at the event – great photo opportunity!
 - iii. Organize this with the local and national offices of the Representative
 - d. Call SSAT to help coordinate these events

Get in the Loop – How to Stay Informed

- I. Resources – Information is key to successful advocacy! A good legislative advocate knows how to access information so that his or her efforts – whether in-person, by telephone, letter, or e-mail – relay the facts accurately, clearly, and persuasively to the legislator. In addition to the general information available through the media, the SSAT and other organizations have provided a number of ways in which physicians can stay informed on legislative matters:
 - a. SSAT website
 - b. Advocacy guide
 - c. Legislative Updates and Action Alerts
 - d. Online Legislative action center
 - e. Library of Congress THOMAS website provides extensive info on federal legislation and much more at <http://thomas.loc.gov>

The Top Rules of Advocacy

10) Know who you are: a patient/physician advocate. What is good for your patients is good for your practice and for quality health care in your district.

9) Know your stuff. Know your issue – why it is good for your patients/district/specialty or not, who supports it, who opposes it, and why. Be clear about the opposition’s strength and weakness; acknowledge legitimate concerns (if any) and refute those that are incorrect.

8) Know your legislators – their interests, their district, their biases, and their voting records. Try to relate to them as individuals.

7) Know the legislative staff. Nine out of ten times, these are the people you will speak with and write to. They are invaluable sources of information and the key to your entry into the legislative process.

6) Your word is your bond. Never promise something you cannot deliver or overstate the relative importance of an issue.

5) Build coalitions – there is strength in numbers. Look for allies everywhere. In politics, an ally is someone who may disagree with you on every other issue but supports you on the one at hand. Don’t assume the opposition is homogenous, finding the one group from the “other side” that supports you can be the key.

4) Don’t waste time on opponents (or legislators) who are publicly committed to opposing you on an issue. Focus on relationships with allies or people who have room to be flexible and are keeping an open mind.

3) “Today’s opponent may be tomorrow’s ally.” Never allow a legislator to consider you a bitter enemy because you disagree.

2) Thank those that help you.

AND THE NUMBER ONE RULE OF EFFECTIVE ADVOCACY... “When you are crossed politically, don’t get mad, get even.” –Bobby Kennedy

1) The power of the ballot box is yours – VOTE!!!

References

- 1) *Legislative Handbook*. Massachusetts Medical Society.
- 2) Federal Election Commission. <http://www.fec.gov>
- 3) *Quick Answers to General Questions*. Federal Election Commission.
http://www.fec.gov/ans/answers_general.shtml
- 4) Open Secrets. <http://www.opensecrets.org>

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