Legislative Advocacy

Course Syllabus

Law 82369-141 (Fall 2016)
Section 001 – Room 332
3 Hours
Tuesday, Thursday 6:00 -7:15 pm

Instructor: Dr. David K. Rehr
Senior Associate Dean & Professor
Telephone: 703-993-8151
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Email: Drehr@gmu.edu
Office: Suite 200
Office Hours: By appointment
Class Meetings: Tuesday & Thursday, 6 – 7:15 pm (Room TBD)

Course Objectives:

The course is designed to provide students with the historical and legal background of legislative advocacy. Students will gain the practical skills necessary to succeed in the legislative advocacy field. The goals of this course are to review how citizens exercise First Amendment right to petition their government and redress grievances, understand how to effectively advocate on behalf of a cause, company or non-profit entity, review laws and regulations affecting lobbying and lobbyists, and comprehend the competitive landscape of public policy. The seminar course format will also touch upon advocacy before the Executive Branch and Judicial Branch, as it relates to successful legislative advocacy.

The course will also feature guest lecturers from former Members of Congress, professional lobbyists, formers Executive Branch officials who will share their perspectives on
advocacy, lobbying, and how lobbying has impacted the creation of laws and regulations. It is the goal of this course to effectively train students in all the essential ideas necessary to become an influential advocate before the U.S. Congress.

Required Reading:


Supplemental:

Jeb Blount, People Buy You, (Wiley), New York, 2010
Harry Beckwith, Selling the Invisible, (Warner Books), New York, 1997
Speaker Tip O’Neill, Man of the House, (Random House), 1987

Grading:

Final grades will be determined by the following percentages: 60% based upon total points available through written assignments; 30% active class participation; 10% on final class presentation.

Attendance:

Regular attendance is required. Any student missing a class must contact Professor Rehr prior to the beginning of the class. Unauthorized absence(s) will be reflected in the final course grade. Students should be prepared for each class, having read the required readings, anticipate potential questions for guests.

Use of Electronic Devices During Class:

Use of electronic devices during class is discouraged. Laptops may be used in class if strongly preferred, but only for taking notes and be related to class material and discussions. Cell phones may not be used during class.
Recording Class Lectures and use of social media:

The recording of the course and any class is not permitted. Also, use of publicizing course material, comments or comments of guest speakers on social media is not permitted. The only exception is the posting of pictures (no video or audio) if desired by the student. This will allow free and unencumbered discussion and exchange of ideas. Professor Rehr may grant exceptions under unusual and exceptional circumstances.

Disability Accommodations:

Any student who has a disability requiring accommodations under the Americans with Disabilities Act should contact the Dean Annamaria Nields, Associate Dean for Administration and Student Affairs, anields@gmu.edu or by calling 703-993-8174.

Class Expectations:

This class will consider a number of policy issues when discussing advocacy approaches. Students are encouraged to engage in respectful and engaging debate. Professional courtesy and appreciation for all points of view are essential to becoming a successful advocate, even when the advocate may hold contrary strong personal principles or convictions. Seeing the world from a 360-degree perspective allows the advocate to make the best decisions for client or organization he/she represents.

Class 1 – Introduction

(August 18)

1. Student and Professor expectations for class
2. Preliminary discussion questions
   - How should laws be made?
   - What do Lobbyists Do?

Class 2 – The Market Place for Public Policy Ideas

(August 23)

2. Preliminary discussion questions
   - How to think about advocacy competition?
What important criteria should you always consider when viewing the competition?

Class 3 – Historical Origins of Influencing Government (Part I)
(August 25)

Required Reading:

- Resolutions of the Continental Congress (1 page)
- Examination of Dr. Benjamin Franklin in the House of Commons (12 pages)
- Federalist No. 10 (6 pages)
- Rumely v. United States, 345 U.S. 41 (1953)
- Excerpts from United States v. Cruikshank (2 pages)

THERE WILL NO CLASS ON EITHER AUGUST 30 OR SEPTEMBER 1

Class 4 – Historical Origins of Influencing Government (Part II)
(September 6)

Required Reading:

- Rumely v. United States, 345 U.S. 41 (1953)
- United Mine Workers v. Pennington, 381 U.S. 657 (1965)

Class 5 – Advocacy Filing Requirements
(September 8)

Required Reading:

- U.S. v. Harriss, 347 U.S. 612 (1954) (8 pages)
- The Lobbyist Disclosure Act 2 U.S.C. § 1601 et seq. (less than 32 pages)
  - NOTE: This class will be a lot of material that is going to be very hard to condense
- LD-1, LD-2, and LD-203 forms (17 pages)
- Lobbyist Disclosure Act Guidance (27 pages)
- Akin Gump Strauss Hauer & Feld LD-2 Form from Q1 2016 (2 pages)
**Class 6 – Guest Speaker Discussion**

(September 13)

Hear from a expert on what can and cannot be done in advocating before the Executive branch. This class will complement the focus on legislative advocacy.

- Levine, Chapter 6, The Lobbyist’s Ask, pp. 190 – 199.

**Class 7 – Refresher on the Legislative Process**

(September 15)

**Required Reading:**

- The Legislative Process on the House Floor: An Introduction (12 pages)
- The Legislative Process on the Senate Floor: An Introduction (13 page)
- View “Bill on Capitol Hill” (3:21)

**Class 8 – Guest Speaker Discussion**

(September 20)

Hear from a former Member who will talk about how he/she were elected, how he/she moved up in expertise & prominence in the Congress, and how he/she interacted with lobbyists and interest groups. The former Member will also explain the valuable attributes of an outstanding lobbyist.

**Class 9 – Where does Congress look for Information**

(September 22)

Presentation of THE CONGRESSIONAL COMMUNICATIONS REPORT

**Class 10 – Using Research as the Basis for Advocacy Strategy**

(September 27)

1. The importance of survey research
2. Researching the strength/weaknesses of possible adversaries
3. Using Thomas
Class 11 – Choosing the Right Words

(September 29)

1. Branding your campaign – ‘framing’


2. Discussion of various advocacy campaign words & models

Class 12– Advocacy Tools

(October 4)

1. Research

2. Personal Relationships

3. Creating Coalitions

Class 13 – Guest Speaker Discussion

(October 6)

Understanding Public Relations principles as it relates to legislative advocacy

NO CLASS ON OCTOBER 11; IT WILL BE A MONDAY NIGHT SCHEDULE

Class 14 – Advocacy Tools (continued)

(October 13)

4. Coalitions

5. “Grassroots” back home

Class 15 – Advocacy Tools (continued)

(October 18)

6. Internal U.S. Congress resources (CRS, Dear Colleagues, Hearings, etc.)
7. Media
8. Polling

Class 16 – Advocacy Tools (continued)

(October 20)

9. External Visibility (Capitol South, Building sings)
10. Constituent ‘Fly-Ins’
11. Earned Media

Class 17 – Guest Speaker Discussion

(October 25)

Panel of current and former Hill staff that can explain how the system works and how they interact with lobbyists

Class 18 – Guest Speaker Discussion

(October 27)

Panel of current and former lobbyists that can explain how the system works and how they interact with Capitol Hill

Class 19 – Campaign Finance Laws and How They Impact Lobbying

(November 1)

1. Outline of rules on congressional campaign fundraising
2. Implications of Citizens United v. FEC
3. Understanding Political Action Committees
Class 20 – Appropriation ‘Riders’ to Impact Executive Branch Regulatory Agency Actions
(November 3)

Required Reading:

1. South Dakota v. Dole (8 pages)
   Section 89 [Health care law not enforced by Treasury/IRS]

NO CLASS WILL BE HELD SINCE IT IS ELECTION DAY! REMEMBER TO VOTE

Class 21 – Using Professional Lobbying Firms to Advance Your Agenda
(November 10)

1. Measuring Lobbying Firm Effectiveness – Variables to consider and rankings – “Factors of Influence”
2. Principal-Agent Dilemma

Class 22 – Guest Speaker Discussion
(November 15)

Panel of members of the news media to explain how they cover lobbying, Capitol Hill, and Members of Congress

Class 23 – Guest Speaker Discussion
(November 17)

Interview of public policy ‘think tank’ expert(s) on how these types of organizations impact Capitol Hill legislative efforts

Class 24 – Guest Speaker Discussion
(November 22)

Invite former Member who works as Lobbyist to talk about experiences and how advocacy has changed over the last 10-15 years
Class 25 – Case Study Interactive Discussion

(November 29)

Dr. Rehr will lead the class in a “legislative advocacy lobbying strategy” to build a plan for successful enactment, using many of the tools and ideas learned during the course

FALL CLASSES END ON WEDNESDAY, NOVEMBER 30TH

Class 26 – Class Presentation of Papers

(December 6)

Students will have up to 5 minutes (timed) to present findings and any lessons learned from one assignment

Class 27 – Class Presentation of Papers (continued)

(December 8)

Students will have up to 5 minutes (timed) to present findings and any lessons learned from one assignment
**Required Course Written Assignments and basis for Two Presentations**

Besides serving as written assignments, you will be required to choose one of your most interesting papers and present the topic and important lessons you learned at the end of the course. View each presentation as a ‘briefing’ for the entire class. The presentation should last no longer than 5 Minutes and will be timed.

1. **Conversation Clues on a Member of Congress**

Explanation: Effective advocates need to fully understand the background, incentives, and history of an elected official he/she desires to influence. Dr. Rehr will hand out this assignment after class 1 and it will be due before 6:00 on class #3 (AUGUST 25). It will be no longer than 5 pages double-spaced, 12-point font with appropriate research footnotes.

2. **Getting Elected to the U.S. Congress**

Explanation: Knowing how a Member of Congress is chosen to represents his/her constituents is an important tool in discerning what actions the Member of Congress may take once in office. This assignment involves researching a candidate running in an “open” (no incumbent is running for re-election) either in the current election cycle or going back as far as 2008 and providing a snapshot of how the race is evolving: political demographics of the district, opponent’s background, PACs supporting both candidates (if appropriate), electoral history, media coverage, and other variables you believe are important in understanding what got the candidate into the U.S. Congress. The paper will be due before 6 pm on Class #4 (SEPTEMBER 6).

3. **Evolution of a Law**

Explanation: Effective advocates understand the ‘twists and turns’ of the legislative process and the unpredictability of enactment. Choose a bill introduced in the 113th Congress (previous congressional session) that passed the Congress and was signed by the President. This assignment will be due before 6 pm on class 8 (SEPTEMBER 20). It will be no longer than 5 pages double-spaced, 12-point font with appropriate research footnotes.

4. **A Difficulty in using Survey Research as an Advocacy Tool**

Explanation: Effective advocates understand the strength and weakness of using survey research as an advocacy tool. This assignment will require the student to focus on one weakness of survey research and/or survey results that could undermine a lobbying. This assignment will be due before 6 pm on class 13 (OCTOBER 6). It will be no longer than 5 pages double-spaced, 12-point font with appropriate research footnotes.

5. **Mobilizing the ‘Grassroots’**

Explanation: Interview a lobbyist/advocate (not a member of the class) to see how the individual utilizes and mobilizes ‘grassroots’ constituents to pressure Members of Congress on a specific piece of legislation or regulatory effort. This assignment will require researching a topic, connecting with an individual on the side of the issue and interview that individual. It should be in a Question & Answer format and will be no longer than 5 pages double-spaced, 12-point font.
The assignment will require the name, title, organization, issue, and date of verbal or email conversation. This assignment will be due before 6 pm on Class 16 (OCTOBER 20).

For the final assignment, choose one (either #6 or #7 but not both). The final written assignment is due before 6 pm on Class 20 (NOVEMBER 3).

6. Building a Legislative Coalition

Explanation: Effective advocates need to build a broad base of support to garner the necessary votes to enact legislation into a public law. This assignment requires an evaluation of an existing coalition on an issue, including what organization is leading the coalition (and why), a list of coalition members (and why they have joined the coalition), the coalition’s principle goal, any public information about coalition funding, and how the coalition has been viewed in the media. It will be no longer than 5 pages double-spaced, 12-point font with appropriate research footnotes.

7. Money as a tool in Legislative Advocacy

Explanation: Effective advocates understand that money is one tool that is often used in legislative advocacy. This assignment requires research on how a corporation, association, or labor union leverages its political contributions in the 2015-2016-election cycle to advance a legislative issue, given that contributions are made in full accordance with Federal Election Commission rules and existing election laws. It will be no longer than 5 pages double-spaced, 12-point font with appropriate research footnotes.