

SPEAK UP!

Doing Legislative Advocacy
for Change in New York

Red Umbrella Project
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TABLE OF CONTENTS

Speak Up: Introduction	1
Who's In Charge?	2
Sites of Change	3
Why Do Advocacy?	4
Structure of the NY State Government	5
Structure of New York City Government	9
How Do I Change Regulations and Policy?	11
Meeting With Your Representatives	12
Strategic Messaging	15



SPEAK UP:

DOING LEGISLATIVE ADVOCACY FOR CHANGE IN NEW YORK

Introduction

For most issues that impact people in the sex trade within the United States, marching on Washington or asking the President to make a change is misdirected energy. States write their own criminal codes, as well as most public health, labor, and housing laws – all of which affect people in the sex trades. And cities have important powers too, regulating zoning, deciding how local money is spent, and making the kind of decisions that affect us on a day-to-day basis like how late parks are open or where police patrol. The language –often just a few words– included in bigger state and city laws can have major impact on the ability of public services and law enforcement to place restrictions on us and penalize us for trying to make a living. On the flip side, the absence of language that protects people in the sex industry can create space for law enforcement and public services to abuse us and violate our human rights.

Being aware of how state and city law making works is important because it gives us the ability to engage in our democracy and demand change for ourselves and our communities. This guide serves as a primer on how the legislative process works and what opportunities there are for people in the sex industry and our allies to engage in making change.

The Red Umbrella Project is a run and led by people who have wide-ranging experiences in the sex trades. We believe there is a lot of value in engaging in advocacy to change policies that negatively affect our communities, and that people with lived experience in the sex industry are the best people to do this work. But we're not going to lie: there's a lot stacked against us. The conflation of sex work and trafficking, not to mention the social and legal stigmas associated with the sex trade, make it really difficult to get our messages across. The truth is that getting rid of bad laws and getting better laws passed is slow work, and it is often discouraging. It's unreasonable to expect that we will have big successes right away. But we are long-term optimists, and we believe that it is crucial that we invest time and energy in working for legislative change, and that it is vital for people like us to have seats at the table when our lives are being legislated.

A note about the audience for this guide: This manual was prepared specifically for people in New York City and State who are interested in doing legislative advocacy and making change in state and city policies. State and city legislative processes **vary widely**, so although some of the strategies are transferable to other locations, the information about the process of how a bill becomes a law is very different in other cities and states. Please research your local situation before you engage in legislative advocacy!



WHO'S IN CHARGE AROUND HERE?

A jurisdiction is the area over which a government body or agency's power extends. Different government agencies and branches have different jurisdictions. The federal government delegates certain powers to the states under the US Constitution. The states, in turn, delegates certain powers to localities, but even more powers to the larger localities, like New York City. It can get confusing because some of the bigger 'categories' of law, like education or health care, involve all three levels of government. For example:

Federal	State	Municipal (NYC)
currency	gambling	schools
military	criminal code	zoning
public housing (financing)	housing laws	administration of public housing; housing maintenance and building codes
health, such as Medicare of the VA system	health, such as Medicaid and public health laws	health, such as public hospital administration and siting



SITES OF CHANGE

So how do we identify laws that need to change? It's a hard question because there are so many laws we'd like to change, so many injustices that we see on a day-to-day basis. What you might find remarkable is that many of the problems sex workers face would probably shock non-sex workers. It's important to realize that lawmakers can't address problems they don't know about. Identifying sites of change can be as simple as listing those things that, if we could change them, would improve our lives or remove harmful impacts. Then, we must identify which problems to work on now; this is the hard part, in which we consider our priorities as a community, the likelihood of finding outside support for addressing this problem, and our available resources and expertise.



WHY DO ADVOCACY?

Advocacy isn't easy work. So it's worth reminding ourselves why advocacy work matters.

- Without advocacy, no one would question how policy and law are administered
- Advocacy engages and organizes those affected
- Participants in our democracy become more powerful players in it
- Advocacy proposes policy solutions, turning advocates into policy makers



STRUCTURE OF NEW YORK STATE GOVERNMENT

There are three branches of state government:

- **Legislative Branch**
 - The 62-member Senate www.nysenate.gov
 - The 150-member Assembly www.assembly.state.ny.us
- **Executive Branch**
 - 20 Departments
 - Governor, Lt. Governor, Attorney General, & Comptroller
- **Judiciary Branch**

WHO ARE THE PEOPLE IN POWER?

There are four major statewide elected officials:

- **Governor:** Like the President in the White House or the Mayor in City Hall, the Governor is the head of state government. Bills must be approved by the Governor to become law.
- **Lt. Governor:** The second in command to the Governor. Should anything happen to the Governor, this person assumes power.
- **Attorney General:** New York State's chief counsel (lawyer).
- **Comptroller:** Think of the Comptroller as the head accountant of New York State. The Comptroller manages the state retirement system, payroll for all civil servants, conducts audits of state agencies, and more.

You should also know who the Assembly Speaker and Senate Majority Leader are. They are not elected to these posts by voters (although they were elected to the Assembly and Senate for their districts), but rather by their peers in their respective houses:

- **Assembly Speaker:** The Assembly Speaker is the leader of the majority (ruling) party of the Assembly. The Speaker plays a powerful role in deciding what bills advance in the Assembly.

- **Senate Majority Leader:** The Senate Majority Leader is the leader of the majority (ruling) party of the Senate. Like the Speaker, the Majority Leader plays a powerful role in deciding what bills advance in the Senate.

WHERE DO IDEAS FOR BILLS COME FROM?

- Elected officials and their staff
- Lobbyists
- Advocates
- Academic reports
- Governor's office, state agencies
- Mayors/city councils/counties
- The media
- Constituents (people like you)
- Failed legislation from previous years

HOW DOES BILL SPONSORSHIP WORK?

- A bill needs two **prime sponsors**: one Assembly Member and one State Senator.
- The sponsors of the bill own it. Any changes (amendments) are up to them.
- Other Assembly Members and Senators may join as **co-sponsors**.

Bill Text and Sponsor's Memo

These are two different ways to understand legislation. The bill text is what will actually be written in the law, but sometimes it is difficult to understand the legal vocabulary or the context. The sponsor's memo, written by the prime sponsor or his or her staff, is written in plain English and is supposed to help non-lawyers to understand what the bill means and does.

HOW CAN ADVOCATES GATHER SUPPORT/OPPOSITION TO PROPOSED BILLS?

- Meetings with legislators or staff – there's more detail about this in the next section! Look up your representatives: <http://gis.nyc.gov/doitt/nycitymap/>
- Memos of Support/Opposition – no more than one page! Seriously!
 - Sent by *organizations* to sponsors, committees, house leadership
 - Provide a *brief* rationale of your position
- Letters/emails/faxes/calls from individuals to your elected representatives. It's very important that you communicate with the representative of your own district
 - Provide your name, addresses, the bill number
 - Remember to thank supporters, don't only contact them when you're complaining
- Lobby days
 - Visit Albany as a group
 - May include a rally, press conference, or educational event

WHAT HAPPENS TO A BILL AFTER IT IS INTRODUCED?

Committees

- In the Assembly and Senate, all bills are sent to at least one committee, but some go through more
- The Chair decides when to put the bill on a committee agenda unless the Prime Sponsor makes a formal request
- A bill may
 - be *reported out* (with or without amendments),
 - *die in committee*, or
 - be *held in committee*

- On the Assembly or Senate website, search for your bill. Hint: The Senate portal is better: <http://open.nysenate.gov/legislation/>
- Under “Actions” is a list of dates and references that give you a chronology of what has happened to that bill

What Happens When a Bill Goes to the Floor for a Vote?

- There may be a debate—the prime sponsor always speaks first and may take questions
- If the bill passes one house it’s sent to the other for action (even if it hasn’t moved an inch in that other house)
- If the bill fails it is “dead” for that session
- If the bill passes both houses it is sent to the Governor

The Governor can:

- Veto the bill. It is dead until next session.
- Sign the bill. It is now (or soon) law!
- Send the bill back to the legislature. The Governor wants changes made, but they may or may not be acceptable to the legislature. This happens rarely.



STRUCTURE OF NEW YORK CITY GOVERNMENT

- **Legislative Branch** The 51-member Council www.council.nyc.gov
- **Executive Branch**
 - Mayor, Comptroller, Public Advocate, 5 Borough Presidents
- **Judiciary Branch**

WHO ARE THE PEOPLE IN POWER?

- **Mayor:** Like the President in the White House or the Governor in Albany, the Mayor is the head of our city's government. Bills must be approved by the Mayor to become law.
- **Council Speaker:** The Speaker acts as the head of the City Council and plays a powerful role in deciding what bills advance in the Council. Like the Assembly Speaker and the Senate Majority Leader, the Council Speaker isn't elected to that role by the voters, but rather by his or her peers—the other Council Members.
- **Comptroller:** Like the State Comptroller, the City Comptroller is the head accountant and auditor of New York City.
- **Public Advocate:** The Public Advocate is charged with being the “watchdog” of City government. He or she is an ex-officio member of the City Council with the power to introduce legislation. The Public Advocate takes up various issues as he or she chooses, sometimes lending powerful media attention to a cause.

What is Different about NYC's Legislative Process?

- Only one sponsor is necessary to introduce a bill
- A bill only goes to one committee
- A public hearing will be held on the legislation (before the committee votes)
- If the bill passes the Council it goes to the Mayor who also holds a public hearing
- Mayoral vetoes can be overridden by a 2/3 vote of the Council

- A bill that becomes law in New York City is called a 'Local Law'

How Can I Testify at a Hearing?

- Read the hearing notice carefully - an RSVP in advance may be required
- Bring 20 copies of your *one page* testimony
- Dress to impress
- Arrive early and sign in with the clerk or you may wait hours for your turn (although the bigwigs *will* get to cut the line...)
- You will only have 3 minutes, and there is big, red, digital clock that counts down the time
- Be ready for questions



HOW DO I CHANGE REGULATIONS AND 'POLICY'?

- State and City laws often allow agencies, departments, and other divisions of government to make rules on their own.
 - *Regulations* are written rules that are explicitly codified by an agency or department.
 - *Policies* are less rigid and more changeable; and they are often not to be found anywhere in writing.
 - Example: 'Stop and Frisk' is a policy of the NYPD and its Police Commissioner; it is not a Local Law or a state law.
- Identifying the people you need to leverage—the decision-makers behind policies and regulations—can be trickier. Generally, regulations and policies are the realm of:
 - The Commissioner/Department head, *or*
 - Their boss (an executive like the Mayor or Governor), *but*
 - You can always appeal to the legislature (the people with the power to take the decision-making power away from agencies and departments, or override their authority)



MEETING WITH YOUR REPRESENTATIVES

Who should you meet with?

- The Prime Sponsors (state bills), the Sponsor (city bills)
 - A bill you support: to thank them
 - A bill you oppose: to explain your point of view
- Your local Assembly Member and Senator (state bills), your local City Council Member (city bills)
 - To ask for their support if needed
 - To thank them for their support if you have it already
- Committee Chairs/House Leadership
 - To clarify issues that are holding up your bill
 - To learn what is holding up your bill
 - To ask for their support

How do you schedule a meeting?

- Call the office that you want to meet in and ask for “the scheduler”
- For City bills, you should first call the district office (in your neighborhood), but you may be asked to meet at City Hall or at 250 Broadway where many City Council Members have their legislative offices
- For State bills, you can either try to meet in the Assembly Member or Senator’s district offices or you can travel to Albany to visit them there
- Remember, legislators can fill up their calendars months in advance
- Remember, when asking for meetings with state elected officials: July to December (when the Legislature is not in session in Albany) it will be easier to get a meeting
- Remember, although City Council Members are in the city year round (and easier to meet with), they will have much less time to spare during budget season (February through June)

- Be willing to meet with staff – they have their bosses’ ears and can have a lot of influence

Before the meeting

- Call 24 hours in advance to confirm
- Dress conservatively and arrive a bit early
- Bring materials (written out talking points, copies of bills, press clips, memos, reports, business cards)
- Have a notebook and pen for you to take notes

What group makes an ideal ambassadorship?

- 3 to 5 people is best
- As many should be constituents as possible
- Someone with a personal story to share – can be your own or a friend’s
- Someone from a respected organization that the legislator may know of. This is the place to leverage the help of allies

How does the meeting work?

- You may only have 5-10 minutes, but sometimes will get half an hour or so
- Someone in your group acts as moderator. It’s your meeting, you should run it! And steer the conversation
- Introduce yourselves!
- Anyone who is a constituent says so (it’s best to give your address and real name if possible)
- Give affiliations and present business cards

There are 4 jobs you have to accomplish during this meeting:

Job 1: Personal Story

- “Humanizes” the issue
- It doesn’t have to be your story, it can be a “friend’s”
- Watch out for TMI: Manage the legislator’s comfort level
- Avoid unnecessary details about illegal activities, but also be honest
- Avoid sex industry lingo: use plain, everyday words so the legislator and his or her staff can follow along
- Keep it brief (practice in advance to achieve this)

Job 2: Presenting the Issue

- Another member of your group takes the conversation to a macro level
- Talk about the affected population, especially unintentional impacts and unique perspectives that the legislator or his or her staff might not have considered
- Provide news clippings, statistics or reports to back up claims

Job 3: Describe the legislative situation

- Provide a copy of the bill (text and Sponsor's Memo) – know the bill # in your sleep!
- Clearly state your support or opposition
- Provide your own Memos of Opposition/Support (and those of your allies too, if possible)
- Do your homework and know (so you can respond to questions):
 - Who sponsors the bill
 - Its status
 - Every entity that supports/opposes and why
 - What happened in prior session years, if applicable

Job 4: the Ask

- You may ask for the legislator to...
 - co-sponsor or remove him or herself from co-sponsorship of the bill
 - vote for or against the bill in a committee meeting or on the floor
 - push for an amendment
 - speak to a Committee Chair, House leadership, or bill sponsor on your behalf about some issue
- Be specific – don't just ask for "support," ask for the representative to take a particular action, one that your group has agreed on before the meeting
- Discuss next steps and agree on a plan for follow up, with dates when possible
- Whatever your Ask is, it's the most important part of your meeting and should be agreed upon in advance by the individuals and represented organizations attending this meeting



STRATEGIC MESSAGING

Strategic messaging is the difference between being right and being effective. Effective messages are true to your basic reality, but should bridge the gap between the experiences of people in the sex trade and the assumptions of people in power, who can help us make the policy changes we need. Effective strategic messages inspire the listener to take action.

Effective messages are often a bit simpler than reality, partly because we often have five minutes, not five hours to share our perspective. Effective messages, especially on difficult subjects, evoke emotion in the listener, get them to empathize and to see the world a little differently.

Effective messages may also sidestep other issues we feel strongly about—but in a short span of time we have to remember what we are there to convince our audience to do—and we don't have time to educate someone on all the things we care about. Effective messages, however, create confidence in our audiences that we are smart, knowledgeable, in-touch opinion leaders—which means more opportunities in the future to deliver all those other messages we care about.

This might feel a little deceptive. But this is the game of politics: we need to figure out how we can best use our words to get the result we want. This isn't an unfamiliar strategy for people in the sex trades; it's a skill many of us have cultivated.

When you are figuring out what to say in an advocacy context, think about these questions:

- What is the state of the debate?
 - It is very rare that we will be in a position to create the framework of a debate. There are usually already a variety of messages being tossed around. What are the most popular messages around this issue?
 - What are the challenges and opportunities for us?
 - How do the main messages help or harm our community (intentionally and unintentionally)?
- Who are the key players in the conversation right now?
 - Why are they getting all the attention? Privilege, money, power, status...
- Who can make the change we need? (These people are the audience for our messages.)
 - What are their assumptions about the sex industry?
 - What are the barriers they might have to hearing our perspective? Are they aware of our perspective at all?

- Who already has their attention?
- Are there people among this group who are on the fence about the issue or on our side but not yet taking action? They are the “low hanging fruit,” the first ones to approach
- What is the best way to make contact with and influence them? Directly through their staff? Through a protest or media campaign?
- What are the persuasion points, ideas that might move our audience?
 - What values do we have in common with them?
 - What’s the best way to appeal to them? Ex. A legislator who is interested in privacy rights might respond well to an argument based around the evils of police profiling
- Check list for developing the final message:
 - Is it based on the audience’s core concerns?
 - Does it overcome - not reinforce – the audience’s barriers?
 - Is the ‘ask’ in the audience’s comfort zone?
 - If not, does the benefit offered outweigh the risk?
 - Does the message offer a vision or emphasize a personal reward? Does it convey hope of success?



This guide was created to accompany the Red Umbrella Project Speak Up! Advocacy Training. If you're interested in participating in a training or have advocacy ideas that you'd like some feedback on, email us at *info@redumbrellaproject.org*.

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